

# 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, replacement club shop, car parking and associated works, and outline planning application for up to 170 residential units including flexible uses (Class E) at ground floor (approval for access, layout, and scale)

**Ward** Trent Bridge

## BACKGROUND INFORMATION

1. This application was originally received by the Borough Council on the 29<sup>th</sup> November 2019. The application as submitted was described as a 'Hybrid planning application comprising Full planning permission for the redevelopment of the Peter Taylor stand (including the demolition of existing buildings/structures), new public realm, car parking and associated works, and Outline planning permission for up to 250 residential units (approval for access, layout and scale)'.
2. The application was subject to consultation and protracted negotiations with Officers and stakeholders which led to a final revised scheme as now described which was presented to the July 2022 Planning Committee. Notable revisions related to the residential form and capacity (being reduced in scale and numbers), the introduction of commercial uses to the residential building, the re-provision of the club shop within the stand, and considerable technical work to satisfy technical consultees and demonstrate impacts of the development could be adequately mitigated and controlled.
3. At the 28<sup>th</sup> July 2022 Planning Committee Meeting Members resolved to allow the Director – Development and Economic Growth to grant planning permission subject to:
  - a) The prior signing of a s.106 Agreement
  - b) 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

- c) the conditions set out in the Late Representations (which updated the conditions in the original Officer's Report).
- 4. Since the Planning Committee resolved the above, officers have worked closely with the applicants and all relevant stakeholders to finalise the S106 agreement which is now generally agreed between all signatory parties.
- 5. However given the extended passage of time that has elapsed since the original committee resolution it is considered necessary in the interests of sound decision making and in accordance with principles of law to return the application to the planning committee for a fresh consideration and resolution by the Committee. This is to ensure that any material changes of circumstances are fully considered in the light of the change of various important matters since June 2022. Of particular pertinence to highlight is the National Planning Policy Framework which was updated in December 2024, along with other policy and legal considerations as set out within the policy section of this report.
- 6. In this regard, following discussions with Officers the applicant submitted an agreed suite of updated technical information in January 2025 (which can be found [here](#)), following which an updated consultation was carried out with both the public and consultees. As part of this review, the 'enabling link' between the residential scheme (outline) and stand redevelopment (full) (Both aspects described in greater detail in the body of this report) has been removed, so both aspects are no longer co-dependent for delivery. As part of this, the viability position on the residential scheme has been further reviewed and resulted in an improved viability position since the schemes previous 2022 position. For the avoidance of doubt the development scheme itself (Appearance and Landscaping for the stand and plaza, and layout, scale and access for all of the development) including the type and nature of the uses proposed remains as previously considered by the July 2022 Committee, with updated supporting documentation covering issues relating to changes in policy, updated sequential assessments, technical regulation and viability.

## **THE SITE AND SURROUNDINGS**

- 7. 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 (as defined within the National Planning Policy Framework (NPPF)). The site measures some circa 5.4 hectares in area and comprises of the home ground of Nottingham Forest Football Club (Hereafter known as 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.
- 8. The site is immediately surrounded by residential properties that back onto the east and south east part of the site along Colwick Road and Rosebery Avenue. To the south west is a large residential apartment building known as The

Waterside Apartments (formerly the Rushcliffe Civic Centre), which has recently been converted and extended.

9. There are commercial and retail uses situated along Radcliffe Road (A6520) further south and a small number of commercial uses are located within the ground floor of The Waterside Apartment building, fronting the A60 to the south west.
10. To the immediate west of the site are a series of four boat club buildings which front onto, and are accessed by Trentside North. These are principally occupied by Nottingham Rowing Club and Nottingham & Union Rowing Club. Beyond Trentside North the site adjoins the River Trent, and further beyond is the administrative area of Nottingham City Council and the city centre of Nottingham. Uses to the northern bank of the river are primarily residential.
11. 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.
12. To the south, Trentside North joins London Road (A60) at Trent Bridge (A Grade II Listed Structure) which provides connectivity to the A52 ring road, and Nottingham City Centre.
13. The boathouses occupied by Nottingham Rowing Club and Nottingham & Union Rowing Clubs are listed as an Asset of Community Value (ACV) (ACV40) following self-nomination. The ACV was approved on 11 May 2024.

## **Site Constraints**

14. The application site falls within Flood Zone 3a owing to its position abutting the River Trent and benefits from flood defences.
15. 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"). A Grade II Listed War Memorial is also present on Bridgford Road in West Bridgford. 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.
16. As originally considered one of the Borough's two Air Quality Management Areas ("AQMA") (AQMA 1 2005) surrounded 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 fell within the AQMA, being the junction of London Road / Trentside North. However at their meeting on 11th February 2025 Rushcliffe Borough Council's Cabinet RESOLVED that the revocation of the Borough's Air Quality Management Areas (AQMA 1 and 1/2011) be approved i.e. the one at Trent Bridge and the one at the Stragglethorpe Junction. The AQMA's were formally revoked by orders dated 14<sup>th</sup> May 2025, and as such as now considered the site does not

lie within an AQMA. Further to the above, a borough wide AQMA has been designated across Nottingham City Council and is located approximately 200m to the north.

17. 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.
18. There are no Tree Preservation Orders on the site or affected by the proposals.

