

# 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 application for the redevelopment of the Peter Taylor stand (including the demolition of existing buildings/structures), new public realm, car parking and associated works, and outline planning application for up to 170 residential units (approval for access, layout, and scale)

**Ward** Trent Bridge

## SUMMARY

1. This proposal is a hybrid planning application which seeks outline planning permission for one part of a site and full planning permission for another part of the same site under a single application.
2. Full planning permission is sought for the redevelopment of the Peter Taylor stand forming part of Nottingham Forest Football Club's stadium (including the demolition of existing buildings/structures) to include an additional 5,000 seat capacity, a new public realm area, car parking and associated works. Outline permission is also sought for the development is a 13-storey apartment block adjacent, containing commercial uses on the ground floor.
3. It is anticipated that the development would be phased over a number of years, with obligations requiring the stadium to be completed prior to the housing. The Club would in part sell the housing site to fund the stadium's construction.
4. To enable development, the adjacent boathouse forming part of the Nottingham Britannia Rowing Club would need to be demolished. This building is protected as it is identified as being an Asset of Community Value (ACV), and therefore its replacement is fundamental in terms of the protection of community assets.
5. Owing to the viability of the proposed development, no affordable housing is proposed. This needs to be balanced against the overall economic benefit of the proposals which the applicant claims would contribute £802m to the local economy by 2032.
6. A major proposal of this nature raises numerous issues relating to both the stadium and the housing, with the scheme attracting much public interest with large numbers of submissions in support of the development and some against it. Various statutory consultees and local amenity groups have also commented. This report considers the comments as material considerations

alongside the relevant Development Plan policies, the National Planning Policy Framework (NPPF), and other supporting environmental information submitted by the applicant.

7. It is considered that the proposal would contribute towards the regeneration of the area through optimising the use of brownfield sites and by enhancing the local economy. It would also be an opportunity to improve the financial sustainability of NFFC, retaining its home in the Borough, which would maintain its heritage and identity and help secure and expand its existing community and sporting role in the region. The proposed new housing, commercial uses, and environmental improvements (in the form of a plaza) would add to this regeneration, provide housing choice, and help stimulate local economic activity.
8. The provision of an extended spectator venue and high-density housing would have implications for future residents and impacts on the character and amenity of the surrounding area (in terms of size and scale) and the living conditions of neighbours, noise and disruption, pressure on local infrastructure and parking, as well as traffic and public transport congestion (in terms of additional capacity within the stand and housing development). It would also affect the neighbouring boathouse in their capacity as an ACV.
9. Given these impacts, and the nature and scale of the scheme and its uses, significant mitigation through conditions and obligations under a S106 Agreement would be necessary if the application was approved. In summary, they would ensure the replacement of the boathouse which would be demolished, ensure that monies raised by the sale of the housing would contribute towards the stand and in order to secure high quality architecture and minimum housing quality standards, and so that the wider regeneration and community benefits of the proposal are achieved. It would also ensure harm is minimised in respect of match-day activity and general transport effects, educational infrastructure, and healthcare provision.
10. Ultimately where the development is not policy compliant, it is necessary for committee members to balance these matters against other material planning considerations, in particular the public benefits of the scheme, to consider if these outweigh the harm.
11. Taking all these matters into account and balancing the benefits of the development against the harm, the granting of planning permission is recommended given the overall positive social, economic, and environmental impacts of the proposal. This recommendation is subject to conditions recommended to safeguard the details of the development, secure mitigation measures to secure delivery of the stadium and its community benefits and other mitigation, including the replacement boathouse and other community infrastructure.

## **THE SITE AND SURROUNDINGS**

12. The application site is located between Pavilion Road and Trentside North within the urban settlement boundary of West Bridgford. It primarily constitutes previously developed (brownfield) land. The site measures some 5.4 hectares (13.3 acres) in area, and comprises of the home ground of NFFC, including its associated buildings, facilities, car parking and boundaries. It also includes the buildings comprising the Champion Centre and NFFC Club Shop, as well as the existing car parking areas. The site extends to include one of Nottingham

Rowing Club's ("NRC") buildings – the Britannia Boathouse together with part of Trentside North.

13. The site is immediately surrounded by residential properties that back onto the east and part of the site along Colwick Road and Rosebery Avenue. To the south is a large residential apartment building known as Bridgford House (formerly the Rushcliffe Civic Centre), which has recently been converted and extended.
14. There are commercial and retail uses are situated along Radcliffe Road (A6520) further south and a small number of commercial uses are located within the ground floor of Bridgford House.
15. To the immediate west of the site are a series of four boat club buildings. These are principally occupied by Nottingham Rowing Club and Nottingham & Union Rowing Club. Beyond Trentside North, the west part of the site adjoins the River Trent, and further beyond is the administrative area of Nottingham City Council and the city centre of Nottingham.
16. The Trent Valley Way (shared pedestrian / cycle footpath) follows the River Trent on its southern bank past the Site that serves as a Public Right of Way ("PRoW") and National Cycle Network Route 15.
17. To the south of Trentside North lies London Road (A60), it provides connectivity to the A52 and Loughborough and Leicester further to the south, and Nottingham City Centre.
18. Further to the east of the site beyond the A6011 lies the various playing fields and buildings associated with Nottinghamshire Sports Club.
19. The boathouses occupied by Nottingham Rowing Club and Nottingham & Union Rowing Clubs are listed as an ACV (ACV40) following self-nomination. The ACV was nominated on 4 January 2019 and approved on 12 March 2019.
20. The application site falls within a Flood Zone 3a owing to its position abutting the River Trent and benefits from flood defences.
21. There are no known heritage assets or historic environment constraints on the site itself. The nearest listed buildings are Trent Bridge (Grade II) approximately 100m to the south west and the Old Trent Bridge Flood Arches (Grade II) approximately 150m to the south west. The Old Trent Bridge is also a Scheduled Ancient Monument ("SAM"). The nearest conservation area is Station Conservation Area approximately 800m to the north west, north of the River Trent and within the Nottingham City Council ("NCC") administrative area.
22. One of the Borough's two Air Quality Management Areas ("AQMA") (AQMA 1 2005) surrounds the site to the south and east, covering the Lady Bay Bridge / Radcliffe Road junction, Trent Bridge / Loughborough Road / Radcliffe Road junction and Wilford Lane / Loughborough Road / Melton Road junction. A small part of the site falls within the AQMA, being the junction of London Road / Trentside North. The boundary of AQMA 1 can be seen in the Air Quality Action Plan (February 2010). In addition, a borough wide AQMA has been designated across NCC and is located approximately 200m to the north.

23. The site is not subject to any environmental designations for sensitive areas. As such the site does not form part of a Site of Special Scientific Interest (“SSSI”), National Park, Broads, World Heritage Site, Area of Outstanding Natural Beauty or European site.
24. There are no Tree Preservation Orders on the site or affected by the proposals.

## **DETAILS OF THE PROPOSAL**

25. The submission is a hybrid application which a combination of a full and an outline planning application as a single submission.
26. The full application comprises the redevelopment of the Peter Taylor stand (including the demolition of existing buildings/structures), new public realm, car parking and associated works. The outline application relates to a residential development directly alongside the proposed replacement stand for up to 170 residential units. Consideration of the outline element is limited to the principle of development, access, layout, and scale. The remainder of the reserved matters (appearance and landscaping) would be considered later, should permission be granted.

### **Replacement of Peter Taylor Stand (Full Application)**

27. Full planning permission is sought for the following matters: Demolition of the Peter Taylor Stand; Demolition of the Champion Centre, Club Shop, and associated outbuildings; Demolition of NRC’s Britannia Boathouse building; development of new stand with capacity for 10,000 seats, including associated stadium facilities; Public realm works; Car / coach parking; and associated works.
28. The overall priority is to improve the capacity of the City Ground and provide improved spectator and conferencing facilities within the stadium. The proposal would increase the overall capacity of the existing stand by 5,000 seats to create a 10,000-seater capacity stand. The specific height, scale, massing, and design details are described and considered within the Design section of this report.
29. The replacement stand would accommodate a series of business and commercial activities. The new Stand would provide improved facilities for the Club to act as a key venue within Nottingham for conferences, other events, and private hire. On non-match days the hospitality suites and boxes would be available for conferencing, third party event hire and community use. The proposed hospitality suites and boxes offer various capacities, with the largest expected to offer up to 1,200 person capacity. The new Stand will also be used for day-to-day activities of the Club. The details in the Planning Statement also set out an anticipation that the improved facilities delivered within the new Stand will also allow for wide-ranging community use and will allow the Club to significantly improve its offer in that regard. Similarly, it is anticipated the rooms and facilities within the new Stand will be offered to local community groups for use and hire.

30. Whilst the replacement would continue to be accessed from Pavilion Road (and a service access from Trentside North), it is proposed that a new plaza would be created between the proposed replacement stand and the proposed apartment building. It would connect Pavilion Road to Trentside North which will allow pedestrian movement between the two. It would comprise of a shared surface for both vehicles and pedestrians. Their designated zones would be denoted by different paving treatments. The plaza would comprise of 27 parking spaces and 4 disabled spaces, along with 20 cycle spaces. There would be a secure area for match official parking and the plaza solution allows an existing easement for a local resident to access their garage and property. Bollards would be used for pedestrian and building security.
31. The significance and economic benefits of these facilities are considered later in this report.
32. Link to [plans](#)

### **Residential and Commercial Proposals (Outline Application)**

33. Following negotiations with the applicant, revised plans have been submitted in relation to the residential elements of the proposal. The number of residential apartments has been reduced from 250 in the initial submission, to 170, although the details submitted show 169, consisting of the following: 88 x 1-bedroom flats, 76 x 2- bedroom flats and 5 x 3- bedroom flats.
34. The application is supported by parameter elevations, which detail the maximum height of the different elements of the proposed apartment building. The residential building (as revised) proposes 13 floors of accommodation and has a maximum height of 40m above street level. The parameter plans indicate that the massing reduces in scale towards Pavilion Road stepping down to 31.2m. The approximate gross floor area of the building is 8,942sqm. Given the height of the proposed building it is proposed that the tallest element is treated as a single tower element.
35. On the ground floor, it is proposed that seven retail units would be formed, totalling 381sqm. They would face out into the plaza and be serviced via Pavilion Road.
36. The building comprises a L shaped footprint mirroring that of the adjacent Bridgford House. This creates a private courtyard space whilst setting off Bridgford House.
37. The proposed residential development would also include a provision of associated car parking and cycle storage at ground and first floor level together with ancillary facilities for the residents. The plans submitted show the provision of 67 car parking spaces within the residential block with approximately 205 cycle racks within the development.
38. The pedestrian routes for the residential development would be accessed via Pavilion Road on the eastern boundary of the site. A pedestrian friendly zone is proposed to be delineated within the car park area to gain access to the secondary entrances for the proposed residential development. Vehicular access is proposed to be sited on the eastern elevation toward the south

eastern corner adjacent to the main pedestrian entrance. This access does form part of the outline planning submission for the residential development.

39. Service vehicles and bin storage have been designed to be located adjacent to the residential core of the development.
40. The scheme has been designed to limit the dependency on vehicles given that the site offers easy access into Nottingham City Centre and West Bridgford by foot or the use of public transport.
41. There would be provision to incorporate electric charge points within the car park.
42. The application is supported by:
  - a. Daylight and sunlight report
  - b. Economic Impact Analysis
  - c. Flood Risk Assessment
  - d. Drainage Strategy Report
  - e. Noise Impact Report
  - f. Rapid health Impact Assessment
  - g. Security Planning report
  - h. Site Waste Management Plan
  - i. Statement of Community Involvement
  - j. Sustainability Appraisal
  - k. Transport Assessment
  - l. Framework Travel Plan C
  - m. Construction Environmental Management Plan
  - n. Employment and Skills Strategy
  - o. Protected Species Report
  - p. Biodiversity Impact Assessment
  - q. Viability Assessment.

### **Nottingham Rowing Club's Britannia Boathouse Building Relocation**

43. To enable access into the site from Trentside North and for the formation of the plaza between the proposed replacement stand and residential apartments, the existing Britannia Boathouse would need to be demolished.
44. Under the Localism Act 2011, a building can be protected as an ACV. In this instance, the Britannia Boathouse and the three other adjacent boathouses are registered as a single ACV.
45. As part of the wider development package, the applicant proposes to enter into a legal agreement requiring the replacement of the existing boathouse facilities prior to the commencement of any demolition of either the Peter Taylor Stand or the Britannia boathouse. Planning permission is likely to be required for the replacement facilities, and it would be a requirement to have all replacement boathouse facilities in place prior to any demolition works.
46. In terms of phasing, it is anticipated that the Peter Taylor stand would be demolished at the end of the current football season. It is intended to phase the construction which may allow the lower tier to be operational first with the

intention that the upper tier would be fully operational by the end of the following football season.

47. The applicant has also undertaken community consultation prior to the submission of the application. It focused across five key groups:
- (a) Supporters Clubs
  - (b) Local businesses/organisations
  - (c) Elected representatives
  - (d) Local residents; and
  - (e) Wider community.

### **Community Consultation**

48. A public exhibition took place during November 2019. The feedback from this was analysed and it is clear an overwhelming majority of respondents (99.50%) support the redevelopment proposals. A very small number of the overall responses (0.35%) indicated they do not support the redevelopment.
49. Where explanation was provided for respondents who did not support the redevelopment, the issues have been reviewed and have been addressed through the extensive suite of supporting documents submitted by NFFC with the planning application.
50. Overall, the Club has adopted an inclusive and extensive approach to consultation on its emerging proposals by liaising with various stakeholders ranging from individual local residents to larger companies. In addition, it has sought to reach across various sectors.

### **SITE HISTORY**

51. 79/03843/HIST - Demolish spectator stands and construct new stand: Capacity 5,600 seats and approx. 3,000 seats on existing terracing plus restaurant and supporter's club with associated amenities - Granted (05.03.1979)  
81/03948/HIST - Erect sales shop and storeroom - Granted (02.06.1981)  
84/02309/A3P - Erect extension to kitchens - Granted (30.01.1985)  
87/00931/A3P - Police Control Room - Granted (14.10.1987)  
91/00526/A3P - Construction of all seated stand to replace standing terraces- Granted (22.07.1991)  
91/00527/A3P - Construction of all seated stand to replace standing terraces- Granted (22.07.1991)  
96/00025/FUL - Conversion of stores building to form football club shop - Granted (20/02/1996)  
96/00557/FUL - Erection of building for office, shop, workshop, and storage - Granted (07/08/1996)  
98/01063/COU - Use of part of building as education/training facility - Granted (10/12/1998)

**REPRESENTATIONS** – All comments are available in full on the [Councils website](#)

## Ward Councillor(s)

52. One Ward Councillor B Bansal supports the application and makes the following points:
- a. Nottingham Forest is a club that is doing well, have had sell-out crowds in recent times and are investing within the club - we must ensure that the community aspect is not lost.
  - b. The ground and the 'Peter Taylor' stand development is seen as progressive.
  - c. The main concerns are around, where will the additional supporters that will be attending park their cars, what provisions are made for the 'park and ride', and how can we ensure that litter and noise is controlled in a manner that local residents are not affected, by the additional supporters.
  - d. The re-design of the apartments proposed, whilst increasing car park spaces and allowing more bike spaces - is a step in the right direction. However, the car parking is not enough - and though the encouragement is to cycle, walk, and use public transport - incentives to do this must be considered.
53. One Ward Councillor J Murray objects to the application based on the following points:
- a. It is great to see the club developing and making improvements, however, similar to local residents who have objected, the parking, boat club and litter are major concerns.
  - b. Traffic is already not good on match days and the additional supporters will make it worse.
  - c. The parking for the flats that are being built, again, after the second proposal is not enough, and in such a small area, there'll be so many people living - which may impact local schools.
  - d. In addition to the above, there's no thought given to affordable housing.
54. Adjacent Ward Councillor, Cllr R Mallender, objects to the application based on the following points:
- a. Development as currently framed as the proposed residential units represent a massive overdevelopment of the site.
  - b. The Radcliffe Road / Trent Bridge area is already extremely congested during peak hours and air quality in that area poor. Cars queuing to gain entry or exit will only exacerbate the problem - any development should be car free.
55. Cllr S Mallender has objected to the proposal on behalf of the residents of Lady Bay Area. On the grounds of lack of parking provision and not enough proposed for the development, no affordable housing, overbearing effect of the development and, therefore, the application should be refused.