## **DETAILS OF THE PROPOSAL**

19. The submission is a hybrid application which is a combination of a full and an outline planning application as a single submission.
20. The full application comprises the redevelopment of the Peter Taylor stand (including the demolition of existing buildings/structures), new public realm, club shop, car parking and associated works. The outline application relates to a residential development for up to 170 residential units including flexible Class E uses at ground floor. Consideration of the outline element is limited to the principle of development, access, layout, and scale. Details relating to appearance and landscaping have been reserved (reserved matters) and would be considered under a later submission (a reserved matters application), should permission be granted.
21. The application is supported by a suite of information including the following (latest revision numbers provided for clarity):
  - a) Daylight & Sunlight Report (dated 05/05/2021)
  - b) Daylight & Sunlight Report Addendum (dated 22/01/2025)
  - c) Economic Impact Analysis (dated July 2022)
  - d) Economic Impact Analysis Addendum (dated January 2022)
  - e) Economic Impact Analysis Addendum (Rev 00 dated January 2025)
  - f) Flood Risk Assessment (Rev 02 dated January 2020)
  - g) Flood Risk Assessment Addendum (Rev 00 dated January 2025)
  - h) Drainage Strategy Report (Rev 04 dated January 2025)
  - i) Noise Impact Assessment (Rev 02 dated 12/04/2021)
  - j) Rapid Health Impact Assessment (dated November 2019)
  - k) Security Planning Report (Rev 05 dated 19/05/2021)
  - l) Site Waste Management Plan (dated November 2019)
  - m) Statement of Community Involvement (dated November 2019)
  - n) Sustainability Appraisal (Rev 04 dated 14/01/2025)
  - o) Transport Assessment (Rev 03)
  - p) Transport Note (V1 dated January 2025)
  - q) Framework Travel Plan (Rev 05 dated 3 November 2021)
  - r) Construction Environmental Management Plan (Rev P04 dated November 2019)
  - s) Employment & Skills Strategy (Rev D dated December 2019)
  - t) Protected Species Report (Rev V2 dated November 2019)
  - u) Ecology Update Surveys – Addendum Report (Rev V2 dated 15/07/2022)

- v) 2024 Update Surveys (Ecology) Addendum Report (dated January 2025)
- w) Biodiversity Impact Assessment – Stand (Rev V1 dated November 2019)
- x) Biodiversity Impact Assessment – Residential (Rev V1 dated November 2019)
- y) Biodiversity Net Gain Metric (dated 30/10/2024)
- z) Viability Appraisal (dated 27/01/2025)
- aa) Viability Response letter (dated 13/03/2025)
- bb) Energy Statement (Rev 03 dated 15/01/2025)
- cc) Energy Strategy Note (Rev 00 dated 09/04/2021)
- dd) Air Quality Assessment (Rev 02 dated December 2019)
- ee) Air Quality Assessment Note (Rev 00 dated 09/04/2021)
- ff) Planning Statement (dated November 2019)
- gg) Planning Statement Addendum (dated January 2025)
- hh) Design and Access Statement (Rev B01 dated April 2021)
- ii) External Public Realm Lighting Strategy (Rev 04 dated 24/03/2021)
- jj) Ground Engineering Desk Study Report (Rev 05 dated 29/03/2021)
- kk) Historic Environment Desk-Based Assessment (dated June 2022)
- ll) Savills letter (13/02/2020)
- mm) Supplementary Note on Assets of Community Value
- nn) Supplementary Note of the Exception test
- oo) Savills letter (20/05/2021)
- pp) Savills letter (17/11/2021)
- qq) Transport Response Note (Rev 02 dated 02/11/2021)
- rr) Nottingham Rowing Club Letter (dated 29/06/2022)
- ss) Section 106 heads of term (dated 19/07/2022)
- tt) Viability response letter (dated 13/03/2025)
- uu) Updated viability appraisal (dated 06/05/2025)
- vv) Retail Sequential Test Note V.20 and Appendices V.20 (dated May 2025)
- ww) Flood Risk Sequential Test Note V1.0 (dated May 2025)
- xx) Planning Statement Addendum (dated May 2025).

Please note the above list is not intended to identify all documentation submitted with the application (which can be viewed online), but identify key documents provided and updated during the course of the application.

22. The documents listed above have been subject to revisions and updates through the course of the application.

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

23. 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 and a new club shop; Public realm works to create a new public plaza; car / coach parking; and associated works including provision of new entrance gates and gate house, as well as a new substation to serve the site.

24. It is proposed to improve the capacity of the City Ground and provide improved staff/player infrastructure including spectator, hospitality and conferencing facilities within the stadium through the replacement of the existing Peter Taylor Stand (Constructed in 1965 – re-built 1968). The proposal would increase the overall capacity of the existing stand by around 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 but the basic massing is a structure excluding the corner structure would be 109m in width, by 52m in depth, with a maximum height of 38m from ground level.
25. The replacement stand would also accommodate a range of associated business and commercial activities. The replacement 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 would 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 would also allow for wide-ranging community use and would allow the Club to significantly improve its offer in that regard. Similarly, it is anticipated the rooms and facilities within the new Stand would be offered to local community groups for use and hire.
26. Whilst the replacement stand would continue to be accessed from Pavilion Road (with a service access from Trentside North), it is proposed that a new plaza would be created between the proposed replacement stand and the proposed residential building. 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. Their designated zones would be denoted by different paving treatments. The plaza would comprise of 31 parking spaces and 4 disabled spaces, along with 20 cycle spaces. There would be a secure area for match official parking (4 spaces) 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. The plaza area would include new gates and a gatehouse (2.5m width by 4.5m length by 2.92m height) to secure the vehicular access, as well as a new substation (4m width by 12.4m length by 3.43m height) which would be located to the southern corner of the site close to Pavilion Road and the rear gardens of properties along Rosebery Avenue.
27. The proposed plans can be viewed [here](#).

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

28. 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 indicatively 169, consisting of the following: 88 x 1- bedroom flats, 76 x 2- bedroom flats and 5 x 3- bedroom flats.
29. 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 ground level. The parameter plans indicate that the massing reduces in scale towards Pavilion Road stepping down to 28.2m. The approximate gross floor area of the building is 17,091sqm. Given the height of the proposed building it is proposed that the tallest element is treated as a single tower element and this aspect faces towards the river. The scale of the scheme is a detailed matter for consideration as part of this outline application, however details of appearance are reserved for future approval.

30. On the ground floor, it is proposed that seven commercial units (Use Class E) would be formed, totalling 267sqm. They would face out into the plaza and be serviced via Pavilion Road.
31. The layout of the scheme is a detailed matter for consideration as part of this outline application. The building would have an L shaped footprint addressing the frontages along Pavilion Road and the new public plaza proposed as part of the stadium redevelopment. This would create a private contained courtyard space to the rear (west) whilst setting the massing of the building further away from The Waterside Apartments. The courtyard area would contain car parking decks to ground and first floor with a roof garden utilising the second-floor roof deck over the car park.
32. 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 170 cycle racks within the development.
33. The pedestrian routes for the residential development would be accessed via Pavilion Road on the south 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 south eastern elevation toward the southern corner adjacent to the main pedestrian entrance. This access design and location does form part of the detail being considered as part of the outline planning submission for the residential development.
34. Service vehicles and bin storage have been designed to be located adjacent to the residential core of the development. There would be provision to incorporate electric charge points within the car park.

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

35. 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.
36. Under the Localism Act 2011, a building can be protected as an ACV. This Community Right allows defined community groups, to ask the Council to list certain assets as being of community value. This is designed to give communities more opportunities to take control of the assets and facilities important to them. If an asset is listed and then comes up for sale, the right

will give communities that want it a total of 6 months to put together a bid to buy it (including a 6-week cut-off for an initial proposal to be put forward). In this instance, the Britannia Boathouse and the three other adjacent boathouses are registered as a single ACV.

37. 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 the demolition of 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.

### **Applicants Community Consultation Process**

38. The applicant has 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.
39. The applicant identifies that a public exhibition took place during November 2019. The feedback from this was analysed and suggests 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.
40. The applicant has suggested that where explanation was provided for respondents who did not support the redevelopment, the issues have been reviewed and have been addressed through supporting documents submitted by NFFC with the planning application.

### **SITE HISTORY**

41. An overview of the site history can be found in the table below. This table summarises the site history only and is not an exhaustive list.

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>
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 (Brian Clough Stand)	Granted (05.03.1979)
81/03948/HIST	Erect sales shop and storeroom	Granted (02.06.1981)
88/00936/A3P	Formation of executive lounge & ancillary accommodation (East	Granted (10.10.1998)



	Stand)	
91/00526/A3P	Construction of all seated stand to replace standing terraces- (Bridgford End)	Granted (22.07.1991)
91/00527/A3P	Construction of all seated stand to replace standing terraces (Trent End)	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)
19/02278/SCREIA	Request for an EIA screening opinion for the proposed redevelopment of the main (Peter Taylor) stand (including the demolition of existing buildings/structures), new public realm and associated works and enabling development comprising up to 250 residential units, car parking, hard and soft landscaping and associated works	Screening Opinion Given – EIA Not Required
23/02003/FUL	Siting of structures composed of converted shipping container, mini marquees and shed canopy with lighting includes erection of fence and associated works to create a 'Fan Zone'	Permitted (26.06.2024)
23/02233/FUL	Demolition of existing buildings/structures and erection of two temporary structures (one either end of the Trent End Stand) to provide hospitality floorspace/seating, including stairs, lifts, gantries and associated works	Permitted (10.05.2024)
24/01440/VAR	Variation of condition 3 (plans) for 23/02233/FUL to amend the approved structure	Pending Consideration
24/01686/FUL	Proposed (Temporary) Private Lift Access to Owners Lounge	Permitted (28.11.2024)
25/00469/FUL	Installation of Perimeter Security Fence on boundary to side of Trent End and Brian Clough Stand	Pending Consideration

## REPRESENTATIONS – All comments are available in full [here](#).

42. The application as originally received was consulted upon and included direct notification of all adjoining properties, as well as neighbours in the surrounding

area. Site Notices were also posted in various locations around the site (10 notices were posted), with press notices also published.

43. Re-consultations were undertaken through the course of the application, with the most recent being in January 2025.

**Ward Councillor(s)**

44. Ward Councillor, Cllr L Plant, has neither objected to nor supported the application but raises the below summarised comments/ concerns:

- Values the contribution Nottingham Forest Football Club makes to the local economy
- Concerned about the impact of the Peter Taylor stand extension and the building of the 170 residential apartment block will have on the quality of life for local residents, both in the immediate vicinity of the ground and across wider West Bridgford
- An extra 5,000 fans will only add to the parking and congestion issues already endured by long suffering residents. To help mitigate these issues it is crucial that financial contributions are made towards the upgrading and improvements of cycle, pedestrian and bus routes to better facilitate access to and from the ground. Travel plans need to be adequately funded and implemented to help alleviate the pressures on the already overstretched transport and pedestrian routes on match days
- The section 106 agreement once agreed and signed needs to be robust and triggers for money and actions need to be adhered to. The agreement also needs to be index linked from the date of the original approval -July 2022 to the date of actual payment
- The outline planning permission already granted for the 170 apartment block is also a cause for concern. The building will impinge hugely on the residents of Roseberry Avenue and surrounding businesses. The fact that it was deemed unviable for any affordable apartments within the building is also another issue of concern
- The lack of consultation and communication between Nottingham Forest Football Ground and residents, local community organisations and local councillors is another real area of concern. Many local residents want the Forest Ground in their locality but would appreciate the Club having some consideration of the negative impact the Club has on the quality of their lives on match days and would appreciate some ongoing communication with the Club on how these issues and concerns are addressed going forward.