## Statutory and Other Consultees

### The Borough Council Comments

56. RBC Economic Growth Officer Has provided the following comments on the Economic Impact Assessment which can be found with the application details.
57. In summary the proposal is welcomed and would further welcome the opportunity to work closely with the club to maximise the benefits and visitors signposted to West Bridgford.
58. The economic uplift is not questioned befitting local business and supply chain increasing local employment opportunities are welcomed.
59. In relation to the Employment and Skills Plan, the following initial comments, recognising that the positive outcomes considering the plan to be acceptable which has been adjusted to make RBC the lead working with the City Council as part of the Employment Partnership.
60. NFFC is a significant local employer and has a strong influence and impact on the local economy and this is only going to be enhanced with the expansion of the stand coupled with their recent promotion. We would be very keen to work more closely with NFFC to ensure some of these ambitions are realised for the benefit of local business and residents.
61. Conservation Officer The site is not located in a Conservation Area and there are no designated or non-designated heritage assets present on site.
62. A small archaeological alert zone is present along the north eastern most boundary where limited archaeological activity was detected in the area of Trent Lock and the Grantham Canal. Within the stadium itself, an archaeological find is noted on Historic England's Pastscape record.
63. This is the limit of known archaeology on the site, but as neither area will be disturbed during the proposed works this should be of only minimal concern. Areas previously undisturbed that are being considered as a part of the outline planning permission for up to 170 residential units could produce archaeological results during foundation excavations.
64. Listed buildings are found nearby at Trent Bridge (Grade II listed), the Old Trent Bridge Flood Arches (Grade II) and a Grade II Listed War Memorial on Bridgford Road in West Bridgford. Encouragingly, the Design and Access Statement has carefully considered built heritage assets in the surrounding area, and in nearby vicinities, and this is adequate.
65. One of the proposed buildings for demolition is the Nottingham Rowing Club Britannia Boathouse building on Trentside North. Its demolition will permit reconnection between the plaza and Trentside North. The Rowing Club Britannia Boathouse is one of the later boathouses and first appears on historic maps in 1915. Over time, the building has been added to and extended and so much of the original fabric, character and appearance has been altered, covered, or removed. The building's removal will facilitate access routes to the proposed new stand. While the building has some historic social value as an

entertainment venue visited by major artists in the 1960s and 1970s, and was also used by local bands, the Rowing Club Britannia Boathouse's significance is limited in this manner.

66. Other buildings to be demolished are all modern structures and have no historical value.
67. The external work and landscape plan gives an indication of the layout of the plaza and the paving pattern. I presume the plaza will be physically separated from the area between the two blocks of flats, but it isn't clear. The residential area doesn't provide any meaningful space for landscaping and the external areas appear to be given over entirely to parking. A similar pallet of paving material to the plaza will help, but this appears to be a fairly unappealing space even with the indicative tree planting within the car parking area.
68. Licensing Officer No comments to make.
69. Emergency Planning Officer Comments separately on the two elements of the application.
70. In relation to the Stadium development, as the occupancy is not 24hr occupancy and not seven days week and has the benefit of multi-agency advice in times of the River Trent in flood and the safety of the match day taking place, there is opportunity to prevent thousands of people being stranded on site in the stadium. A safe haven was detailed for the stadium in the event of a breach.
71. With regard to the residential element, the scheme brings substantial extra people into a flood risk area, therefore the ability of residents and users to safely access and exit a building during a flood and to evacuate before an extreme flood needs to be considered. This development seems unable demonstrate safe access and egress, therefore, a large number of people will be stranded on site in their flats.
72. Consideration should, therefore, be given to the undue pressure this would place on emergency services and the difficulty in moving such a substantial amount of people given this will not be the only site flooded next to the Trent in West Bridgford. As the plan seems be written in terms of people staying on site in times of flood it is acknowledged that work has been undertaken to make the flats resilient where possible.
73. It is noted the measures detailed in the FRA in terms of emergency planning and these would need to be implemented as detailed:
  - Residential finished floor levels shall be set no lower than 29.8 meters above AOD.
  - Flood resilience measures fully implemented as detailed on page 11 and page 26 of the FRA.
  - The proposed electricity substation will be made resistant to flooding including a protective bund as detailed on page 27 of the FRA.
  - Living accommodation from the 1st floor only.

- Non return valves will be fitted to the surface water drainage outlets into the River Trent to prevent the back up of water on site. As detailed on page 28 of the FRA.
74. A Flood Evacuation Plan should be provided for the lifetime of the development. The document should detail the safe access and egress on site and although it details safe havens on site, the developers are unlikely to be able to show safe access and egress. While steps have been taken to try and maintain services on site and have all living accommodation on the first floor and above, this is a large number of people being introduced to a site in a residential setting who will be unable to safely evacuate.
  75. Waste Advisor I would not advocate taking a refuse collection vehicle under a covered access largely due to the fact that, should there be a fire within the collection vehicles waste bay, we could not react to that by moving the vehicle to safe area.
  76. The distance to the far bin store would exceed the pull distance for 1100L bulk containers as provided in the 'Waste Management Advice for Planners & Developers Requirements & Charging Policy (Avoiding a Rubbish Collection) For New Developments' document.
  77. Planning Policy Identify the need for a Sequential Test and the Exception Test applied to demonstrate this is a sustainable site. Satisfied that the information submitted on the 3 March 2022 passes the exception test as set out in the NPPF and NPPG.
  78. The site is located within 300m of the Radcliffe Road Centre of Neighbourhood Importance. Policy 27 (part 1) directs main town centre uses to District, Local and Neighbourhood Centres through the application of the sequential test. This is not required in this case as it is already located within an edge of centre location. With respect to the requirement to undertake the impact assessment (part 2), provided the proposal is not greater than 500 square metres an impact assessment is not required.
  79. Community Development The Boat House to be demolished are listed as Assets of Community Value (ACV) and appropriate procedures as set out in the Localism Act 2011, need to be followed in this regard.
  80. Since the submission of the report, the City Ground listing has not been renewed so is no longer an ACV.
  81. Environmental Sustainability Officer Notes the content of the report and comments that the development provides opportunities for ecological enhancement. The conservation status of European Protected Species is unlikely to be impacted by this development if properly mitigated. The Biodiversity Net Gain Assessment demonstrates a net gain (through green roofs and tree planting).
  82. Recommendations within the report must be followed and has requested a number of conditions.

83. Strategic Housing As the site is located within West Bridgford, we would seek 30% affordable housing, equating to 51 units on a scheme of 170 flats in total.
84. In accordance with the Core Strategy, these would comprise 42% (21 units) intermediate (shared ownership or rent to buy), 39% (20 units) Affordable Rent, and 19% (10 units) Social Rent.
85. Given the scheme comprises mostly 1 and 2 bed flats (there are a limited number (5) of 3 bed flats), the following mix is more realistic as opposed to the policy requirement:

	Affordable Rent	Social Rent	Intermediate
1 Bed Flat	7	4	
2 Bed Flat	13	6	21
Total	20	10	21

86. Environmental Health Officer Air Quality - Questions the reduction in vehicle trips in the revised report, but if the Highway Authority are happy with the transport assessment the revised report is accepted.
87. Contamination - A remediation and validation is required as requested by the Environment Agency, in line with the suggested RBC condition.
88. Noise - At this time I would expect a full scheme of sound insulation for the residential properties; structure (walls / roof) glazing specification and ventilation.
89. If it is intended to hold concerts at the ground, then the retrospective mitigation measures that would need to be put in place for residential properties would be onerous and the applicant should be advised of this.
90. A noise assessment should be included as a condition for the plant and energy centres and a Noise Management Plan condition for the PA system with details on the frequency of use, time period of use, before and after a match, and setting of noise level of the PA system to ensure that there is no adverse impact to the nearest residential property is also recommended.

### **Nottinghamshire County Council**

91. Public Health Acknowledges and is supportive of the inclusion of the Nottinghamshire Rapid Health Impact Assessment Matrix (NRHIAM) by the applicant.
92. Archaeology Officer There may be potential for archaeology on the site including organic remains and the proposed works will almost certainly require an archaeological condition including a desk based assessment before work is commenced and the recording of the boathouse before demolition.
93. Planning Policy Based on 81 apartments, the site would generate a need for 17 primary and 13 secondary school places and a contribution of £686,170 is sought to support the provision of these spaces.
94. Following negotiations with the Borough Council, it has been agreed that this can be reduced to £326,421.48 towards additional education provision, but this

does not set a precedent for future developments.

### **Other consultees**

95. Nottingham City Council Highways Do not object to the proposal but seek a financial contribution toward improvements to the key junctions along London Road / Cattle Market Road for integration of a pedestrian crossing which is one of the main pedestrian routes from the City Centre to the City Ground.
96. Notts City Council Design No comments to make on the Stadium.
97. It is noted that the Outline consent sought in relation to the residential element are layout, scale, and access. On the basis of the issues raised above, height, plaza, and impact on boat houses, we do not feel that these have been adequately resolved at this stage to enable a rational decision to be made. We also remain of the view that a development of this scale should be subject to independent design review.
98. Highways England No objections.
99. Environment Agency Originally objected to the application on the grounds that the Flood Risk Assessment does not comply with the requirements for site specific flood risk assessment. It commented that the FRA failed to consider:
  - a. How people will be kept safe from the identified flood hazards.
  - b. How a range of flooding events (including extreme events) will affect people and property.
  - c. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.
100. Following the submission of an update FRA and additional information, the Agency have confirmed that the proposed development will only meet the NPPF's requirements in relation to flood risk if planning conditions are included to deal with floor levels, flood resilience measures, compensatory flood storage and water entry strategy for flood storage , electricity substation bunding, and surface water drainage outlets into the River Trent being fitted with non-return valves. A flood warning and Evacuation Plan should also be provided and consultation with the emergency planner and emergency services. It is noted that the flood risk assessment states that the flood hazard on site during a breach of defences would be danger to most. The Borough Council should also ensure that the sequential test has been undertaken.
101. A separate request has also been received for potential S106 funding towards the restoration of a small section of Grantham Canal (Lock No.1) next to the City Ground. Whilst the Agency own the land, it is looking to dispose of the land and has started conversations with the Grantham Canal Society and others. It is suggested that the costs of restoration / maintenance may prevent anyone taking the ownership.
102. Natural England No comments to make.

103. Nottingham Wildlife Trust Has reviewed this report and can confirm that the surveys, including the nocturnal bat surveys, have been undertaken utilising good practice guidelines and no further surveys are considered necessary. They recommend that if this application is granted, the recommendations within the Protected Species Survey Report (Ramm Sanderson, November 2019) should be secured through appropriately worded planning conditions e.g., invasive species, CEMP, bat licence / low impact class licence etc.
104. NHS Nottingham University Hospitals The Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has planned for the known growth, as an unanticipated increase in population growth, a contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development and the funding for which cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. A contribution of £194,421.00 is sought.
105. The proposed development allows up to 250 dwellings consisting of 79 x 1 bed and 171 x 2 bed apartments and so according to our formula registered with yourselves we would request a contribution of £160,560. We would envisage the new patients from this development would register with either Embankment Primary Care Centre on Wilford Lane or St George's Practice on Musters Road, although patient choice means that this is not a given. These buildings are at capacity now and, therefore, any contribution would be used to extend / bring into use clinical space to address this new population.
106. East Midlands Building Control No comments to make on the application.
107. CADNET National Grid See Informative 9.
108. Nottinghamshire Police Architectural Liaison Officer Little is known about the residential development and wishes to highlight the relevance of security measures incorporated into the design being appropriate for the high-profile location. Although the risk of crime in residential areas nearby is standard, the proposed development needs to take into account additional factors created by mass events, such as transient character of the area visitors, potential for traffic disruption and access limitations, noise, or the impact of potential public disorder.
109. The scheme should take account of access control, parking arrangements should be appropriate and suitable for dynamic lockdown, provide natural surveillance of the public realm near the stadium and secured by design standard.
110. Canal and River Trust No comment to make.
111. Nottingham Rugby Club Supports the planning application and comments that it will work with NFFC as required during the redevelopment period with regards match days and parking.
112. Lady Bay Community Association Object to the application. Their objections have been summarised as follows:

- a. Height of the apartments. The height of the proposed blocks is bound to affect other local residents in terms of light and privacy.
- b. The proposed development is far too intensive for the site. The area is very confined and there will surely be severe congestion in terms of traffic, particularly given that the Trent Bridge area already suffers from regular gridlock at peak times and more so when there is a sporting event.
- c. Inadequate parking provision which will lead people to park as close as they can, for example Lady Bay, which already suffers greatly during football, cricket, and rugby fixtures. Indeed, RBC has been asked to issue notices restricting parking in Lady Bay at such times. In addition, it can only be supposed that air quality in the vicinity will be badly affected by such a huge increase in car-owning households.
- d. Concern that none of the flats or apartments will provide affordable housing, which is one of the most pressing issues in the country in general, and in West Bridgford in particular.
- e. Closely allied to the vehicle and parking issue mentioned above is the plan to increase seating at the stadium by 5,000 with no additional parking provision and no alternative plan for conveying spectators to and from the ground. Certainly, many spectators will arrive by train or coach, but many will still come by car, presumably expecting to find adequate parking spaces which are simply not available.
- f. Consider it is unsuitable and over intensive use of the space.

113. Central West Bridgford Community Association (CWBCA) Executive Committee object to the proposal and wish to convey their continuing concerns about pressures of on street parking in their neighbourhood on football match days and, therefore, their concerns are about increased pressure this application would cause on a system already full beyond capacity.

114. The CWBCA identify the problems as follows:

- a. As the applicants accompanying survey of on street parking demonstrates, many West Bridgford residential streets have no parking vacancies at all during busy match days. The survey does not detail the blocking of driveways and footpaths that results, and difficulties residents have in using their own cars at all during matches. Most of the available parking spaces within walking distance are north of the stadium in City locations that are very difficult to access by car in the first instance. Public transport links though excellent are also used beyond capacity at these times.
- b. Air quality is acknowledged to be unacceptable during rush hours and very nearly so during busy match days in a number of spots very close to the proposed development. An estimated increase of approx. 1200 vehicles many of which will be idle in congested traffic should not be dismissed as insignificant. Suggests that the applicant's documents are also dismissive about fogs and inversions in this area which this riverside location is in fact subject to.

115. The CWBCA suggests the following solutions:
- a. Excellent access by foot, cycle, train, bus, and tram to the City ground does mean that it is relatively well located. However, these features do not constitute vehicle traffic mitigation measures. Other than the roads immediately surrounding the stadium which get closed off during matches no such measures are taken. Among those that could be considered are:
    - Residents only parking scheme for the duration of matches
    - Signs which state that on street parking is for residents only during matches
    - Shuttle buses between park and ride, bus station or train station and the stadium, or extra buses / trams
    - Discounts for spectators travelling by public transport.
  - b. Improvements in communications and dialogue between the local community and the City Ground. They see no evidence of the on-street parking congestion being addressed.
116. In relation to the outline planning application for the residential element they consider that 250 residences in buildings of the maximum height stated would be far too overwhelming for a location which still comprises dwellings mostly on a much smaller scale and where rush hour traffic already causes problematic tail backs and serious air quality problems.
117. Pedals (Nottingham Cycling Campaign) has objected to the application on the following summarised grounds:
- a. Lack of additional walkway capacity for pedestrian crossing on Lady Bay bridge.
  - b. The proposed development offers an opportunity to address the issue raised by both the County Council and City Council concerning long standing difficulty on match days when a large volume of pedestrians leave the City Ground after matches.
  - c. Existing cantilever walkway has never had enough capacity to cope with the thousands of fans who use this route – as a consequence people spill out from the pavement onto the road which is a particular danger to both themselves and cyclists. The chaos which is caused by fans leaving the ground may only last 20 minutes, but it is a danger point.
  - d. RBC should use its powers under CCIL to ensure a contribution from the Club to help meet the cost to the highways authorities of accommodating more pedestrians using Lady Bay Bridge – this proposal increases the safety risk to both pedestrians and cyclists using the bridge and needs to be addressed either by widening the existing cantilever walkway or by creating a new footpath and walkway on the eastern side of the bridge.

- e. Concern over lack of consideration in the application as to how walkers and cyclists will be affected by the building works.
- f. Given the limited on-site parking and reduction in parking spaces behind the Peter Taylor Stand, they need to find ways of improving pedestrian and cycle access to the site for both match – day and staff / resident traffic on non-match days.