45. Adjacent Ward Councillor, Cllr R Mallender, objects to the application based on the following points:

- Development as currently framed as the proposed residential units represent a massive overdevelopment of the site

- 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.
46. Adjacent Ward Councillor, 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.
  47. Adjacent Ward Councillor, Cllr P Gowland, has objected to the application on the grounds of lack of parking, concerns that the submitted traffic assessment is insufficient and concerns that the mobile service and Wi-Fi in the area suffers during match times. Has clarified that they do not object to the principle of development but wants to see sufficient plans for traffic and telecoms in place.
  48. One Former 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.
  49. One Former 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.

## **Statutory and Other Consultees**

### **The Borough Council Comments**

50. RBC Economic Growth Officer Has provided the following comments on the Economic Impact Assessment which can be found with the application details.
51. 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.
52. The economic uplift is not questioned befitting local business and supply chain increasing local employment opportunities are welcomed.
53. 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.
54. 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.
55. The updated economic impact statement highlights Nottingham Forest has a significant impact on the surrounding local economy. Without the club there would be many businesses in the immediate vicinity that may struggle. In addition the statement highlights the significant impact that being in the premier league has already had. This impact is demonstrated throughout the report with some particular examples being (comparing with existing ground and with new stand):
- An increase in fans (home and away) per annum of 127,500
  - Increased gross spend (table 5) of £17m
  - 218 net additional jobs sustained in the local economy.
56. The economic growth team are supportive of increasing the capacity of the ground to accommodate additional spectators and improve facilities at the club. We are keen to work with the club to support local people to access employment and training opportunities during and after construction and to further maximise the local economic impact.
57. Conservation Officer The site is not located in a Conservation Area and there are no designated or non-designated heritage assets present on site.
58. 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.

59. 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.
60. 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.
61. 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.
62. Other buildings to be demolished are all modern structures and have no historical value.
63. Design and Landscape Officer 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.
64. Licensing Officer No comments to make.
65. Emergency Planning Officer Comments separately on the two elements of the application.
66. 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.
67. 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.

68. 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 to 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.
69. 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.
70. 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.
71. 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.
72. 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.
73. Subsequent to revisions to the design statement, the intention is to have 2 bin stores, one being of larger store and the other one being smaller. Also, this will be managed by a management company which will negate the need for a refused vehicle to enter the site.
74. Whilst there are no plans confirming the layout of bin storage, based on 170 proposed apartments using 240L capacity per apartment require the following:
- Household Waste = 37x 1100L containers
  - Recyclable Wastes (Paper & Card) = 30x 1100L containers

- Recyclable Wastes (Tin Cans and Plastic Bottles) = x7 1100L containers
  - I would also include 6x 1100L containers for glass bottles and jars
  - Total = 80.
75. Using 180L which is the absolute minimum, would bring the number down to:
- Household Waste = 28x 1100L containers
  - Recyclable Wastes (Paper & Card) = 23x 1100L containers
  - Recyclable Wastes (Tin Cans and Plastic Bottles) = x5 1100L containers
  - I would also include 6x 1100L containers for glass bottles and jars
  - Total = 62.
76. One of the issues of bringing the calculations down to the absolute minimum is that there is no going back should more waste be produced than they have storage capacity for.
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 2020 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. Subsequent to the submission of a Flood Risk Sequential Test and a Retail Sequential Test they have provided the below comments:

*Retail assessment*

- a) Sequential test. The scope of the test in terms of the three centres identified at Radcliffe Road, Musters Road and West Bridgford centre appears to be appropriate
- b) The applicants have highlighted that there is a low vacancy rate at all of these three centres
- c) In terms of the two potentially available sites identified, I cannot think of any other sites potentially available beyond these within the three centres, unless you can think of any more being familiar with the area. The reasons why they are not appropriate compared to the proposal appear to be reasonable
- d) I agree that at the retail element is below the locally set threshold for a retail impact assessment, which is 500m<sup>2</sup>.

### *Flood Risk Sequential test*

- In respect of the replacement stand, as the stadium is already established I consider that there is no need to consider alternative sites
  - In relation to the residential aspect of the development I am in agreement that as the site lies within floodzone 3 when it is considered without defences. The Planning Practice Guidance states that when undertaking a sequential test, initially, the presence of existing flood risk management infrastructure should be ignored, as the long-term funding, maintenance and renewal of this infrastructure is uncertain. There is therefore a need to undertake a sequential test for the development proposed
  - In relation to the geographic extent of a flood risk sequential test, or the planning practice guidance states that 'the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. The proposal is fairly unique in that it proposes a building of height and scale within the Borough is predominantly suburban and rural in nature, it is a very uncommon type of development except in a small area of West Bridgford. The draft design code identifies this area as an area appropriate for buildings of scale and tall buildings. It therefore seems a reasonable area for the sequential test to cover insofar as it relates to Rushcliffe
  - In relation to the sites identified, I am satisfied that the general approach to this is logical as it uses the SHLAA as a starting point
  - The approach ruling out the remaining sites as unsuitable and not sequentially preferable appears to be logical and appropriate, as outlined in the assessment undertaken under table A1 of the sequential test document.
80. Community Development Based on 250 dwellings with an average of 2.3 residents per dwelling this equates to 575 new residents which will create additional demand which can't be met by existing provision.
81. For Children's play off-site provision of equipped play space Local equipped area for Play (LEAP) equivalent of 0.25 hectares per 1,000 = 0.14375 hectares is required. With regards the siting and location of the play area proposed, I would draw attention to The Fields in Trust National Playing Fields Association General Design Principles Guidance. 6.1.9 states that play areas should be sited in open, welcoming locations and visible from nearby dwelling or well used pedestrian routes. I would require a detailed play area design scheme to be submitted prior to final approval of this development. If an onsite is undeliverable a contribution to offsite would be sought for £559 per dwelling.



82. Unequipped play/ amenity public open space equivalent for unequipped children's play/ amenity open space provision as a new site we would expect on site provision of unequipped play space of at least  $0.55 = 0.1375$ .
83. A leisure contribution towards sports halls, swimming pools and indoor bowls would not be sought in relation to this application.
84. The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen. The Sport England Playing Pitch Demand Calculator (with Rushcliffe specific data) provides the following commuted sum for offsite provision. The maintenance contribution would be sought for a period of 3 years making the total contribution to sports pitches £246,737.00.
85. The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 requires 0.4 hectares of provision for allotments per 1,000 population. West Bridgford Allotment holders are currently operating a waiting list. The new development will impact upon current provision and therefore the new development needs to mitigate this by providing 0.23 hectares for allotments. If an onsite provision is unachievable an offsite contribution would be sought for £73 per dwelling.
86. 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.
87. Since the submission of the report, the City Ground listing has not been renewed so is no longer an ACV.
88. Since the scheme was reduced from 250 dwellings to 170 dwellings, the following comments have been provided:
89. Based on **170** dwellings with an average of 2.3 residents per dwelling this equates to **391** new residents which will create additional demand which can't be met by existing provision.

#### Children's play

90. For Children's play on-site provision of equipped play space Local equipped area for Play (LEAP) equivalent of 0.25 hectares per 1,000 = **0.09775** hectares is required. With regards the siting and location of the play area proposed, I would draw attention to The Rushcliffe Play Strategy (attached).
91. I would draw your attention to Appendix C regarding the general design principles of play on page 46.
92. If an onsite site is undeliverable a contribution would be sought as follows to create new or enhanced existing provision to cater for this increased demand within the West Bridgford analysis area.
93. **LEAP £90,000** Capital Contribution + 15 year Maintenance **£15,000** making a total contribution of **£105,000** \* based on the Rushcliffe Play strategy 2025 onsite of offsite contributions Page 42.

94. We would always prefer for the provision to be on site to serve the new community, however if this is not possible and due to the specifics of this development being in West Bridgford and as the Borough works in Lieu of a Parish Council I can confirm that the Communities department would be willing to accept an offsite contribution for this development.

#### Unequipped play/ amenity public open

95. Unequipped play/ amenity public open space equivalent for unequipped children's play/ amenity open space provision as a new site we would expect on site provision of unequipped play space of at least **0.55= 0.21505**.

#### Indoor Leisure

96. A leisure contribution towards sports halls, swimming pools and indoor bowls would not be sought in relation to this application.

#### Sports Pitches

97. The Rushcliffe Playing Pitch Strategy 2022 identifies a current shortfall of pitch provision that this development would worsen. The Sport England Playing Pitch Demand Calculator (with Rushcliffe specific data) provides the following commuted sum for offsite provision.
98. Total – 0.83 pitches at a capital cost of £147,310 and a total life cycle cost (per annum) of £19,651.
99. The maintenance contribution would be sought for a period of 3 years making the total contribution to sports pitches **£206,263**.
100. We would not seek a changing room contribution based upon the attached figures at this time.

#### Allotments

101. The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 (2022 refreshed) requires 0.4 hectares of provision for allotments per 1,000 population.
102. West Bridgford Allotment holders are currently operating a waiting list. The new development will impact upon current provision and therefore the new development needs to mitigate this by providing **0.156** hectares for allotments.
103. If an onsite provision is unachievable an offsite contribution would be sought as follows:

4,000/1000 = 4 sqm per person  
4 x 2.3 residents per dwelling = 9.2 sqm per dwelling  
9.2 x £8.00\* = £73.00 per dwelling

£73.00 x 170 = £12,410

\*based on indicative cost of £2,000 per 250sqm plot from Local Government

104. 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).
105. Recommendations within the report must be followed and has requested a number of conditions.
106. Confirms that the 2025 Addendum Report has been carried out in accordance with good practice and are in date until 20 August 2026. Notes that the consultant ecologist stated that building b1 is no longer regarded as a bat roost, they recommend "a Precautionary Method of works including hand removal of the tiles and also provision is made for new roosting opportunities within the site as previously identified" and "a further 2 dusk surveys are conducted" as part of the precautionary method. They are satisfied that this will be appropriate and should be implemented.
107. Also notes that the addendum identifies the site impacts on less than 25m squared of habitat.
108. 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.
109. 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.
110. 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

111. 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.
112. Contamination - A remediation and validation is required as requested by the Environment Agency, in line with the suggested RBC condition.
113. Noise - At this time I would expect a full scheme of sound insulation for the residential properties; structure (walls / roof) glazing specification and ventilation.