118. Proposed Trent Basin (Poulton Drive) to Lady Bay foot cycle bridge Steering Group This group includes representatives of Pedals, Nottingham Local Access Forum, Nottingham Civic Society, River Crescent Residents Association and Blueprint Regeneration. They make the following comments:

- a. Quote the NPPF regarding safe and suitable access to the site being achieved for all users – do not consider that this is achieved.
- b. Quote NPPF giving priority first to pedestrian and cycle movement both with the scheme and with neighbouring areas – create places that are safe, secure, and attractive which minimises the scope of conflicts between pedestrians, cyclist and vehicles do not consider this is achieved.
- c. Quotes Rushcliffe Local Plan 1 support the promotion of sustainable travel choices through good quality public transport and safe and attractive routes for cycling and walking.
- d. Need to understand how access will be maintained for cycling and pedestrian along Trentside – this is national, regional, and local importance and is likely to become more popular in future.
- e. The submitted CEMP is inadequate in its coverage of the Right of Way and needs to address the maintenance of the right of way through the construction period, notification and management of temporary obstructions, specific improvements to the right of way, e.g. surfacing, signage.
- f. Conflict between cycling and pedestrians particularly in peak times before and just after matches – paths need widening with a new path available across the east side of Lady Bay and a comprehensively revised new Travel Plan also including support for the proposed new foot cycle bridge between Trent Basin and Lady Bay including its most important connection on the north bank to the extended riverside path between Trent Bridge Meadow Lane and Colwick Park. Nottingham City Council gave renewed support for this scheme in their recently adopted Waterside (Regeneration Strategy) SPD.
- g. When this very important new route is completed and with upgrading of the currently much degraded and other flood prone south bank riverside path, the new bridge, like the suspension bridge to the west, would play a vital part in a wider strategy to encourage more walking and cycling to and from matches helping to disperse the number of pedestrians and cyclist and in this way helping to address the current road safety issues that commonly occur during peak match periods. These improved

routes would also help to improve increasingly local air quality and climate emergency issues.

- h. All these routes, existing, planned and proposed will greatly improve connectivity, encourage more walking and cycling access and should include a wider range of measures to improve the safety of pedestrians and cyclists on local road throughout the West Bridgford area especially in the vicinity of the redeveloped site.
119. Until they get assurance that any plans take account of all these suggestions including in particular support for the proposed river crossing improvements, contributions to other local safe access improvements for pedestrians and cyclists and firmer assurances about continuing access along the riverside path during construction, the Steering Group will continue to object to the proposals.
  120. Nottinghamshire Area Ramblers Rights of Way Secretary states that they have made claims to add to the Nottinghamshire Definitive Map a bridleway route from Wilford to Holme Pierrepont Water Sports Centre. It may be that there will be no effect on the route, but it is necessary for this to be considered and the appropriate consultation carried out.
  121. Remains concerned that the revised information still does not include any information about how the route will be affected during the development phase or how any longer-term effects dealt with in the Travel Plan.
  122. Chair of Nottingham Forest Supporters Club Considers that NFFC has more impact than just being a place to go on a Saturday afternoon.
  123. Suggests that Forest are a pillar of the local community, a vital part of the lives of so many people. A place to socialise, a place that gives people belonging and a sense of family. The work that happens outside of a matchday is critical - whether it be supporting local homeless people or helping those with mental health.
  124. In supporting this application, the Club do so in the knowledge that this development is much more than just bricks and mortar. It's facilities and opportunities for the local community, it's preserving and securing NFFC as a key pillar of the community for many generations to come. To ensure that the fantastic work that is undertaken can continue to help local people and the local community. He has witnessed the positive impact being part of the Forest community has on so many people - the redevelopment of the City Ground and considers that the development can only enhance and improve the impact.
  125. This is a redevelopment far more wide reaching than match going fans, it's a catalyst for good and for community, for the whole of Nottingham.

### **Local Residents and the General Public**

126. 2,538 letters of support have been received and comments can be summarised as follows:
  - a. The City needs this.

- b. Looks fantastic – redevelop the Bridgford end next.
- c. This development will be fantastic for both the club and City.
- d. This is much needed for the benefit of thousands of people.
- e. Enhanced facilities will equip the club to provide more jobs and opportunities for the local and wider community of Nottingham, something that should be welcomed.
- f. The proposal seems considered and appropriate to the area and makes good use of the space available.
- g. This will increase revenue to the wider area as attendance increases and a sense of prestige and pride for our city.
- h. The scale of the investment is very unusual and perhaps unprecedented for a club not in the top tier of English football.
- i. The objections re parking concerns in the local area would not be a problem if there was a tram service to Trent Bridge. Why has this not been done already considering all the locations and activities it would serve including the City Ground, Meadow Lane, Trent Bridge Cricket Ground, Nottingham Rugby Club, Robin Hood Marathon, and festivals on the embankment.

127. 116 letters of objection have been received and comments can be summarised as follows:

- a. Problems with fans parking in our streets during home games and a larger capacity crowd will cause further problems. Can they find a solution?
- b. Would residents parking only on match days be considered?
- c. It is essential that the riverside path remains open and clear for pedestrians and cyclists. This is a well-used footpath central to community members lives. The riverside is an integral and hugely positive dimension of life near the Trent.
- d. Accept that there are different interests at play, and they accept it is a multi-use area, but cyclists, walkers and runners must not be side lined in favour of narrow economic interests.
- e. Concerned that proposal does not satisfy requirements of NPPF in relation to safe and suitable access to the site for all users, does not give priority to pedestrian and cycle movements.
- f. Need to ensure the cycle and pedestrian access along Trentside is maintained during construction work.
- g. The use of the bridges before and after matches is impossible and unsafe unless you are going in the same direction as the fans walking.

As a cyclist, you are unable to use any route at any time around the ground at any time surrounding a football match.

- h. The statistics show few accidents but not the near misses. To comply with policies, the footpaths need to be widened and or a new footpath available across Lady Bay Bridge – existing problems will only increase with the increase in numbers.
- i. The 485 cycle spaces are welcomed but access to them would be along Trentside or through the car park along Pavilion Road. There is no mention of how cyclists would have a safe route through the area.
- j. The residential element should be refused – overbearing, loss of privacy – safeguarding issues of being overlooked, loss of light.
- k. Residential elements should be redesigned – smaller, less intrusive, and more sensitive.
- l. Further drain on infrastructure – schools and doctors.
- m. The existing building should not be used as a precedent – this was an existing building with a change of usage.
- n. During morning and evening rush hours the roads around Trent Bridge are already congested which has not been helped by the narrowing of lanes across the bridge.
- o. For those that live in Turneys Quay it can be difficult to enter the stream of traffic at busy times – especially true travelling north as they need to cross three lanes of traffic to do so.
- p. If plans go ahead then the transport system across Trent Bridge and the surrounding area will need to be improved. Adding 250 residencies at Pavilion Road plus the 121 residencies of the redeveloped Civic Centre will greatly increase the traffic in the area.
- q. No eye level skyline left opposite our property. The Waterside Apartments have already had a noticeable impact.
- r. Reduction in sun light due to height of buildings. Reduction in natural light due to height of buildings.
- s. Huge increase in light pollution on top of existing pollution when Forest leave lights on. On top of, as yet unknown pollution from Waterside Apartments. When the building lights are left on, our bedroom is too light to sleep in.
- t. Transport Assessment acknowledges that there is insufficient parking to serve the development, existing residents parking will be displaced. Impact on existing highways needs greater consideration.
- u. Significant concern over scale of the proposals – stadium appears to be excessive when considering that of adjacent housing along Rosebery Avenue – affecting the availability of sunlight to property and causing

overshadowing of garden and home.

- v. The Daylight and Sunlight report even confirms that their property and a few others will be affected – considers that there are also incorrect assumptions on the usage of the rooms.
- w. Has taken professional advice and wishes to challenge the recommendations the report and not also that there may be an associated Right of Light injury should the application be approved unamended.
- x. It is considered that the property will be dwarfed and view of the sky directly north of the garden will be dominated by the massive end wall of the stand – notes a large, glazed aperture of the end that it is to be hoped will not allow spectators to view in nor increased levels of noise or other disturbance.
- y. The illustration of the residential tower appears to show a roof terrace affording elevated views into the garden and property.
- z. Concerned over the impact of additional traffic generated not only by matchday attendance but by the increased and additional uses of the accommodation in the proposed new stand.
- aa. The residential block behind the boat clubs and new stand should not be allowed. The boat clubs with many young rowers deserve not to be overlooked or have their sunlight blocked.
- bb. Land behind the new stand should be designated car parking space.
- cc. Living on Victoria Embankment promenade, the playing fields and memorial gardens must have access and the impacts of football supporters on the open space must be reduced. With larger stand and more visitors parking pressure cannot be exacerbated and so more car parking must be provided within the Forest ground for matches and other local events, festivals and even Notts County matches.
- dd. The Rowing clubs are an important part of the culture of this area of Nottingham – they are old, historic, important, and precious.
- ee. River Trent is nationally renowned for rowing – clubs including the National Watersports Centre, and many GB squad rowers have been based in the area using these Trentside clubs. Object without alternative put in place.
- ff. Residential property will be too close to commercial activities of the clubs which could cause complaints – active bars and well documented tradition of hosting famous bands and music nights. Constant activity through the week with very early morning and evening training sessions.
- gg. This development will restrict the future ability of the rowing clubs to redevelop the buildings themselves and would not allow the clubs to extend the height of the clubs to create units that would subsidise the cost of building new boathouses.

- hh. Increasing capacity of the stadium does not take into account how to handle the flow of spectators and people in the boathouse and river. Potential conflict between children carrying boats down to the river and trying to participate in their sport. Point out that the club has a large number of very successful girls and young women who participate in the sport which is very special and quite exceptional.
- ii. Joint approach to redeveloping the site should take place.
- jj. Already problems with parking in Lady Bay – instead of building flats more parking should be provided for the supporters.
- kk. Poor visually – crowding the waterside with large imposing buildings degrades the riparian amenity.
- ll. Scheme should be redesigned to avoid the need to demolish the rowing club which hasn't been agreed by the rowing club and the development can't proceed without their agreement.
- mm. The unnecessary loss of the rowing club building is detrimental to community sport in the Borough.
- nn. The relationship of the residential blocks to the riverside and to the remaining boathouses is awful and a lost opportunity to bring forward a comprehensive development of the area.
- oo. Safeguarding issues and impact on junior and children with Special Education Needs with need to manage spectators passing the boathouses and the potential conflict with rowing activities.
- pp. Air quality issues and park and ride needed for NFFC ticketholders.
- qq. Need to retain the option to fund modernisation of the clubhouses.
- rr. Access for the long rowing boats to the river via the slipways are not considered.
- ss. Strain on schools and other amenities – substantial ongoing contribution required to resolve this.
- tt. Blue and green space is so important to health and wellbeing.
- uu. Stadium should be built on a main arterial road outside Nottingham for ease of access and car parking.
- vv. Impact on dragon boat clubs.
- ww. Disruption when building works take place.

128. 12 comments have been made neither objecting to nor supporting the planning application:

- a. Great to see the ground being modernized but there should be some thought given to the extra fans crossing the river.
  - b. At the very least the east side of Lady Bay Bridge should mirror the west side and have a separate pedestrian / cycle path but with cyclable access this time. In addition, consider rebuilding the canal footbridge that used to cross the Trent between the ground / rowing club to the canal opposite.
129. Revised plans have been submitted and re-consultation undertaken, on this information the following comments have been received as below:
130. Eight additional comments were received supporting the proposal:
- a. Development will benefit the entire community not just the football community.
  - b. Forest needs first class facilities for when they get back into the Premiership.
  - c. The new facilities will provide a number of new jobs etc.
  - d. Out- of- town grounds are rarely better for traffic or the experience for supporters is rarely anywhere near the standard of an in-town ground.
  - e. We need to make more use of the River Trent area.
  - f. This will bring in more investment and people and businesses.
  - g. Considering the impacts of the pandemic on business and employment what a fantastic opportunity to generate business, income, and jobs for many.
  - h. Huge positive impact on the people of Nottingham.
  - i. Further five thousand fans will also have a positive impact on local businesses and their trade on match days, supporting them to rejuvenate and acquire much needed financial support of the coming years.
  - j. It further enhances Nottingham's reputation as the home of sport.
  - k. Positive aspects forgiving young people a social opportunity.
131. Summary of additional objections received:
- a. The two residential buildings are higher than surrounding buildings, dominate the south bank of Trent Bridge, and are not in keeping with surrounding architecture.
  - b. The Nottingham Forest stand and new residential blocks are too intense in such a small area.
  - c. No affordable housing is being provided.

- d. Only 43 car parking spaces are being provided for 250 residential units.
- e. 5000 extra seating capacity will create more cars and traffic in an already busy and bottlenecked area of Trent Bridge. Mid-week matches will overlap with rush hour causing more gridlocks.
- f. Despite a seating capacity of a proposed 35000 people, the application proposes to reduce the number of Nottingham Forest football car park spaces to 256 in total (392 average - 136 net reduction).
- g. The proposal would aggravate access and parking for residents in surrounding areas. Residents frequently have to change plans to accommodate football traffic. They also find it difficult or impossible to find a car parking space anywhere near their residence on match days.
- h. Rushcliffe have proposed no (satisfactory) alternative to current or proposed car parking issues or traffic.
- i. The increase in people and cars in such a dense and busy area are likely to have health and safety issues, including access by emergency services.
- j. The survey is limited to an area 1.25km from the ground but football traffic and parking extends further than that. Statistics are often not representative of the real situation - numbers on a page are no substitute for experiencing match-day mayhem and inconvenience. The survey uses Blackburn Rovers football club as a base for its statistics which is not representative of matches where the away team is closer to home.
- k. Unnecessary destruction of local heritage in the form of the Britannia Boat Club. Another 170 flats with the potential 340 commuters on top of the waterside new development isn't going to work. Trent Bridge is already congested and infrastructure for parking, schools, doctors, and dentists isn't there.
- l. It is not a responsible decision based on the locals and environment to add further congestion. This would also further change the relaxing river landscape and remove more skylight from the river side area that's lacking in riverside space.
- m. The occupier of 27 Rosebery Avenue has commissioned a report to look at the impact the new stand would have on daylight and sunlight in respect of that property. This report questions the locational setting of no. 27 as it is argued that this is a suburban location and not an urban one which the applicants report suggests. The objectors report show that light would be reduced greater than the acceptable level in the Building Research Establishments Guidance.

## PLANNING POLICY

- 132 The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: [Core Strategy \(2014\) \(Core Strategy\)](#) and the recently adopted Rushcliffe Local Plan Part 2: [Land and Planning Policies \(2019\) \(Local Plan Part 2\)](#).
- 133 Other material planning considerations include Government guidance in the [National Planning Policy Framework](#) (NPPF) and [Planning Practice Guide](#) (NPPG).

### Relevant National Planning Policies and Guidance

- 134 The NPPF provides an overarching context within which this and other planning applications are considered and determined.
- 135 The NPPF comments that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). Paragraph 8 of the NPPF comments in detail that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a. an economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.
  - b. a social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
  - c. an environmental objective – to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 136 Other elements of the NPPF provide more specific guidance on the implementation of the planning system. The following sections are particularly relevant to the NFFC proposal: Delivering a sufficient supply of homes (Section 4); Building a strong and competitive economy (Section 6); Promoting sustainable transport (Section 9); Making effective use of land (Section 11) and Achieving well-designed spaces (Section 12).

### Relevant Local Planning Policies and Guidance

- 137 Given the scale and the mixed nature of the proposal there are a number of policies within the Core Strategy and Local Plan Part 2 which will need to be

considered including:

Core Strategy (Local Plan Part 1):

- Policy 1 Presumption in Favour of Sustainable Development
- Policy 2 Climate Change
- Policy 3 Spatial Strategy
- Policy 5 Employment Provision and Economic Growth
- Policy 8 Housing Size, Mix and Choice
- Policy 10 Design and Enhancing Local Identity
- Policy 11 Historic Environment
- Policy 13 Culture, Tourism and Sport
- Policy 14 Managing Travel Demand
- Policy 15 Transport Infrastructure Priorities
- Policy 16 Green Infrastructure, landscape, parks, and open space
- Policy 17 Biodiversity
- Policy 18 Infrastructure
- Policy 19 Developer Contributions

Local Plan Part 2:

- Policy 1 Development Requirements
- Policy 12 Housing Standards
- Policy 17 Managing Flood Risk
- Policy 18 Surface Water management
- Policy 28 Conserving and Enhancing Heritage Assets
- Policy 29 Development affecting Archaeological Sites
- Policy 30 Protection of Community Facilities
- Policy 31 Sustainable Tourism and Leisure
- Policy 34 Green Infrastructure and open space assets
- Policy 35 Green Infrastructure Network and Urban Fringe
- Policy 38 Non-Designated Biodiversity Assets and the Wider Ecological Network
- Policy 39 Health Impacts of Development
- Policy 40 Pollution and Land Contamination
- Policy 41 Air Quality
- Policy 43 Planning Obligations Threshold

138 The proposal affects these various policies in different ways. The details of the policies which directly impact on the main considerations in respect of the application are incorporated in relevant sections of Section 2 of this report. They are also referenced in the Planning Balance at the end of the report.

139 Careful consideration will also need to be given to the NPPF and NPPG and the recently published National Design Guide.

## **OTHER CONSIDERATIONS**

140 A Nottinghamshire – [Air Quality Strategy](#); A breath of fresh air for Nottinghamshire was published in 2008. It covers the various County's districts and boroughs and Nottingham City Council.

141 Part iv of the Environment Act 1995 requires local authorities to review and assess the current and future air quality in their areas against objectives set

out for eight key air pollutants. This has led to the designation of two Air Quality Management Areas (AQMA) in the Borough due to a breach of the air quality objection for nitrogen dioxide. The site is located in close proximity to the AQMA located in the Radcliffe Road / Lady Bay bridge area.

- 142 [Section 17 of the Crime and Disorder Act 1998](#) requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. Crime for these purposes includes terrorism and good counter-terrorism protective security is also good crime prevention.
- 143 Local authorities should have regard to this guidance when preparing local development documents and the guidance is capable of being a material consideration in the determination of planning applications. The guide does not however set out new policy or specific legal requirements. It provides advice on how counter-terrorism protective security measures can be incorporated into new developments whilst ensuring that they are of high design quality. Although primarily directed at new developments, the advice is also relevant to improving the security of existing buildings and the public realm. It should be noted that Building Regulations do not include specific measures intended to deal with terrorist activity and, therefore, compliance with Building Regulations should not be assumed to indicate consideration of the issues raised in this guide.
- 144 [Conservation of Habitat and Species Regulations 2019](#), and the [Wildlife and Countryside Act \(as amended\) 1981](#) – This legislation contains 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.
- 145 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 license being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a license where the following three tests are met:
- a. 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.”*
  - b. There is no satisfactory alternative.

- c. 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.
- 146 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.
- 147 Rushcliffe Borough Council – Corporate Strategy 2019-2023, Rushcliffe Sustainable Community Strategy 2009-2026.
- 148 [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) (as amended) specifies that certain types of developments should be subject of an Environmental Impact Assessment. A screening request was submitted and considered by the Borough Council. The Council made a screening opinion in November 2019 to the effect that the proposed development is not likely to have significant effects on the environment (the screening opinion). As such no environmental statement (ES) has therefore been provided by NFFC. The Council has reconsidered this matter once the scale of residential development was reduced. Given that the details relating to the changes to the application details are unexceptional in general terms, and in particular reduces the number of proposed apartments, there is no reason to change the screening opinion that the proposals do not represent EIA Development having regard to the provisions of the Regulations.

## **APPRAISAL**

- 149 The main consideration of this application are considered to be:
- The principle of development
  - Impact on Assets of Community Value (ACV)
  - Design, impact upon the street scene
  - Highway safety and carparking
  - Economic impact
  - Impact upon neighbouring amenity
  - Flood risk and drainage
  - Air quality
  - Biodiversity
  - Health & Wellbeing
  - S106 matters
  - Other Matters
  - Planning matters.

### **Principle of Development**

- 150 In line with planning law, decisions should be taken in accordance with the Rushcliffe Development Plan unless material considerations indicate otherwise. The relevant policies that form part of the Development Plan for Rushcliffe consist of the adopted Local Plan Part 1: Core Strategy and the adopted Local Plan Part 2: Land and Planning Policies.
- 151 Other material considerations include the revised NPPF, the Planning Practice Guidance. The NPPF comments that the purpose of the planning system is to

contribute to the achievement of sustainable development (paragraph 7). Paragraph 8 of the NPPF comments in detail that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a. An economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure. In the case of the proposal your officers consider that this objective is satisfied. The conference and other facilities in the proposed replacement stand will generate a significant increase in economic activity in the local area and the wider region. The particular benefits are captured in the Economic Impact Analysis.
- b. A social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. In the case of the proposal your officers consider that this objective has been satisfied. The residential element of the scheme will deliver a range of smaller homes which will meet the needs of present and future generations in a location which is close to retail, commercial and community services. In addition, the wider package has been designed to create a new open space which will have good connectivity to the River Trent.
- c. An environmental objective – to protect and enhance our natural, built, and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. In the case of the proposal your officers consider that that this objective has been satisfied. It makes effective use of a brownfield site and has been designed to respond positively to the surrounding built and natural environment.

152 Other elements of the NPPF provide more specific guidance on the implementation of the planning system. In general terms your officers consider that the proposal has been positively designed to respond to the benefits of pre-application engagement (paragraphs 39-42), to boost the supply of housing (paragraph 60), allowing businesses to invest, expand and adapt (paragraph 81), to support the social, recreational, and cultural facilities the community needs (paragraph 93), to create well-designed places (paragraph 126) and to meet the challenges of climate change and flooding (Section 14). The details of these matters are considered later in this report.

153 The site is located within the main built-up area of West Bridgford within Rushcliffe. Policy 3 of the Core Strategy states that development should be directed towards this area within the Borough. The partial redevelopment of the

football stadium (and boathouse) for leisure and residential purposes is therefore broadly in accordance with the spatial strategy contained within Policy 3 of the Rushcliffe Core Strategy.

- 154 Core Strategy Policy 13 (Culture, Tourism and Sport) protects, where appropriate, existing sporting facilities and supports their further development. Paragraph 3.13.1 of the Strategy specifically identifies Nottingham Forest's City Ground as an important part of the tourism and visitor 'offer' for the Borough and Greater Nottingham. Subject to compliance with policies that address design, flood risk, access, and amenity the partial redevelopment of the stadium would accord with this Policy.
- 155 Given the proposal's prominent location adjacent to the River Trent and Trent Bridge, the scale and layout of the residential flats and redeveloped stand are significant design considerations. Core Strategy Policy 10 (Design and Enhancing Local Identity) requires that all new developments should make a positive contribution to the public realm and sense of place. Part 2 of the Local Plan outlines a several design considerations, including: the positioning of buildings and the layout of spaces; impact on amenity of nearby residents; incorporates features that reduce opportunities for crime, disorder, and anti-social behaviour; density and mix; massing, scale, and proportion; and the potential impact on important views and vistas and the potential to create new views.
- 156 The residential element must also accord with Policy 11 (Housing Development on unallocated sites within settlements) of Part 2 of the Local Plan. That Policy requires: a high standard of design and does not adversely affect the character or pattern of the area by reason of scale, bulk, form, layout, or materials (part b); and proposals do not cause a significant adverse impact on the amenity of nearby residents and occupiers (part f). These matters are considered in detail below.

### **Design, Impact on Street Scene, Creating a Sense of Place**

- 157 Full permission is sought for the proposed replacement stand, and outline permission is sought for the proposed residential apartment block (including the proposed retail units) . The design matters for the outline part of the proposals would be dealt with under future reserved matters application as only the principle of development, the proposed layout and access are considered at this stage.

#### Stand

- 158 The part of the application site that would occupy the replacement stand presently contains the Peter Taylor Stand dating from 1968, together with turnstile areas, and hospitality buildings. It is effectively a brownfield site and the development on it needs to be compared to what presently exists.
- 159 The existing City Ground sits within a wider 5.4 hectares site on the banks of the River Trent and in close proximity to Trent Bridge Cricket Ground. To the south of the site is a range of existing two and three storey residential buildings, and directly west of the site is the Bridgford House which is a residential development forming within a 11-storey high building (formerly used as a

Council office building). Views of the application from the west, including Trent Bridge and the wider Nottingham administrative area. To the north-west of the site are four rowing club buildings shared between the Nottingham & Union and Nottingham Rowing clubs. Five boat houses are situated to the north of the site which directly face onto the River Trent and have vehicle access along Trentside North through the site boundary. These buildings are mainly viewed in the context of the existing city ground and Bridgford House.

- 160 The replacement stand would become the “Main Stand” that would provide general admission, executive and corporate hospitality seating to generate increased match day and non-match day revenues as well as conferencing facilities, improved disabled facilities, replacement changing and physio rooms, *et al.* The submitted plans show that the existing club shop would be relocated to within the stadium on the south west corner of the proposed replacement stand.
- 161 The proposed Main Stand is significantly larger than the existing Peter Taylor Stand, this is, however, due to the existing Peter Taylor Stand being undersized compared other parts of the ground and has the appearance of an out-dated stand.
- 162 The 10,000-seat capacity stand would be split between four floors. The accommodation within the body of the stand would be sufficient to accommodate the capacity. It would measure 109m in width x 52m depth, excluding the additional corner building, and approximately 38m high [to top of structural roof trusses] which would make it the tallest stand at the City Ground (around 10m taller). From public viewpoints, the main façade of the building would face south and towards the proposed residential building.
- 163 A cantilever system is proposed for the roof structure because it would align with the original architectural character of the wider ground. It is a repetitive system with similar framing on each structural grid line. Each cantilever is approximately 45m long, spaced at 7.7m to align with the superstructure frame and grids below. The depth of the cantilever at the back of the seating section is 6m between the centre of the top and bottom chords; with a 3m gap between the bottom chord and the level of precast seating section.
- 164 To retain and enhance the visual presence from bridges on the Trent, the design of the proposed west corner has been given depth to improve frontage towards the river.
- 165 The design and access statement advises that “*to maximize potential floor space within in the building mass, the hospitality core and General Admission turnstiles are removed from the footprint, to create a natural gateway for the frontage*”. The new building footprint allows for formation of a shared surface plaza that would create a natural connection between Trentside North and the plaza, as well as providing access from either side.
- 166 It is stated that “*the objective of the public realm is to create a durable and safe environment for the existing and additional spectators the development delivers on a match day, and to allow a suitable space or non-match day events. The plaza is the gateway to the development and it’s important that it feels welcoming*”.

- 167 It is proposed that it would connect Pavilion Road to Trentside North which would allow pedestrian movement between the two. It would comprise of a shared surface for both vehicles and pedestrians. Designated zones would be denoted by different paving treatments. The plaza would comprise of 27 parking spaces and 4 disabled spaces, along with 20 cycle spaces. There would be a secure area for match official parking and the plaza solution allows an existing easement for a local resident to access their garage and property. Bollards would be used for pedestrian and building security.
- 168 At the entrance to the plaza a new gatehouse would replace the existing provision, which would be located alongside a new electrical substation. The gatehouse and new gates to the west of the plaza form a secure area around the perimeter of the plaza which would allow the Club to secure the site, if necessary.
- 169 In relation to the existing and proposed trees within the proposed plaza and alongside it, the council's Landscape Officer advises that a landscape masterplan should be provided and set out how existing trees would be protected and include the details and specific location of new trees to be planted.
- 170 The gatehouse itself would be a small hut which has teller windows to manage and facilitate the arrival and egress of vehicles into the plaza. It would have a similar treatment to the façade of the stand, using large format concrete panels in the Club's dark red.
- 171 Furniture such as benches would be provided in the plaza, which will have to be durable to accommodate the number of spectators expected within the plaza. A number of drop bollards will be used to allow managed vehicle access to certain areas of the site. Suitable lighting would also be provided.
- 172 The overall height of the stand appears largely to have been set by the seating tier design and the associated roof to cover the new stand to meet seating capacity requirements.
- 173 In terms of its appearance, the design an access statement advises that the external façade has *been "designed to create an iconic landmark whilst delivering the Club's strong brand identity. It responds to the defined internal spaces and acts as a functional element including security and environmental protection"*.
- 174 The design of the main façade includes glazed system with solid panels to allow daylight into the building and create pleasant environments in both hospitality and general concourse areas, Solid concrete panelling to conceal internal building cores and back of house areas, a patterned brise soleil system to control the amount of daylight and solar gain into the building. It would be coloured with Nottingham Forest brand colour, [Forest Red, Dark Red, Deep Red and White] which match with the brand guidelines established by the Club.
- 175 In planning policy terms, local and national planning policies highlight the importance of creating high quality buildings and places and that good design is a key aspect to achieving sustainable development. The application has been supported by a series of documents including a Design and Access

Statement which identifies the key architectural and contextual design principles for the development.

- 176 The replacement stand, and the associated public realm, have been carefully designed with simple geometry to provide ensure that they respect the character, design, and scale of the existing ground, whilst providing all the additional capacity, conferencing, and all other facilities within it.
- 177 It is considered that the proposal would result in a development of an appropriate scale, mass and appearance respecting the existing setting, the retained neighbouring stands, and the development constraints of the site the new stand, would greatly improve the appearance of the stadium both from the approaches from Pavilion Road and along Trentside and create a much more coherent identity as a modern sporting venue and enhance the experience of users and visitors.
- 178 The proposed development would result in a stadium of significantly improved design quality and would accord with the requirements of Policy 1 (Development Requirements) of the LPP2.

### Residential

- 179 The layout of the residential proposals detail that its footprint would broadly replace the existing Champion Centre and club shop building and the car parking spaces immediately adjacent to it.
- 180 A parameter plan has been submitted detailing an L-shaped 13 storey height apartment block, measuring some 40m in height. The built form is approximately 53m L x 42m W x 40.0m high at the highest point stepping down to 31.2m along Pavilion Road, with an approximate gross floor area of 10,824sqm GEA residential use and 700 sqm GEA commercial / retail use. 67 car parking spaces, including five disabled access, are provided at ground first floor levels, and 205 cycle spaces.
- 181 The building would contain vehicle and cycle parking, commercial floor space, back of house and plant spaces, access and support facilities at the ground floor, additional vehicle parking and resident amenity space at first floor level followed by 11 levels of mixed sized residential units and associated roof top plant / terrace areas. The layout shows that it would contain predominately one bed flats and two bed flats to include approximately 169 residential units.
- 182 At ground floor (only), the proposal include space for flexible commercial uses to include commercial and food and drink uses as well as residential amenities at ground and first floor. The proposal would also include provision of associated car parking and cycle storage at ground and first floor level, accessed via a new access from Pavilion Road.
- 183 It is suggested that *“to help provide a greater sense of privacy and protection from the increased noise on a match day, the residential accommodation has been elevated to start at the second floor”*.
- 184 The residential accommodation is proposed in a single building varying in scale to help moderate the overall impact on the surrounding area whilst providing adequate enclosure to the residential site and private courtyard space.