114. 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.
115. 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.
116. A condition requiring a revision to the existing supporting Noise Impact Assessment (NIA) to include potential noise impacts from the proposed substation on the amenity of the neighbouring residents on Rosebery Avenue and ensure good quality acoustic design, including appropriate noise mitigation (if required), would be acceptable in this instance.

### **Nottinghamshire County Council**

117. Public Health Acknowledges and is supportive of the inclusion of the Nottinghamshire Rapid Health Impact Assessment Matrix (NRHIAM) by the applicant.
118. 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.
119. Requested an amendment to the recommended archaeology conditions based on updated legislation and guidelines.
120. Planning Policy Make comments and recommendations in relation to planning obligations, education, transport and travel.
121. Comments that the revised viability assessment submitted in January 2025 in relation to the residential part of the development is acknowledged. It should be noted that the education contribution agreed within the draft agreement had previously been reduced on viability grounds at the time of the original approval and is significantly less than would be required by the County Council based on the guidance in its adopted Developer Contributions Strategy. It is recommended that the evidence in the viability appraisal is independently reviewed at the cost of the applicant and the County Council reserves the right to review its position should it be determined that the agreed contributions towards education will be further reduced. It is assumed that all other obligations relating the stand development are unaffected by the findings of the viability appraisal.
122. Highway Authority Initially raised concerns that the submitted Transport Statement and Travel plan did not adequately demonstrate the proposal would not have a severe impact on the local Highway network or highway safety. Raised concerns in relation to the proposed access point, the amount of parking provided being significantly below minimum standards for the residential element, issues with the parking demand survey and the methodology used when calculating the traffic impacts of the residential trips.

123. In relation to the stand element of the proposal, they raised concerns that this element would generate a significant amount of additional traffic on match days. They raised concerns that the assessment of traffic impacts, pedestrian movements and parking implications on non-match days in relation to the conference facilities and potential event parking associated with this. They also raised concerns that the significant parking demand would have implications for existing residents and local businesses and no mitigation for this has been provided. No sustainable transport contributions are proposed and the only mitigation proposed is a total of 495 cycle spaces for the residential element, a Travel Plan and Event Management Plan.
124. Subsequent to the concerns, further documents and information was provided by the applicant. The Highways Authority confirmed they have no objections to the proposal subject to agreement to the requested Section 106 contributions and multiple conditions.
125. In the most recent consultation, the highways Authority have confirmed that the details of the planning application have been revised to incorporate a number of stadium improvements have occurred at The City Ground. A Transport Note has been provided as part of the planning application which summarises the effects of the respective developments both individually and cumulatively.
126. The information in the Transport Note indicates that there will be a loss of parking for a single vehicle. The Highway Authority has confirmed they have no objections in principle to this as the difference is negligible. Notwithstanding this, the previous recommended conditions and highway related s106 planning obligations are still required.
127. Public rights of Way West Bridgford Footpath no 12 runs along the riverside and under the Trent End stand. This route is also a promoted and permissive cycle path. There does not seem to be any implications long term for the footpath, however it is difficult to tell whether it would be affected during construction of the site. It should be noted that every effort should be made to keep the route open and safe for the public at this time. Any changes or effects on the footpath/cyclepath as a result of any works should be subject to discussion with the Rights of Way team prior to any work taking place.
128. Education The development is located within the West Bridgford Primary Planning Area. Based on current projections there is insufficient capacity to accommodate the additional pupils generated. As a result, based on all of the dwellings having two or more bedrooms, the County Council would seek a primary school contribution of £1,091,376 (53 x £20,592 per place). It is likely that the funding will go towards a new primary school (size and site to be determined) in West Bridgford.
129. The development is located within the West Bridgford Secondary Planning Area. Based on current projections there is insufficient capacity to accommodate the additional pupils generated. As a result, based on all of the dwellings having two or more bedrooms, the County Council would seek a secondary school contribution of £1,006,400 (40 places x £25,160 per place). It is likely that the funding will go towards a new secondary school (size and site to be determined) in the West Bridgford Secondary Planning Area.

130. This is an outline planning application and it is noted that the mix and layout are yet to be finalised. It is understood that the scheme may include a proportion of studio and 1 bedroom apartments. The County Council's approach to calculating education contributions is set out in its Planning Obligations Strategy. This confirms that where a development is solely for apartments, the contribution will be discounted for the 1 bed unit element of the development and the County Council will not require a contribution for these units.
131. As such a contribution on the balance of the units (81) is to be sought. This would create demand for 17 primary pupil spaces and 13 secondary pupil spaces. As such NCC seek an education contribution of £355,606 (17 x £20,918) for primary pupil places in the West Bridgford Planning Area, and £330,564 (13 x £25,428) for secondary pupil places in the West Bridgford Planning Area.
132. NCC Education confirmed following the January 2025 re-consultation that they did not object, subject to the Borough Council being satisfied with the updated viability assessment. Following the May 2025 re-consultation NCC Education again confirmed they did not object based on the latest agreed viability assessment and position which provided for their full contribution request.