- 185 The 'L' shape form presents its smallest end elevation towards river and provides an elegant insertion to the existing context. The building attains a high point on the river front and continues the roofline established by the Bridgford House development. The building form then terraces down to the south, helping to moderate its impact and presence within the immediate area.
- 186 The design and access statement also states that *"this siting is also designed to maximise views towards the River Trent both directly and through oblique views. The use of an 'L' shaped building creates a semi-enclosed courtyard which forms the heart of the residential development providing private a small proportion of external amenity space for resident's use"*.
- 187 The 'L' shaped footprint would broadly mirror the form and relative scale of Bridgford House adjacent. This helps to enclose the private courtyard space while providing adequate space between the two developments; minimising the overall impact of by reducing overshadowing and allowing more daylight to reach the internal courtyard and dwellings of both developments.
- 188 Illustrative drawings show that a subtle curve could be employed in the building form to echo the curved form of Bridgford House. The proposed stepped massing is designed to respond to the surrounding context; concentrating the highest point towards the river and adopting a similar height to the adjacent Bridgford House and proposed new Peter Taylor Stand. It then reduces in scale towards the residential properties to the south. The 'L' shaped form presents a taller, yet slender building form to the river and an elegant, sensitive backdrop to the existing boat clubs.
- 189 Whilst acknowledging that the site does not form part of a city centre (where a higher density of development is expected), the overall massing of the proposed residential building is comparable to the established principle of higher density, taller and landmark buildings on the south side of the river; including Bridgford House, the Radcliffe Road Stand at Trent Bridge Cricket Ground, Trent Bridge House and the City ground itself. It is considered that its overall scale and massing would not be contrary to character of development in the immediate vicinity and would help to define its urban context, rather appear out of proportion or incongruent.
- 190 Whilst the overall scale of the apartment building would be at odds with the smaller boathouses along their inherent function as a boathouse to primary provide storage and boat access onto the River Trent would be largely be unaltered. The boathouses are already viewed in the contexts of the City ground and Bridgford House.
- 191 In combination, views of the replacement stand would clearly be made in the context of the existing ground. Views of the proposed residential building would be made in the context of both Bridgford House and the City Ground, all of which would be similar in height.
- 192 The proposals are therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure that proposals will not impact on the amenity of any adjoin properties, provides a suitable means of access, provides sufficient space for ancillary amenity and

circulation space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

### **Impact on Assets of Community Value (ACV)**

- 193 The Localism Act 2011 places a requirement on each Local Authority that it must maintain a list of land in its area that is land of community value. Once listed the land remains for a period of five years. In this instance, the Britannia Boathouse (which is occupied by Nottingham Rowing Club) forms part of the application site. It is identified as being part of a wider ACV that includes the three other detached boathouses fronting onto Trentside North (occupied by both Nottingham and Union Rowing Club and Nottingham Rowing Clubs). Its designation ends on 12.03.2024 (ACV 40).
- 194 As part of the proposals for the replacement stand, it proposed to demolish the Britannia Boathouse (which is occupied by Nottingham Rowing Club) to enable the development of the larger replacement stand and for the formation of a plaza between Trentside North and Pavilion Road. The legislation does not prohibit the demolition of an ACV. The Localism Act 2011 is aimed at preventing the sale of such community assets unless and until a community group has had the opportunity to bid to acquire them, rather than being focussed on the physical retention of their built form. However, the demolition of the boathouse and its loss as an ACV does fall within the scope of the planning system and therefore consideration of this matter must be taken in accordance with the development plan unless material considerations indicate otherwise.
- 195 In terms of planning policy, Policy 30 - Protection of Community Facilities of the adopted Rushcliffe Local Plan Part 2 also comments about the loss of such facilities. It states that new development resulting in the loss of facilities should not be granted unless:
- a. alternative provision exists with sufficient capacity which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys.
  - b. alternative provision will be provided as part of the redevelopment of the site.
  - c. alternative provision will be provided in an appropriate location which can be reasonably accessed by walking, cycling or public transport and would not result in a significant increase in car journeys; or
  - d. it has been satisfactory demonstrated that it is no longer economically viable, feasible or practicable to retain the existing community use and its continued use has been fully explored.
- 196 Similarly, paragraph 93 of the NPPF states *“that planning polices, and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet day to day needs”*.

- 197 As part of the proposals the applicant has agreed to provide replacement facilities that would be equal to or better than those already provided. Whilst some alternative locations have been discussed (within proximity of the site), no confirmed alternative site or facility has been provided at this stage. The applicant's approach is to provide alternative facilities prior to the demolition of the Britannia boathouse which would be secured through a legal S106 agreement. It would mean that no construction works for the replacement stand would commence until such time as replacement facilities are in place and are operational. It is considered that this approach would ensure that alternative provision would be provided in accordance with Policy 30 - Protection of Community Facilities.
- 198 Nottingham Rowing Club support these proposals and the method of securing replacement facilities.
- 199 Sport England have commented that they do not object to the replacement of the boathouse but suggest that the appropriate consents should be obtained / including planning permission for a replacement boathouse prior to the loss of the existing facilities. The approach by the applicant would achieve this by ensuring replacement facilities were in place prior to demolition. Sport England have subsequently commented that they are agreeable with this approach.
- 200 Comments have been made in respect of the potential impact the proposals would have on the future development of the adjacent boathouses which form a part of the existing ACV. They assert that a comprehensive development for the entire area should be proposed, and that the proposals are incompatible with the future use and development of adjacent boathouses.
- 201 There are no policies in the adopted Core Strategy (Part 1) or in Part 2 of the Local Plan which require a comprehensive development of the City Ground and the boathouses together. Similarly, the associated proposals maps do not define a comprehensive development area which comprises or includes both the City Ground and the boathouses. As such, there is no policy grounds for refusing planning permission on this basis.
- 202 In any event, the City Council is the landowner of both the boathouses and the application site. The application has been submitted in the full knowledge of the impact the proposals would potentially have on the existing boathouses on Trentside North.
- 203 Policy 31 – Sustainable Tourism and Leisure of the Local Plan (Part 2) states that *“Across the Borough the Council will resist planning applications which will have a significant adverse impact on tourist and leisure facilities, but with particular protection applied to valued attractions such as the internationally significant Trent Bridge Cricket Ground and Nottingham Forest’s City Ground sports stadiums, the National Water Sports Centre and the Grantham Canal, Nottingham Transport Heritage Centre and Great Central Railway”*. Clearly, the intention of this Policy is for the protection of Nottingham Forest’s City Ground as a *“valued attraction”* rather than the existing boathouses.
- 204 In relation to the planning history of the adjacent boathouses, there are no applications determined (or any current applications) that would actively affect the future development of the housing or the proposed replacement stand.

Conversely, there are no approved details for the extension or the redevelopment of the boathouses against which to consider the current application submitted by NFFC.

- 205 Clearly, the residential element would be in relatively close proximity to the rear (west) boundary of the existing boat clubs. However, it would not affect its status as an ACV. There is one window on the rear elevation of one boathouse that would be affected, but as a commercial building this would not lead to any loss of residential amenity. Access to and from the boathouses would not materially change as a result of the proposals. Whilst the proposed apartment building would be much greater in scale than the existing buildings which it would replace, it is considered that the proposals would not be incompatible with adjacent land uses.
- 206 In summary, it is considered that appropriate measures can be incorporated with a grant of planning permission to secure replacement facilities for the part of the ACV that would be lost as part of the NFFC proposal. There is no policy requirement for a comprehensive development proposal for the wider area. In addition, it is considered that both the replacement stand, and the residential element would not be incompatible with adjacent land uses and would not unacceptably affect their continued use. The development would therefore accord with Policy 30 - Protection of Community Facilities.

### **Highway Safety and Car Parking**

- 207 It is proposed that an additional 5,000 spectator capacity stand would be formed together with 170 apartments as the residential element and seven retail units.
- 208 The design of the vehicle access and the layout of Pavilion Road has been amended, following discussions with the Highway Authority. The key changes within the existing highway boundary include creating a priority arrangement at Pavilion Road (East) so that vehicles approaching from the east have to give-way to vehicles approaching from Pavilion Road (West).
- 209 The applicant acknowledges that the revised highway and access layout would be designed in greater detail following any granting of planning permission, and form part of a S278 highways agreement with the County Council as Highway Authority.
- 210 Access is one of the reserved matters, to be considered at this stage with regard to the apartment building which would also contain retail units at ground floor. Consideration of the highways aspects include the parking and turning provision for all of the proposals and the impact the development would have on the wider highway network including different modes of transport.
- 211 Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies requires all new development to secure a suitable means of access without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

- 212 The replacement stand would not change that the principal site access into the site via Pavilion Road. It would be through a new manned gate and control booth into the plaza area. Similarly, the existing car parking to north of the Brian Clough stand (accessed off Scarrington Road) would remain unaffected by the proposals.
- 213 The main change in respect of car parking for the proposed replacement stand would be the existing car park accessed from Pavilion Road. By virtue of the replacement stand and the plaza taking up much of the existing staff and visitor car parking area, the number of car parking spaces would be reduced significantly. Out of the 171 existing car parking spaces, 35 would remain. The remaining car parking area would be re-configured to include a coach drop-off facility and a turning area together with disabled spaces. New car parking spaces would be formed on the south part of the plaza which would only be accessible on non-match days (prioritised for disabled persons, match officials and select hospitality members), with security bollards restricting vehicular access. Access would be managed by a secured manned gate on Pavilion Road.
- 214 The proposal would continue to make use of a secondary access for service vehicles located on west side of Trentside North on the southwest corner of The Peter Taylor Stand. This access would be broadly on the site of the existing Britannia boathouse which is proposed to be demolished.
- 215 The existing cycle parking facilities on Trentside North and the main car park (behind the Brian Clough Stand) would be replaced, and new cycle stands provided. This would increase the number of cycle spaces across the site from 24 to 30 to support the increased capacity of the Ground.
- 216 The applicant has advised that there will be no change in delivery and servicing trips related to the proposed stadium development. Any increase in the number of goods delivered or waste collected would be consolidated within the existing activity.
- 217 All coach movements in the plaza on match days would continue to be managed by stewards.
- 218 In relation to the proposed apartment building (including the ground floor commercial element) 67 car parking spaces (including five disabled spaces) and 170 cycle spaces would be provided. The car parking spaces would be located within the lower floors of the building.
- 219 The main pedestrian and cycle access for the proposed apartment building would be from Pavilion Road with a secondary access from within the car park area. Vehicle access to the residential parking spaces would be from a new access on Pavilion Road and would be located approximately 30m south of the main access to the Peter Taylor Stand.
- 220 A new route for pedestrians and cycles accessing the residential units will be created from Trentside North through the plaza area and onto Pavilion Road.
- 221 A potential area for ground floor commercial uses in the residential element of the scheme fronting the new plaza has been incorporated. The facades to the commercial uses are shown indicatively to be recessed and accessed via a

colonnade beneath the upper floors on the northern elevation. This would provide pedestrian access. At ground-floor level, the commercial space has been limited to 381sqm . The space has been described as flexible floorspace intended to provide flexibility for active use along the plaza. It is anticipated that the end users are most likely to be office, function space or food and drink uses associated with the functions of the Club, or as further ancillary facilities for the residential uses above. Servicing will be achieved via the adjacent proposed plaza.

- 222 A total of 205 cycle parking spaces in the form of Sheffield Stands are proposed and would be located securely at ground floor level to serve the proposed apartments.
- 223 Waste storage will be provided at ground floor level. On collection days, bins would be moved from the storage area by a management company to refuse collection vehicles stopping kerbside on Pavilion Road in the area close to the vehicle access point.
- 224 The applicant has submitted a Transportation Assessment. It considers the existing baseline conditions with regard to the pedestrian and cycle networks, public transport facilities and the highway network including an analysis of accidents occurring within the vicinity of the site over the last five years. It then goes onto consider additional trip generation (including walking, cycling, public transport, vehicular and servicing) and an assessment of the impacts of the proposed development on match days and non-match days, together with any mitigation measures that may be required.
- 225 It in terms of additional vehicle movements, a highway impact assessment at the Pavilion Road / Radcliffe Road and Scarrington Road / Lady Bay Bridge junctions was undertaken as part of the Transportation Assessment in the context of non-match days and considers the impact of the proposed residential development, as well as that proposed by the redevelopment of the stand on non-match days, such as the hosting of events. The analysis concludes that the proposed development would not have a significant impact on the highway network.
- 226 A multi-modal trip generation assessment was also carried out to consider the increase in spectator capacity. The assessment concluded that the *“predicted increase in trips associated with the proposed development would not have a significant impact on the local transport network. With a proposed reduction in parking capacity on-site, the increase in highway trips generated by the stadium on match days would be distributed over a wide area.”*
- 227 In terms of parking demand in this location, it is estimated by the Highway Authority to be 0.74 spaces per unit based upon 2011 census data. The level of parking proposed represents 0.39 spaces per unit. This represents a theoretical shortfall of spaces, and the Highway Authority confirm that this shortfall is likely to generate and overspill parking issues, where residents who cannot park on-site attempt to park on-street which then creates a safety issue.
- 228 The Transportation Assessment explains that *“the proposed parking level of the current scheme therefore represents a theoretical shortfall of spaces, where residents who cannot park on-site attempt to park on-street which then creates a safety issue.”*

- 229 However, the Assessment considers that the package of mitigation and Travel Plan measures being put forward, combined with the wider accessibility of the site, will make the apartments attractive to non-car owners. The Assessment also comments that the limited on-site parking and the restriction of the ability of future occupiers to have on-street permits will deter car owners from purchasing the apartments. This would be backed up by the suite of travel planning measures proposed. In addition, it is stated that the site location is *“ideally suited to future occupiers who do not own cars given the ability to walk, cycle and use public transport for nearby day to day facilities and to access the wide range of facilities and employment locations within Nottingham City Centre.”*
- 230 To mitigate a deficit in parking provision, measures have been set out in a Travel Plan which aims to provide *“provide residents, employees and visitors with all the information they need to make sustainable travel choices easier from the outset before travel habits become entrenched.”*
- 231 The Travel Plan that the applicant would appoint a principal (site-wide) Travel Plan Co-ordinator who will act as the promoter of the Travel Plan to secure its implementation, as well as being the key contact for residents, employees, and visitors at the site.
- 232 In terms of marketing and promotion NFFC will prepare a Travel Information Pack highlighting the objectives and philosophy of the Travel Plan, which will include promotional information in relation to cycling and walking, as well as details relating to public transport and local car share schemes.
- 233 The sale of the residential apartments would contain a Travel Information Pack describing each aspect of the Travel Plan to explain the benefits to prospective purchasers. Potential residents would then be made aware of the travel arrangements and the access options serving the site from the outset.
- 234 The Travel Plan would include measures to promote walking and cycling highlighting Walking and cycling infrastructure improvements, including improvement to Lady Bay Bridge, upgrading the Grantham Canal footpath, improvements to pedestrian facilities, such as dropped kerbs, tactile paving, and improved road crossings along the route to/from the City Centre and Nottingham station; and the provision of signage and wayfinding. It would also include promotional information on public transport by providing details on where to obtain current timetable information for local bus and rail services. The Travel Information Pack would also include details on where to obtain current timetable information for local bus and rail services as well as Nottingham’s journey planner. In addition, the Travel Plan Co-ordinator would offer personalised travel planning guidance to employees and residents and this will be promoted through the Travel Information Pack and the quarterly Travel Plan newsletter that would be combined with information regarding any incentives available such as public transport/cycle vouchers, shuttle bus services, etc.
- 235 It is stated that the applicant would also provide bus taster tickets up to the value of £25 per adult to full-time employees and residents at the site to trial commuting by bus.

- 236 In addition, spectators using the Nottingham Express Transit (NET) trams on match days are already able to use their matchday/season ticket to get a free shuttle bus to/from Trent Bridge. Buses run every 10 minutes from two hours before kick-off to an hour after the football game ends. Non-tram users and other matchday/season ticket holders can use the bus for £1 each way. This would be promoted as part of the travel information provided on NFFC's website/phone app. NFFC would also provide interest free season ticket loans for permanent employees to cover the cost of public transport annual season tickets.
- 237 In terms of coach travel to home games and events, it is advised that the applicant would continue actively to promote coach travel and to provide coach parking on-site for the Newark, Grantham, and Retford supporter clubs, as well as visiting coach parking on site.
- 238 In terms of car sharing, it is stated that car sharing, and car clubs can provide an effective alternative to car ownership and the extent to which they can save on the associated running costs of a car and on parking charges. The Travel Plan details that the applicant has approached Enterprise Car Club regarding provision of a car club facility within the development for residents, and that initial feedback from Enterprise, who also runs the car club spaces in the City, is that this development could support two to three car club spaces.
- 239 In terms of the promotion of electric vehicles, electric vehicle charging infrastructure will be provided within NFFC's parking area and at the proposed residential development. In this context the Nottinghamshire Highways Design Guide also requires all new developments to integrate Electric Vehicle Charging Points.
- 240 In terms of monitoring, it is anticipated that the applicant would assess the outcomes of the travel plan are assessed regularly and a report submitted to the Council.
- 241 The Transport Assessment comments that in certain scenarios such as the entire building being used for private rent, that the overall parking demand would be reduced, but there is no certainty that will be the case and no conditions or legal agreement restricting its use or occupation are proposed. The Assessment also states that having less parking would align with the climate emergency declared by both Nottingham County Council and Rushcliffe Borough Council, and that the parking requirement provides a degree of amenity for existing residents, and it is not possible to quantify accurately any saving in Co2 emission given that there is no limits on the types of vehicles that occupiers can use.
- 242 The Highway Authority has reviewed the proposals. The initial consultation response objected to the proposals on the basis of access, arrangement, parking, the assessment method to assess additional penetration and traffic impact, and the mitigation measures for both the replacement stand and the residential element.
- 243 In response to these objections, access arrangement to the proposed replacement stand have been modified. In relation to the residential element, the proposals were also revised to include a reduction in the number of residential units from 250 to 170, and an increased the number of parking bays

to 67 additional together with 205 cycle spaces. Following re-consultation the Highway Authority, commented that *“the parking ratio of spaces per unit is still well below what we would expect to see for a development of this kind in the proposed location.”*

- 244 In order to provide mitigation for the traffic impacts associated with the scheme as a whole, the Highway Authority recommended a number of measures that need to be implemented. The applicant has agreed with the measures suggested.
- 245 In terms of the proposed replacement Stand, the highway authority does not object on the basis that financial contributions are made towards Matchday Traffic Regulation Orders, match parking permits, a contribution towards improved bus services, electronic transport displays, a footpath upgrade to Grantham Canal, and contribution towards cycle access. These contributions total £1.555M and have been agreed with the applicant.
- 246 In terms of the proposed residential element (including the commercial units), it is considered that Traffic Regulations Orders are required on Fox Road / Radcliffe Road in order to manage overflow car parking from the proposed residential development and residential parking permit which would ensure that on-street parking along the streets closest to the application site are only used by local residents. The applicant agrees to the contributions totalling £80,000.
- 247 The Highway Authority also advise that a series of conditions are put in place to secure the necessary parking and turning area prior to occupations and that the wider mitigation contained with the submitted Travel Plan are realised.
- 248 Nottingham City Council were also consulted about the proposals. Their initial response indicated that further mitigation is required in the form of junction improvements, compensatory improvement to bus services and other transport links as well as improvements to Trentside North. Following recent discussions, it was acknowledged that Nottingham City Council themselves own Trentside North (with the applicant being one of the lease holders). It was considered that any improvements to Trentside North could be dealt with separately in its capacity as the landowner. In terms of the mitigation measures, it was agreed that this should be focused on pedestrian junction improvements between Nottingham City Centre / Nottingham Train station and the application site. It was considered that a proportional sum (as a result in the proposed increase in capacity of the Stand, by 5,000 seats) be paid towards junction improvement along the A60. Nottingham City Council no longer object to the proposals based on securing these contributions.
- 249 Highways England do not object to the proposals.
- 250 On the basis that the mitigation measures are secured and are appropriately managed, it is considered that the proposed access arrangements for the application accord with the requirements of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which seek to secure a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

## **Economic Impact**

- 251 The applicant has prepared an Economic Impact Analysis to demonstrate the benefits of both the residential element and the proposed replacement stand on the local economy.
- 252 It is based on an increased capacity of the stadium to 35,000 people and occupation of the 170 apartments adjacent. It has estimated the impact on the local economy by considering employment through:
- (a) temporary construction
  - (b) direct employment by the club
  - (c) additional expenditure on goods and services locally; as well as
  - (d) visitor expenditure in the local economy (on match days and non-match days).
- 253 For each type of impact, the Analysis has estimated net additional employment and net additional Gross Value Added (i.e. how much it would add finality to the local economy).
- 254 The Economic Impact Analysis document has been updated to reflect present market conditions and the baseline conditions of NFFC's recent promotion to the Premier League.
- 255 The document has also considered various scenarios including:
- (a) if no development took place
  - (b) if the club continues within the Premier league; and
  - (c) if the club is playing a lower tier of football.
- 256 In terms of the construction impact, it is considered that 253 additional jobs (net) would be sustained through the construction period with the overall capital expenditure expected would be in the region of £94.4m. It is noted that the application is supported by an Employment and Skills Plan which commits to training and apprenticeship opportunities for local people. It should be noted that this is a worst-case scenario whether the club is playing the Premier League or Championship.
- 257 In terms of direct employment, the most up to date figures indicate that the Club presently employs 142 non-playing staff, 321 temporary or casual staff and 70 playing staff. As a result of the proposals, it is anticipated that there would be 100 new full time (non-playing) jobs created and a 20% increase in temporary or casual staff (64 new positions). This estimate is made on the basis that the stand is completed and Premier League football is maintained. If the club is playing in the Championship, employment figures are reduced.
- 258 In terms of supply chain expenditure (the money the club spends on local good and services) it is stated that the Club spend in the region of £4.1m per annum. With the completion of the stand and Premier League football achieved, it is anticipated that that supply chain expenditure would increase to £7.56m per annum. It is stated that this could sustain at least 63 new jobs in the local economy.

- 259 In terms of matchday visitor expenditure (money spent outside the ground) it is anticipated that once the stand is completed that an additional spend on goods and services outside the ground would be in the region of £55.6m per annum. It is estimated that this could sustain between 600 and 800 existing jobs. This amount is reduced by around 20% if NFFC reverts back to Championship football but this needs to be balanced against the greater number of home games in the Championship.
- 260 The assessment has also considered the impact new conference facilities would have on the wider economy and the impact of non-match day events such as concerts. It is suggested that the combination of these could add £3.68m to the local economy per annum and support up to 120 jobs.
- 261 In summary, many of the proposed economic benefits will be realised as a result of Nottingham Forest's recent promotion to the Premier League. Nevertheless, based on the most up to date figures it is considered that the development overall, would contribute £79m to the local economy per year until 2034 and would create 264 new jobs.
- 262 The assessment also highlights some non-quantified impacts. They include the long-term commercial sustainability of the Club, creating a substantially enhanced experience for all visitors, the potential to create non-match day events and inward investment opportunities as a result of the expanded conferencing facilities.
- 263 The Council's Economic Growth Manager has reviewed these proposals and agrees with the conclusion of the assessment.
- 264 Clearly, the wider economic benefits weigh significantly in favour of the proposal and this needs to be considered as part of the planning balance.

### **Neighbouring Amenity**

- 265 In terms of amenity this application forms a full application for the proposed replacement stand and an outline application for the proposed apartment building (which includes layout). The potential impact on neighbouring amenity from both the stand and the apartments can therefore be considered at this stage.
- 266 Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies seek to ensure that proposals will not adversely impact on the amenity of any adjoining properties.
- 267 The proposed replacement stand would be significantly taller than the existing stand and would also have a larger footprint. The proposed residential apartment block would have a height of 40m based on a L-shaped footprint. Owing to the relative size of the proposed buildings and proximity of existing residential properties there is the potential for the proposals to have some effect on the amenity presently enjoyed by existing residents.
- 268 There are residential properties close to the application site to the south along Rosebery Avenue which consist primarily of two-storey semi-detached

housing. The rear gardens of the properties forming the north side of Rosebery Avenue back onto the existing car parking area associated with the City Ground. The extended stand would cover a large proportion of the existing car park. On the northern part of Colwick Road, there are also residential properties directly alongside the existing stadium (the end of Colwick Road gives access into the Bridgford Stand).

*The effect of the proposed replacement stand*

- 269 The applicant has submitted a detailed Sunlight and Daylight Assessment based on the methodologies set out in the BRE Guidelines (2011). It assesses the extent of the proposed replacement stand and apartment building against the position of existing windows facing onto the application site in terms of a loss of day light, sunlight, and overshadowing.
- 270 It notes that the majority of properties along both Rosebery Avenue and Colwick Road are to the south of the application site and therefore, the opportunity to affect levels of sunlight are limited.
- 271 In terms of daylight, an assessment (based on a computer model) has been made of each window that would face towards the application site on all adjacent residential properties. The conclusion is that out of the 174 habitable rooms assessed, 162 rooms would meet the above criteria or will see no change from the current daylight value.
- 272 Of the twelve remaining (bedroom) windows, the Assessment comments that eleven would experience a change of a modest 0.1%-0.2%, which would be *"imperceptible to the occupants"*. The remaining bedroom that would form part of The Waterside development (Ref: R20/F01) would experience an alteration of 0.4%, which may be noticeable to the occupants which falls marginally below the target for bedrooms.
- 273 In term of sunlight, almost all of the residential properties would not be adversely affected by any significant loss of sunlight because they are located to the south of the application site. As part of the assessment, of the 104 windows assessed for the sunlight criterion, 103 would meet the numerical targets set out under Section 3.2.11 of the BRE Guidelines. The only affected window would be located on the north-east (rear) elevation of Bridgford House which serves a bedroom located on the first floor. It would see a reduction in annual sunlight of around 23% and retain a value of 20% against the BRE's suggested 25% target. The BRE recognises that receipt of sunlight to bedrooms is less important (Section 3.2.3, BRE Guidelines).
- 274 In terms of overshadowing an assessment has been made of Sun Hours on Ground (SHOG – overshadowing) in accordance with the BRE Guidelines. The BRE Guidelines recommend that at least half (50%) of an amenity space should receive at least two hours of direct sunlight (measured on 21st March). With regards to spaces where the existing sunlit area is less than half of the area, the area which receives two hours of sunlight should not be reduced by more than 20%.
- 275 The Assessment identified the following properties (including garden ground) which are located in area have the potential to be affected by overshadowing: 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27 and 31 Rosebery Avenue; and

13, 15, 17, 19 and 21-23 Colwick Road.

- 276 The report comments that due to the distance to and orientation of existing dwellings in comparison to the proposed development all the amenity areas tested will comply with the BRE Guidelines.
- 277 The Sunlight and Daylight Assessment report does not consider the physical massing of the proposed replacement stand in close proximity to the boundary of existing residential properties. Whilst there is already a stand in place and the residential properties already back onto the City Ground, the proposed replacement stand would be much closer to the boundary and would be much taller.
- 278 Representations have been made from neighbouring occupiers, particularly 27 Rosebery Avenue that state the proposed replacement stand would have an overbearing impact.
- 279 It is acknowledged what whilst the technical analysis of sunlight and daylight would not (overall) have a significant harmful impact on neighbouring properties, the proximity of the replacement stand, and its scale would have an effect on the outlook from these properties that backs onto it and appear as overbearing in terms of their overall enjoyment. This need to be considered as part of the wider planning balance.

*The effect of the increased use of the application site*

- 280 The proposals include increasing the capacity of the overall stadium by 5,000 people and the development of 170 apartments which would bring about additional visitor movement within the immediate area beyond the current use of the site.
- 281 The applicant has submitted a Noise Impact Assessment which considers the potential operational noise impact at nearby noise sensitive receivers (NSRs) during match-days and non-match day events. Such impacts can include noise from mechanical plant and equipment, crowd noise and overspill from the public address (PA) system. Additionally, the assessment looks at the potential noise impact of the existing noise climate upon the proposed residential scheme.
- 282 It concludes that there would be a limited overall noise increases as a result of the proposed stand. It notes that the height of the proposed replacement stand would provide useful shielding from matchday activities such as crowd noise and public address announcements from the wider area. However, given the close proximity of the proposed apartment building, it is recommended that "*robust laminated glazing*" be required for the façade of the proposed residential development to limit noise disturbance.
- 283 Other assessments have been made in relation to non-match day and the impact on the wider area indicate all activities would be within acceptable levels. It is suggested that noise levels from machinery could be mitigated during construction as part of a further construction management plan, should permission be granted.
- 284 In summary, the Assessment concludes that "*the proposed development is*

*therefore considered suitable in terms of noise and planning, and acoustic concerns are not considered to represent any barrier to development".* The Council's Environmental Health Officer agrees with the content of the report.

- 285 Based on all the available information your officers consider that the increase in capacity would not cause significantly more harm to the overall amenity enjoyed on match days (assuming that the additional 5,000 seats are filled). Similarly, the increase in resident movements associated with the apartment building would be somewhat detached from the existing dwellings (compared to the stand). Officers also consider that the proposed means of vehicular and pedestrian access would not harm the amenity of existing residents in the immediate surrounding area.
- 286 It is proposed that the ground floor of the proposed apartment building would contain eight retail units. It is considered that sufficient measures could be put in place through pre-commencement conditions to ensure that any potential noise associated with the ground floor retail units within the residential building can be appropriately managed through design and restricted opening hours.
- 287 Your officers do not consider that the proposed replacement stand would create issues of direct overlooking as its inherent design is to focus spectators towards the pitch. There would be 52 metres between the proposed apartment building and Bridgford House to the rear (west). Whilst there are no defined spacing standards relating to apartment buildings at this scale, it is considered that an appropriate level of separation would exist to limit direct overlooking. Given that the two buildings do not align directly opposite one another and given the wider urban location where there is a relatively high density of development, your officers have concluded that an adequate degree of privacy would be retained for all residents.
- 288 Similarly, it is considered that future residents of the proposed residential apartment building would be afforded sufficient amenity.
- 289 To protect amenity by any potential contamination, the Council's Environmental Health Officer recommends a condition requiring a Remediation and Validation Assessment, which would be carried out before any development commences (as also requested by the Environment Agency recommendation).
- 290 With the exception of the overbearing impact the replacement stand would have on adjacent occupiers, it is considered that the proposals would accord with the requirements of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

### **Flood Risk and Drainage**

- 291 Core Strategy Policy 3 parts 6 and 7 require that new developments should avoid areas of flood risk and that where no reasonable site within Flood Zone 1 is available, development proposals in Flood Zone 2 and 3 will be considered on a sequential basis in accordance with national policy.
- 292 The site is located within Flood Zone 3a (but defended). The Strategic Flood Risk Assessment (SFRA) (updated 2017) also identifies the site as being within an area, which, if the defences were breached, floodwater could reach the proposed replacement stand and the proposed residential apartment building

depth during a 1 in 100 years flooding event (when applying worst case climate change scenarios of +50% of rainfall (as is required to assess the proposal for the lifetime of the development in the Humber Catchment)).

- 293 Notwithstanding the presence of existing defences, as the site is within Flood Zone 3a those elements of the proposal that are vulnerable to this level of flood risk must meet the sequential test. The applicant has provided information to allow the sequential test (as part of the Flood Risk Assessment) to be considered.
- 294 As stated within paragraphs 158 and 159 of the NPPF, the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The NPPF comments that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with lower risk of flooding.
- 295 Whether a new development is acceptable within a flood risk area will depend on the development proposed (its vulnerability to flooding) and the level of flood risk within the location (the flood zone). Table 3 within the NPPG identifies that assembly and leisure facilities are less vulnerable to flood risk and appropriate in Flood Zone 3a. As such given that there is no reasonable alternative to the redevelopment of the Peter Taylor Stand (other than relocating the entire stadium), it is considered that this element would pass the sequential test.
- 296 However, residential development is much more vulnerable and is considered to be inappropriate within Flood Zone 3a. As such, the sequential test must establish that there are no reasonable available alternative sites within Flood Zone 1, or if necessary, Flood Zone 2. Alternatively, it must be established that the sustainability of the location within West Bridgford justifies its location within Flood Zone 3a. The applicant should consider the spatial distribution of development within the adopted Core Strategy and its preference for development within the main urban area. Critically it must be established that the need for the development (enabling the redevelopment of the Peter Taylor Stand) can only be delivered through the residential development of this site and no other sites could achieve this objective.
- 297 Paragraph 163 of the NPPF states that *“When determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.*
  - b) *the development is appropriately flood resistant and resilient.*
  - c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.*
  - d) *any residual risk can be safely managed; and*
  - e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

- 298 The site is located within Flood Zone 3 (associated with the River Trent) and is, therefore, at a high risk of flooding (1 in 100 or greater annual probability of river flooding). However, this classification does not consider the existing flood defences located along the southern edge of the River Trent. Within the site there are no areas that are of less risk of flooding.
- 299 Following the receipt of an updated Flood Risk Assessment, the Environment Agency have confirmed that it does not object to the proposal subject to the development being in accordance with the recommendations within the FRA which includes the provision that the floor levels are raised as stated in the Flood Risk Assessment and flood resilience methods of construction are utilised. Whilst the design and appearance for the residential elements are reserved matters, it is considered that the application can be determined subject to conditions to mitigate such matters. With regard to the stand element of the application, it is considered that a water entry strategy is adopted for the ground floor of the new stand. In a flood event flood water would occupy the public concourse, entrances, and players tunnel in order to offset the loss of flood plain storage caused by the increase in built footprint.
- 300 The submitted information provides an outline of the contents required for a Flood Evacuation Plan. Such a Plan details what action residents should take in the event of a flood, flood resistant and flood resilience methods, and a means of egress from the apartments, in the event of a flood. The existing scheme in place for the Stadium will need updating to take into account the additional capacity of the stadium. On the basis the proposal is considered to conform with the requirements of criterion b) of paragraph 163 of the NPPF. The Council's Emergency Planning Officer has raised concerns that the residential element will result in the potential for more people to be living in a flood risk area and whilst concerns have been raised that the escape route would not be dry at all times, the response acknowledges that there is nothing else the applicants could do in the circumstances. An objection to the application has not been raised to the application. A condition is proposed requiring the submission of a Flood Evacuation Plan and its implementation to be given to all future residents of the site. Officers therefore consider that the proposal complies with criterion d) of paragraph 163 of the NPPF but acknowledge that depending on how long after any flood warning any future residents choose to evacuate any residential development will have an impact on the degree of compliance with criterion e) of paragraph 163 of the NPPF.
- 301 For the reasons outlined above, the Environment Agency raise no objections to the proposal subject to conditioning the finished floor levels and flood resilience measures being incorporated into the design of the buildings.
- 302 In terms of drainage, the application was accompanied by a Sustainable Drainage Strategy Report, which set out details of a sustainable drainage system to ensure that surface water run-off rates are at an acceptable level and that surface water is appropriately filtered to prevent pollution of the water environment. Following consultation with Nottinghamshire County Council Flood Risk Management Team as the Lead Local Flood Authority (LLFA), no objections to the surface water drainage proposals for the site are raised. A condition is proposed which would require a detailed scheme for a surface water drainage strategy to be submitted for approval. This approach is

considered to meet the requirements of criterion c) of paragraph 163 of the NPPF.