#### **Other consultees**

133. 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.
134. Notts City Council Design No comments to make on the Stadium.
135. 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.
136. Nottingham City Council Environmental Health makes the following comments and recommendations:
- Recommends that the construction phase mitigation measures for air quality are required to be included as part of the construction management plan
  - Recommends a condition requiring an assessment in relation to the proposed energy centre emissions
  - Recommends that all the parking spaces for the residential element of the scheme have EVCP's
  - Location of the energy centre not confirmed but has concerns with the

proposed indicative location causing noise implications

- Raises suggestions for points of clarity within the submitted Noise Assessment
- Comments that the proposal doesn't make clear whether the intention in the future is to have large scale events. Makes comments on the requirements for premises licences.

137. National Highways No objections.

138. 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.

139. 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.

140. 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.

141. Subsequent to a further updated Flood Risk Assessment (Jan 2025), confirmed that they have no objection but have suggested amended condition wording in line with updated legislation.

142. Revisions have also been made during the course of the application to the substation. They have commented on these revisions and confirmed that as the proposed bund will be removed from the plans this will likely increase the amount of floodplain available. They also comment that even though the building housing the substation will be flood proofed the applicant should not assume that this will offer 100% protection to the structure and its contents as

it relies on human intervention in the form of door boards or flood resilient doors. Also, they comment that these are not normally considered robust as a primary means of flood water exclusion, and they are generally only considered useful for short duration flooding up to a maximum of 600mm in depth.

143. They have therefore recommended that a pre-commencement condition requiring details of the construction of the substation would be required if permission were granted. They also request confirmation from the applicant that they fully accept the risk that the substation may be damaged both internally and externally in an extreme flood event.
144. Natural England No comments to make.
145. 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 submitted Protected Species Survey Report should be secured through appropriately worded planning conditions e.g., invasive species, CEMP, bat licence / low impact class licence etc.
146. NHS Nottingham University Hospitals Trust 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.
147. NHS Nottingham West CCG 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.  
  
Confirmed that if the dwellings have reduced to 170, based on the mix of bedrooms, (88 x 1 beds and 82 x 2+ beds) that the of £128,240 section 106 contribution is acceptable to the ICB.
148. East Midlands Building Control No comments to make on the application.
149. CADENT Gas No objection but recommends informatives.
150. National Grid Electricity Distribution do not object to the proposal but recommend informatives.
151. 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.

152. 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.
153. Nottinghamshire Police Counter Terrorism Advisor Initially raised concerns the proposed hostile vehicle mitigation (HVM), dynamic lockdown and the type of glazing used. Since the submission of the revised Security Report (05), have provided comments and recommendations in relation to security matters.
154. Canal and River Trust No comment to make.
155. 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.
156. 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.

157. 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.

158. 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.

159. 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.

160. 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.

161. Subsequent to the further re-consultation on revised details, Central West Bridgford Community Association continue to object to the application and raise concerns in relation to the proposal causing overwhelming development in the area, pressure on traffic congestion and the active travel network, concerns in relation to poor air quality and impacts/ pressure on existing sewage and drainage infrastructure in the area. They have also raised concerns that the proposal would not meet the Rushcliffe Design Codes, that the fire safety measures proposed are unclear and have raised concerns with the lack of engagement between the Club and the community.
162. 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 CIL 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.
163. Subsequent to the submission of the revised Travel Plan, supports the application as they note it includes a series of measures to promote walking and cycling and confirms that the applicant is committed to making a financial contribution through the S106 which would further promote walking and cycling, notably on routes between the site and the city centre. They also make the following comments and recommendations:

- Suggest that the proposal should include a contribution to the proposed City Council DfT-funded Active Travel scheme to make Trent Bridge safer for cycling
- Also recommend that the proposals make a contribution to the planned foot-cycle bridge across the Trent between Lady Bay and Trent Basin, due for completion by the City Council in 2023 with support from the DfT Transforming Cities Fund, and improved connections on the south side of the river between the Site and the new bridge
- Would welcome the inclusion on the list of walking and cycling improvements of plans to upgrade the Grantham Canal footpath
- Would also welcome the inclusion in this list of a new toucan crossing at Lady Bay Bridge, and the provision of signage and wayfinding
- Recommend that the planned extra cycle parking on the Site should include some undercover cycle parking, and, like all cycle parking, carefully located with regard both to security and safe access routes as well as convenience
- Recommend further upgrades to the section between Lady Bay Bridge and Trent Bridge, including the connecting path under Trent Bridge to and from County Hall, the Suspension Bridge and Wilford.

164. 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.
165. 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.
166. Nottinghamshire Area Ramblers Rights of Way 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.
167. 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.
168. Chair of Nottingham Forest Supporters Club Considers that NFFC has more impact than just being a place to go on a Saturday afternoon.
169. 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.