- 303 Sequentially, the site is located within West Bridgford, a highly sustainable location which has been identified for housing growth even though the site itself is not identified in the development plan. Information has been provided within the FRA and other supporting documentation to demonstrate that there is an enabling relationship effect of the residential development to provide an essential funding contribution towards the cost of the new Stand and there are no reasonable alternatives for the residential units as the applicant has no other landholdings that are suitable for development of the scale required to support the redevelopment of the main stand. Based on this information it is considered that the sequential test has been passed.
- 304 Therefore, the exception test needs to be applied. Paragraph 160 of the NPPF states that *“The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:*
- a) *the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
  - b) *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”.*
- 305 As part of the application process, additional information has been sought to allow the application to be assessed against the sustainability objectives of the Local Plan. It is considered that the justification for the wider sustainability benefits to be provided by the redevelopment of a brownfield site for residential use would help increase housing provision across the Borough and within the sustainable location of West Bridgford and help cross subsidise the improvements to the City Ground. Equally it would provide wider community, cultural and educational benefits, additional employment generation and economic development.
- 306 As detailed above, the Environment Agency and the Lead Local Flood Authority are both satisfied (subject to conditions) that the proposal would not impact on the site’s propensity to flood. Whilst the Emergency Planner has raised concerns, it is recognised that flood risk and evacuation has been considered and they have not objected to the proposal. For these reasons it is considered that the proposal complies with paragraph 160 of the NPPF and therefore that the exception test is also passed.
- 307 The Emergency Flood Officer does not object to the proposals on the basis that a flood evacuation plan is provided. This can be secured by condition.
- 308 In respect of flood risk, subject to conditions, the proposal is considered to comply with the requirements of paragraphs 160 and 163 of the NPPF and also to comply with Policy 2 of the Local Plan Part 1 and Policy 17 of the emerging Local Plan Part 2.

## Heritage

- 309 In respect of heritage, the relevant policies of the development plan comprise of Policy 11 of the Rushcliffe Local Plan Part 1: Core Strategy and policies 28 and 29 (Historic Environment: Conserving and Enhancing Heritage Assets and Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. National policy is contained within Section 16 – Conserving and Enhancing the Historic Environment of the NPPF.
- 310 The application site is not located in a Conservation Area and there are no designated or non-designated heritage assets are present on site.
- 311 The nearest listed buildings are found nearby at Trent Bridge (Grade II listed), the Old Trent Bridge Flood Arches (Grade II) and a Grade II Listed War Memorial on Bridgford Road in West Bridgford. There are a few other listed heritage assets further afield on both sides of the river but have limited impact in terms of their setting.
- 312 The proposed development would not be directly adjacent to any of these buildings. Although both the replacement stand and apartment building would of a significant scale, the potential impact on the setting of heritage assets is limited due to the position of other buildings between the application site and the listed buildings. As such, there is limited opportunity to be viewed in context of one another.
- 313 At certain positions, the proposed stand and apartment building could be viewed from Tent Bridge. However, it is considered that the design of the stand and the overall intended form and scale of the apartment building would not have a harmful impact on the character and appearance of Tent Bridge or harm its inherent character.
- 314 It is considered that the proposals would not therefore harm the setting of the adjacent heritage assets having regard to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 315 The demolition of 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 in 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 has some historic social value as an entertainment venue visited by major artists in the 1960s and 1970s, and was also used by local bands, the Britannia Boathouse has limited architectural or historic value. Its demolition would not harmfully affect the setting of any adjacent listed buildings and its demolition is justified.
- 316 Likewise, the proposals would require the demolition of three existing buildings - the Champions Centre, Club Shop and Storage Warehouse. These are all modern structures and have limited architectural value. The Council's Conservation Officer does not object to the proposals.
- 317 In terms of archaeology, the Conservation Officer advises that the site is not present within an Archaeological Alert Site zone. However, a small

archaeological alert zone is present along the north eastern most boundary where limited archaeological activity was detected in the area of Trent Lock and the Grantham Canal (Historic England's Pastscape records (Monument no. 894383)). In addition, within the stadium itself an archaeological find is noted on Historic England's Pastscape record (Monument no. 894384). To the stadium's south, historic maps indicate one boathouse closest to the site's south boundary as present in 1880: this boathouse pre-dates the football ground's development in the late nineteenth century and continuing into the early twentieth century. The later boathouses were established at the same time; this area encompasses Trent Side North. The area east of these structures was undeveloped until the mid-twentieth century when a small number of buildings and a car park were established.

- 318 An updated Historic Environment Desk-Based Assessment was undertaken by the applicant. It concluded that there is low to moderate potential for the discovery of prehistoric remains and low potential for the discovery of Roman remains at the site. There is also low to moderate potential for the discovery of Saxon and medieval remains, and a moderate potential for the discovery of post-medieval to modern remains. It is suggested that all archaeological matters could be dealt with pre-commencement planning conditions to include a programme of archaeological evaluation prior to development.
- 319 The County Archaeologist comment that it is highly likely that the site will contain river edge and channel deposits, which may be deep, and offer the possibility of well-preserved organic remains, but acknowledge that there is limited scope for further work pre-determination to assess the potential and risk. The imposition of two conditions is recommended by the County Archaeologist should the application be granted. The first for evaluation once the buildings have been removed, which should also include archaeological monitoring of the geotechnical work. The second condition would be for any necessary and appropriate mitigation determined by the evaluation work.
- 320 Subject to the imposition of these conditions your officers consider that the proposal complies with Policies 28 – Conserving and Enhancing Heritage Assets and 29 – Development Affecting Archaeological Sites.

### **Air Quality**

- 321 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.
- 322 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: - *“significant development should be focused on location 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”*.

- 323 Section 15 of the NPPF notes that planning policies should sustain and contribute toward compliance with relevant limit value or national objectives for pollution taking into account the presence of AQMA and Clean Air Zones (CAZ) 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 CAZ is consistent with local air quality action plans. Guidance is also provided in the NPPG on the specific issues that may need to be considered and how air quality impact can be mitigated.
- 324 Policy 41 of the Local Plan Part 2 relates to Air quality Matters. It comments that:
- a. Planning permission will not be granted for development proposal that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emission and impacts have been incorporated.
  - b. In areas where air quality is a matter of concern, development proposals that are sensitive to poor air quality will be required to demonstrate that users or occupants will not be significantly affected by poor air quality or that such impacts can be effectively mitigated.
  - c. Development proposal must not exacerbate air quality beyond acceptable levels either through poor design or as a consequence of site selection.

### **Ecology and Biodiversity Net Gain**

- 325 The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 326 Under Section 40 of the Natural Environment and Rural Communities Act (2006), every local authority has a statutory duty, in exercising its functions, to have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Paragraph 179 of the NPPF states that to *“protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”*.
- 327 Policy 17 of the Local Plan Part 1: Core Strategy requires biodiversity to be increased over the Plan period, for designated national and local sites of biological or geological importance for nature conservation to be protected, and that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value only to be permitted where it can be

demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

- 328 In order to consider the potential impact, the proposed development may have on species and habitats present at the site, the applicant has submitted a Protected Species report and a Biodiversity Impact Report which contains Biodiversity Net Gain Assessment.
- 329 In terms of protected species, the original report submitted in November 2019 identified that the site is not within a statutory nor non-statutory designated site. It states that the nearest statutorily designated site was identified as The Hook Local Nature Reserve 555m east of the site and the Colwick Cutting SSSI, located 1.48km northeast of the site. It concludes that there is no direct links between these designated sites and the application site and that any impacts are negligible.
- 330 The report also showed the site falls within the Impact Risk Zone (IRZ) of Wilford Claypits SSSI, but the proposals are not of a type that is included within the IRZ for this designated site.
- 331 The nearest non-statutorily designated Site identified within the report is Trent Bridge North Local Wildlife Site / Site of Importance for Nature Conservation 140m west of the Site. It is designated for its notable species along Trent North Bank. The report considered that the proposed development is unlikely to cause any impact due to their localised nature. Importantly, the report identifies that no further habitat surveys are required for this site as all habitats present are common and widespread with low floristic value.
- 332 In terms of flora and fauna, the report identified two locations of Japanese knotweed within the application site – one location to the rear of the boat club buildings and, a further location to the east of the site. It is recommended the Construction and Ecological Management Plan would be required to detail the mitigation mechanisms for pollution prevention / silt prevention during works and identifying emergency procedures in the event of an accident dust as a diesel spill and also a Japanese knotweed mitigation plan. The report notes that while the presence of Japanese knotweed would need to be monitored, there is no requirement for further habitat surveys.
- 333 In terms of bats, the site was considered to offer low quality foraging and commuting habitat. Similarly, all trees on site were assessed as having negligible potential to support roosting bats. Nevertheless, bats have been confirmed as roosting in the Britannia Boathouse. It was noted that any demolition or renovation to works the Britannia Boathouse would nevertheless require a separate European Protected Species Licence to authorise the works. The remaining buildings across the site have been identified as having negligible potential for roosting bats and therefore it is stated that no further survey or specific mitigation is considered necessary or proportionate for their demolition.
- 334 Separately, the report identifies that peregrine falcons are known to use the Trent End as a perching site, albeit this site is understood to be infrequent. The report notes the species has not been recorded nesting on site and related to the active use of the stadium with large crowds and associated noise and disturbance. The report concludes that impacts to the species are therefore

considered negligible with no loss of a perch site and no impact to a nesting site. The report recommends daily inspection prior to demolition works commencing.

- 335 The report identified a low residual risk that hedgehogs may be present locally. Whilst these species are not legally protected, the report recommends efforts could be made to minimise the risk of injury or effects on the local population through the requirement for a Construction Environmental Management Plan for the works which considers elements such as dust and pollution and prevention mechanisms as well as protection of wildlife.
- 336 Owing to the dated nature of the original survey, an updated Protected Species report was submitted in June 2022. It confirms that there had been no change to the ecological conditions of the site and that no further surveys were required.
- 337 In terms of biodiversity net gain, two separate assessments have been carried out - one in relation to the proposed replacement stand and another in relation to the residential apartment block. The assessment concludes that the existing residential development site has a baseline biodiversity score of 0.00 units because it primarily contains areas of hardstanding and buildings. It is stated that the residential building could support a green roof seeded with Emorsgate wildflower seed mix and that several small trees could be planted. It is stated that this would mean the development would have a biodiversity score of 0.15 units, which represents a significant increase than the baseline biodiversity score.
- 338 Similarly, the stand development site identifies a baseline biodiversity score of 2.38 units, a low score given the dominance of large building and hardstanding areas. The submitted net gain assessment details that through the planting of sixteen new (medium sized) native species trees (such as beech, oak, and lime) it would increase the biodiversity score (in relation to the stand only) by 0.31 units which represents a 13% increase.
- 339 For both the stand and residential element, it is also advised within each assessment that to maximise the biodiversity value of the proposed habitat creation required a Landscape Ecological Management Plan (LEMP) should be provided which would *"inform the creation and long-term management of the new tree planting and any other habitat features proposed at the site"*. It is also advised that the *"installation of habitat boxes for birds and bats at the site would make potentially beneficial additions for wildlife and therefore should be considered for inclusion within this development"*. It is advised that eight bird and bat boxes should be mounted on peripheral trees located along the eastern boundary of the site or on the two mature poplar trees within the application boundary adjacent to the River Trent.
- 340 The Council's Environmental Sustainability Officer (ESO) has been consulted about the proposals and comments in relation to the Protected Species report that it appears to have been carried out according to good practise guidelines and that favourable conservation status of Protected Species is unlikely to be impacted by this development. In relation to the Biodiversity Net Gain Assessment, he confirms that it demonstrates a net gain.

- 341 The ESO has requested several conditions and notes to the applicants referring to the mitigation measures set out in the appraisal surveys. Therefore, subject to these forming part of the recommendation the proposal is considered to accord with the requirements of Policy 16 of the LPP1 and to accord with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2. Policy 38 seeks to ensure net gain in biodiversity and improvements to the ecological network through the creation, protection, and enhancement of habitats and through the incorporation of features that benefit biodiversity.
- 342 Nottinghamshire Wildlife Trust does not object to the proposals and Natural England has no comments to make.

### **Health and Wellbeing**

- 343 The delivery of healthy sustainable communities is a key priority in Rushcliffe's Sustainable Community Strategy 2009-2026 (December 2009). It is recognised that the built environment plays an important part in people's lives and contributes to quality of life and sense of place.
- 344 At a national level the links between planning and health and wellbeing are found throughout the NPPF (July 2021) and creating and supporting strong, vibrant, and healthy communities is a key element of delivering sustainable development.
- 345 In setting out the overarching objectives of planning to achieve sustainable development, paragraph 8 of the NPPF notes *"a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being."* Furthermore, a section of the NPPF is dedicated to promoting healthy communities and highlights how the planning system can play an important role in facilitating social interaction, reducing inequalities, and creating healthy, inclusive communities.
- 346 Paragraph 92 of the document notes planning policies and decision-making should *"enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling"*.
- 347 Policy 39 (Health Impacts of Development) of the adopted Rushcliffe Local Plan Part 2: Land and Planning Policies *"requires the potential for achieving positive health outcomes will be taken into account when considering development proposals"*.
- 348 The applicant has submitted a Health Impact Assessment which is defined as a *"practical approach that seeks to assess the likely significant specific health impacts and allow an assessment of the overall health impacts of proposals, and in this context a specific development"*. The Assessment considers the

likely impacts of the proposed development on the health of residents in Rushcliffe and prospective users of the development.

- 349 The submission is based on available data from published studies by Public Health England to provide an overview as the basis for the assessment as well as various technical supporting documents to the application.
- 350 The baseline data shows that Rushcliffe has fewer younger residents than the England average in 2016, with fewer 20–39-year-olds than average, but more 40-75-year-olds than average. It also details that deprivation among Rushcliffe residents appears to be significantly lower than the national average, with no areas considered to be in the most deprived quintile.
- 351 The Health Impact Assessment assesses the impacts of the proposed development across 25 criteria relevant to the health of residents in Rushcliffe including impact on housing need, health and social care infrastructure, links to open space, walking, cycling, etc.
- 352 It concludes that in 44% of criteria the development proposal is expected to have a positive impact with 56% expected to have a neutral impact, and that no negative impacts are identified on the basis that any mitigation can be secured via appropriate conditions.
- 353 The proposed development is therefore considered to assist in the delivery of healthy sustainable communities in accordance with the overarching aims of the NPPF and Policy 39 (Health Impacts of Development) of the adopted Rushcliffe Local Plan Part 2: Land and Planning Policies.

### **Waste Management**

- 354 The National Planning Policy for Waste (2014) advises that, when determining planning applications for non-waste development, local planning authorities should to the extent appropriate to their responsibilities, ensure that:
- a. The likely impact of proposed, non-waste related developments on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy (prevention - preparing for reuse - recycling, other recovery – disposal) and / or the efficient operation of such facilities.
  - b. New non waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and in less developed areas with the local landscape. This includes providing adequate storage facilities at residential premises for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service. The handling of waste arising from the construction and operation of development maximises reuse / recovery opportunities and minimises off-site disposal.

- 355 The National Planning Practice Guidance follows this advice and suggests that for proposals that are likely to generate significant volumes of waste through the development or operational phases, it will be useful to include a waste audit as part of the application. This audit should demonstrate that, in both construction and operational phases of a proposed development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner in accordance with the Waste Hierarchy. Your officers consider that waste matters can be adequately considered by way of planning conditions as set out in the recommendation.
- 356 The proposal has considered waste matters. It would be normal practice for the construction management plan to include a requirement for a scheme for recycling / disposal of waste resulting from site clearance and construction works. On a development of this size, it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of residential waste for items which are not covered by the Council's kerbside collection service, e.g. glass and textiles. The subsequent reserved matters application for the residential element of the proposal would ensure that adequate provision for storage facilities at residential premises can be achieved by ensuring that there is sufficient and discrete provision for bins. The road layout would ensure that adequate provision for servicing of the development is achieved. Commercial waste would be collected by private companies is proposed to be covered by planning conditions.
- 357 It is not proposed that the waste collection process would change in relation to the replacement stand. The ground floor of the building would contain a waste management facility within it to aid recycling and the storage of waste.
- 358 Taking into account the above comments and suggested conditions, your officers consider that waste management is adequately addressed. Future reserved matters applications will be able to ensure the design and layout of new residential properties complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate collection of waste.

### **Planning Obligations and Viability**

- 359 Planning obligations can assist in mitigating the impact of unacceptable development and make the development concerned acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy (CIL) Regulations 2010 and as policy tests in the NPPF.

#### *The replacement stand element of the proposal*

- 360 In relation to the proposed replacement stand, contributions have been sought to mitigate the additional spectator capacity of the ground. These include contributions for matchday Traffic Regulations Orders, matchday parking permits, the costs of bus service improvements, upgrading the footpath to Grantham Canal and contributions towards cycle access to the application site

from Lady Bay Bridge. These contributions have been accepted by NFFC and would be secured through a S106 Agreement.

- 361 Nottingham City Council also requested that a variety of improvement are made to Trentside North. Your officers have considered these requests very carefully. In doing so, officers considered that most of the requests would have adversely affected activities for the existing boat clubs using Trentside North and would potentially generate additional flood risk implications. More fundamentally, officers consider that the majority of the requests would not meet the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010 and the policy tests in the NPPF. Given that Nottingham City Council are the landowner of Trentside North and the applicant is the lessee, it was considered that any improvement requested by Nottingham City Council can be dealt with separately through the lease agreement with the applicant.
- 362 Nottingham City Council also requested a variety road and transportation improvements between the application site and Nottingham City Centre. The majority of these would not meet the statutory tests set out in the CIL Regulations 2010 and the policy tests in the NPPF. However, it was agreed that proportionate contributions towards pedestrian junction improvements along the A60 – between the application site and city centre could reasonably be sought. This contribution has been accepted and would be secured through the S106 Agreement.
- 363 In summary the total contributions agreed in relation to the replacement stand is £1.55m.

*The new residential element of the proposal*

- 364 In relation to the residential element of the proposals, a variety of contributions have been sought to mitigate the impact of unacceptable development to make it acceptable in planning terms. These have included affordable housing, education provision, payments towards play space, sports pitches, highway improvements, and NHS Trust (health) payments. The required contributions were then discussed with the infrastructure providers and additional information provided where necessary to justify the level or type of contribution being sought. In summary, these contributions would have totalled £1.1m.
- 365 In relation to the CIL, the Council has an adopted CIL regime. West Bridgford is within Zone 5 on the charging map. For the current CIL year (January 2021 - 31 December 2021) the CIL charge for residential development (Use Class C3 excluding apartments) is £100/m<sup>2</sup> and is calculated by applying the current CIL rate to the GIA of the proposed scheme. However, the proposed development is an apartment development and as such no charge is therefore required.
- 366 In respect of affordable housing, Policy 8 of the Core Strategy sets a target of 30% affordable housing in West Bridgford on sites of more than five dwellings. This needs to be read in conjunction with the NPPF and in particular its paragraph 63 which limits affordable housing policies to major housing developments of 10 units or more. The NPPF does not affect the proportion of affordable housing being sought from major residential development proposals.

- 367 NPPF's Planning Statement states that *"the development's viability is not such that the scheme can support affordable housing. The policy indicates that a determination as to the appropriate level of affordable housing will reflect the findings of Viability Appraisals undertaken on specific sites. The provision of affordable housing would exacerbate the funding shortfall for the new Stand. In the current economic climate, and reflecting the contemporary affordable housing funding regime, it is not considered that public subsidy will be available to either make up the funding gap or fund affordable housing"*.
- 368 Policy 8 – Housing Size, Mix and Choice of the Local Plan Part 1 states that *"the overall proportion and mix for affordable housing will be determined by...(c) the ability to deliver affordable housing alongside other requirements, considering broad assessments of viability. Where the findings of local assessments are disputed on a particular site, a financial appraisal of the proposal will be expected in order to determine an appropriate level of affordable housing"*.
- 369 Likewise, it is acknowledged that not all sites will be sufficiently financially viable to provide for affordable housing and S106 developer contributions. This is acknowledged in paragraph 58 of the NPPF, which states:
- "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available"*.
- 370 NFFC has prepared a Viability Assessment. It concludes that the residential part of the proposals is not viable given the limited return on investment. In these circumstances your officers have procured an independent appraisal of the Assessment.
- 371 Following detailed discussions, it has agreed amongst all parties (the applicant, an independent viability expert and the planning authority), that after a profit margin of around 18%, £700,000 would be available to be applied towards developer contributions. It was noted by the independent appraisal that part of this amount could be used towards the provision of affordable housing on site, but that this would reduce the amount available to off-set development contributions. Based on the requested number of contributions (originally £1.11m), the provision of affordable housing on site would not enable sufficient contributions to mitigate the impact of the development. As such no affordable housing provision is being sought.
- 372 In relation to the £700,000, NFFC comment that it is unwilling to provide the full extent of the contributions as *"there is an enabling effect of the residential development to provide a funding contribution towards the cost of the new Stand. Given the considerable planning and economic benefits of the new Stand then maximising the subsidy is a significant factor in delivering the*

*Stand, and thus relaxing other policy requirements, such as affordable housing, is part of the planning balance, and an established mechanism in the planning system”.*

- 373 In these circumstances, the applicant proposes to make a £430,000 contribution towards a revised package of community benefits. It also comments that the remaining £270,000 should be off-set by the wider economic benefits of the proposed replacement stand (as outlined in Economic Development section), which in short estimates that the development would contribute £804m to the local economy until 2034 and that it would create an additional 364 full time jobs (above the present baseline condition of Premier League football).
- 374 It is acknowledged that these wider benefits to the local economy primarily in relation to job creation and job retention weigh significantly in favour of the proposed development. However, there is no specific requirement that an authority must accept the *“enabling development”* argument. It is a legal requirement to consider applications in accordance with the development plan unless material considerations indicate otherwise.
- 375 This approach would mean that the proposals relating to the residential development do not accord with Policy 18 (Infrastructure) of the Local Plan which states that *“new development must be supported by the required infrastructure at the appropriate stage”* either through direct delivery or through contributions. It would also be contrary to Policy 19 (Developer Contributions) of the Local Plan which states that *“all development will be expected to meet the reasonable cost of new infrastructure required as a consequence of the proposal”*.
- 376 The applicant asserts that the development of the residential element would be enabling development and that the sale of the residential element would contribute towards the construction of the replacement stand, and would provide a significant economic, social and community benefit.
- 377 The benefits of the replacement stand are clearly substantial, and the sale of the residential element would contribute towards the cost of the new stand. This can be secured through a Section 106 agreement whereby the proposed residential element cannot be occupied until such time as the stand is complete.
- 378 Your officers have considered this matter very carefully and recognise that there is a balance to be struck. On the one hand officers consider that the proposed offer by NFFC of £430,000 towards developer contributions would not comply with Policy 19 (Developer Contributions) of Rushcliffe Local Plan Part 1: Core Strategy and Policy 43 - Planning Obligations Threshold of the adopted Local Plan Part 2: Land and Planning Policies (LLP2). On the other hand, the economic benefits which would arise from the development of the replacement stand are considerable and are a key material consideration to be addressed in the round. On balance of the information, your officers have concluded that the economic benefits associated with the replacement stand would significantly outweigh the deficit (£270,000) that would not otherwise be received as a contribution towards the package of developer contributions associated with the residential element of the scheme.

- 379 In this context, your officers have considered how best to apportion the package of £430,000 towards community benefits associated with the residential element of the scheme. It has also had detailed discussions with the County Council about the scale and nature of the education contributions that should be apportioned to the residential element of the proposals. These discussions have taken account of the overall viability information and the overall benefits which will arise from the overall proposal whilst acknowledging that the broader economic benefits will not directly address the specific deficits in relation to developer contributions either generally or in relation to the spending and investment programmes of the organisations concerned.
- 380 It is proposed that the £430,000 would be apportioned towards the shortfall in education that would be directly affected by the proposal development (£326,424.48). Similarly, in line with the Policy 39 (Health Impacts of Development) of the adopted Rushcliffe Local Plan Part 2: Land and Planning Policies it is considered that (£23,575.52) is allocated to NHS Nottingham West CCG. The remainder (£80,000) is proposed to be apportioned to the delivery of residential parking permits in the immediate locality of the application site. The wider details of the S106 agreement are set out in the table appended to this report.

## **THE PLANNING BALANCE AND CONCLUSION**

- 381 The application raises numerous planning issues for consideration and requires a complex evaluation of a series of planning matters. Those matters pull in different directions. This report has taken into account relevant Development Plan policies, the NPPF and Planning Practice Guidance, the requirements of the Localism Act 2011 and all relevant material considerations in order to provide a balanced recommendation.
- 382 The issues considered relate both to the replacement stand and the apartment building that would help to fund the stand. The application attracting widespread public interest and will comments pulling in different directions. Many statutory consultees and local amenity groups have also commented.

### *The replacement of the Peter Taylor Stand*

- 383 The primary objective of the application is the provision of a replacement for the existing Peter Taylor Stand for NFFC. The existing Peter Taylor stand is outdated, and lacks facilities usually associated with a modern football stadium. The current stand limits opportunities to generate match day income from hospitality and sponsors, and to attract and retain new supporters. These matters would assist in putting NFFC on a more sustainable financial footing.
- 384 Development Plan policies provide support in principle for the proposed replacement of the Peter Taylor Stand and the associated housing. The proposals would re-use a previously developed site for a mix of uses including housing and which would off-set the need for greenfield development.

### *Design*

- 385 In terms of design, the proposal has been well-considered. Considerable attention has been given by the applicant to achieve the scale of development

required in a tight urban environment. Nevertheless, the townscape impacts on the wider area are not insignificant in general and in relation to the height and bulk of the proposed replacement stand and residential apartment building in particular. The buildings would be clearly visible from the wider area including from both sides of the River Trent. The impact needs to be given considerable weight.

- 386 The design of the proposed residential element of the proposal would be subject to a future reserved matters application. This will provide opportunities to address specific matters in relation to its relationship with adjacent buildings. In the event that planning permission is granted the discharge of conditions will provide ongoing opportunities to mitigate the impact of the replacement stand through the use of appropriate materials and further landscaping treatments. On the balance of the information, your officers consider that the design of the proposed replacement stand, and the layout of the proposed residential apartments is acceptable and would be comply with the design policies set out both in the development plan and the NPPF.

#### *Environmental Enhancements and Public Realm*

- 387 The development would create an open plaza area between the stand and apartment building. In addition, it would create a new and enhanced public realm between Trentside North and Pavilion Road in the form of a new publicly accessible space. It would include new paving, street tree planting, lighting and pathways that would enhance the permeability and attractiveness of the area.

#### *Highway and Parking*

- 388 It is considered that both the replacement stand, and the apartment building can be appropriately accessed and the wider impact on parking and highways can be mitigated through various highways and transported related improvement that would be secured through the proposed legal agreement.

#### *Economic Impact*

- 389 An updated Impact Assessment identifies that the development would contribute £804m to the local economy until 2034, and that it would create an additional 364 full time jobs (above the present baseline condition of Premier League football). These matters weigh significantly in favour of the proposed development.

#### *Viability and Developer Contributions*

- 390 The submitted Viability Assessment has been independently assessed and indicates the proposed residential element would be viable and would be able to provide a total of £700,000 in developer contributions.
- 391 The applicant has offered £430,000 by way of mitigation for the residential development. That sum is principally apportioned to education provision, with the residual element being applied to health-related requirements and residential parking permits. This approach leaves a deficit in respect of the funded mitigation which would primarily relate to open space and recreational requirements. In this wider context the applicant's justification is It is the

applicant's opinion that the wider economic benefits of the proposals would significantly outweigh these contributions, they would contribute towards providing an improved ACV (Peter Taylor Stand).

- 392 Your officers have addressed this matter carefully and on the balance of the evidence it is concluded that the wider benefits associated with the proposal are so significant as to outweigh the proportionately modest under-delivery of the proportionate package of community benefits associated with the viability assessment of an overall £700,000 for such benefits. In particular, the position of the application site already provides good accessibility to indoor and outdoor leisure and recreational facilities in the immediate locality.
- 393 In any event, the proposed Section 106 agreement will provide for a cross-subsidy for the Peter Taylor stand development. This will assist in ensuring the ultimate delivery of the replacement stand.
- 394 The general economic contribution that the football-related elements of the development will make will not in principle produce monies that will directly address the deficits identified in the community contributions package. This is an important decision for the Committee to make. Members need to be satisfied that the football-related elements of the development are so beneficial that the overall benefits of the development outweigh the adverse effects of the detailed site-specific issues highlighted in this report and the shortfall in the package of community contributions associated with the residential element of the hybrid application.

*Existing Community Facilities/Asset of Community Value (ACV)*

- 395 In respect of the loss of the Britannia boathouse as an ACV, your officers consider that an appropriate replacement can be secured by way of a legal agreement. This approach would ensure that no development can commence until such time as the replacement boathouse has been granted planning permission and has been constructed. Both Nottingham Rowing Club and Sport England concur with this approach.
- 396 Having regard to the provisions of Policy 30 - Protection of Community Facilities of the adopted Rushcliffe Local Plan Part 2 of the development plan, your officers consider that there would be no (net) overall loss of an ACV. Plainly the proposed residential element of the application will be adjacent to the three remaining boathouses fronting onto the River Trent. However, on the balance of the evidence, your officers consider that the proposed residential element would retain the present use of the three remaining boathouses as an ACV. In this context any future development proposals affecting the buildings predominately rests with the common landowner (of both sites).

*Other technical matters*

- 397 It is considered that other technical matters such as air quality, biodiversity, waste management, flood risk are acceptable as proposed and can be secured and managed by the recommended package of conditions.

### *Conclusion*

- 398 The overall proposal is a strategically important development which would result in significantly improved sporting facilities for a variety of users in the immediate and wider locality. The development would have a wide ranging and positive economic, social, and environmental impact. Subject to the imposition of appropriate planning conditions, it would represent a sustainable form of development in accordance with local and national planning policy.
- 399 The proposal would also bring other positive impacts, which would have considerable and widespread public benefit. They include those that would follow from securing a more financially stable Club, the provision of new apartments, new employment opportunities, new investment and spending in the area, and the opportunity to secure and enhance the community work undertaken by the Nottingham Forest Community Trust. In combination your officers consider that these matters provide significant public benefits, which cumulatively outweigh the harm which would be generated by the development proposed.
- 400 Taking all these matters into account, and balancing the social, environmental, and economic benefits that would arise from the development against the residual harm, it is recommended that planning permission be granted subject to a series of planning conditions. A legal agreement will also be required to secure the delivery of the replacement stand, to ensure the replacement of Britannia boathouse and to deliver other mitigation, including the agreed package of developer contributions.

### **RECOMMENDATION**

It is RECOMMENDED that the Director – Development and Economic Growth be authorised to grant planning permission subject to:

1. The prior signing of a s.106 Agreement.
2. The following conditions (save that in the event that after the date of the Committee's decision but prior to the planning permission being issued any changes are needed to the wording of the conditions (to vary the wording of the conditions or their informatives only), the Director – Development and Economic Growth be delegated authority to make these changes in consultation with the Chairman of the Planning Committee, provided that these changes do not exceed or alter the substantive nature of the conditions as set out in the Officer's Report to the Committee.