170. 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.
171. 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.
172. Nottingham Kayak Club made comments neither objecting to nor supporting the application. However, they have raised concerns that there is already a major impact on the Club's operations due to the activities of the Football Club these issues are inevitably going to worsen during construction. There is no detail of the impact regarding traffic and access to Trentside North during and after construction. They also raise concerns that they have not been party to discussions in relation to the relocation of the Boathouse facility and raise concerns that this will cause further major impacts on the operation of their club in terms of disruption and access.
173. Nottingham & Union Rowing Club Object to the application due to the proposal having an unacceptable and severely detrimental impact on long established rowing facilities on Trentside and the proposal fails to make clear any meaningful provision for mitigation of that impact. Also considers that the proposal fails to adequately assess the impacts on the rowing clubs post development. Also raise concerns that the proposal fails to take a comprehensive approach to the potential for development along Trentside, between Trent Bridge and the football ground and would prevent a redevelopment of the remaining rowing clubs. They also consider that the proposed residential element would have a poor and ill-conceived relationship to their surroundings and would result in a disjointed and incongruous form of development to the detriment to the character of the area.
174. Subsequent to the submission of revised plans, confirmed that the Club are generally supportive of the replacement of the Peter Taylor stand, but expressed deep concerns over the proposed design and nature of the proposed residential element of the scheme. The also made the following comments:
- a) Concerns that the proposed relocation of the lost boating facilities is not clear and request that permission for the demolition of the boat house is not given until this is resolved
  - b) Concerns that no supporting assessment has been provided to ensure that the proposed noise mitigation measures would be effective
  - c) Concerns that the proposal will cause loss of light to the rowing club and this should be considered as part of the application

- d) Concerns that the proposal would impact the access to the rowing club from Trentside and raise concerns with the increased pedestrian traffic using this access and will cause issues in terms of pedestrian safety
- e) Reiterate concerns that the proposal would prevent the future redevelopment of the rowing clubs
- f) The proposed residential element of the scheme will cause overshadowing and overbearing impacts for the rowing clubs facilities
- g) Raise concerns that the proposed development would impact their lease terms
- h) The height, location and appearance of the residential block is out of keeping with the surroundings and looks too close behind the existing Rowing Club buildings. New development in this location should have proper frontage to the riverside
- i) A comprehensive approach to development of the rowing clubs and the football ground should be required if the residential element of the forest scheme is to go forward.

175. Burton Leander Rowing Club supports the comments made by the Nottingham & Union Rowing Club. Recognises that the proposal would facilitate the redevelopment of the stadium which would benefit the borough but ask that consideration is given to the heritage and opportunities provided by the rowing clubs on Trentside.

176. Sustrans Broadly agree with observations made by Nottingham City Council in their Planning and Transport statement on the treatment of Trentside North. This access road performs as the vital corridor for multiple stakeholders, it forms the line of a recorded public right of way and National Cycle Route 15. The application should address current access constraints and remove highway status conflicts between cyclists and walkers by facilitating a complete agreement by landowners and land managers of its future function and maintenance. Considers the application should also address the following:

- a) An upgrade to the surface, width and quality of the ramp that currently runs underneath the southern arches of Trent Bridge, including drainage and public safety of using this primary traffic free route along the riverside path east to west, avoiding 8 lanes of highway over the Trent Bridge approach
- b) Contribute fully to the upgrading of walking, wheeling and cycling route connectivity between the Trent End Stand, and all non-motorised access options to the east
- c) Fully assess the strengths and weaknesses of the proposed development and Plaza access using Trentside North as a primary access, and how the public realm will complement the riverside access corridor

- d) Support the proposed increase in cycle storage facilities and the Section 106 contributions for improved pedestrian crossing points within the vicinity of the application
  - e) More assessments should be made of the public transport capacity during match day peak times to ensure demand can be met and provide high confidence to match day visitors.
177. Sport England Raise no objection to the application. The initial comments raised concerns on a non-statutory basis about the boathouse replacement, demand generated by the residential development for indoor and outdoor sports facilities and active design footpath links. The concerns related to the boathouse replacement were subsequently addressed.
178. As part of the assessment of the additional information Sport England has sought the views of the Football Foundation. The Football Foundation and Nottinghamshire FA are supportive of the proposal and have no further comments to make.
179. Active Travel England Do not object to the proposal.

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

180. 2,538 initial 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.



181. 116 initial 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.

182. 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.

183. Revised plans have been submitted and re-consultation undertaken, on this information the following comments have been received as below.

184. Summary of additional comments 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.

185. 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) 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.
186. Updated documentation and revised plans were submitted in January 2025 and a re-consultation undertaken. On this information the following comments have been received as below.
187. Two additional comments in support of the application were received and are summarised as follows:
- a) Will provide economic benefits to the area
  - b) Will improve the existing stadium
  - c) Traffic problems are inevitable, but the Club will do everything possible to mitigate this.
188. Seven additional comments objecting to the application were received and are summarised as follows:
- a) Parking issues in Lady Bay – emergency vehicles not being able to gain access

- b) Thought should be given to residents having free parking on match days
- c) Inconsiderate parking needs addressing – buses unable to get through
- d) No clear plan for event day parking has been provided
- e) Risks to pedestrian safety
- f) Henry Road particularly bad as there are no parking restrictions
- g) Existing parking issue will be exacerbated
- h) Nottingham Forest have not engaged properly with the community during the application process
- i) The proposal would be over development for the area
- j) The proposal will cause Pressure on Traffic Congestion and pressure on the Active Travel Network
- k) Concerns raised that there are discrepancies with the proposed Rushcliffe Design Code
- l) Concerns that additional traffic will cause poor air quality
- m) Will increase pressure on sewage and drainage infrastructure
- n) Application does not specify Fire safety measures
- o) Concerns that this will cause further issues with mobile phone signal in the area, particularly during match times
- p) Not enough parking spaces to accommodate the proposed 170 units within the apartments
- q) The Transport Plan needs to show that local residents have been engaged by NFFC and their concerns both acknowledged and addressed
- r) NFFC needs to promote use of public transport
- s) There is an opportunity for vehicles to be left at the Racecourse Park and Ride when the new Cycle/Walk bridge has been installed and this needs to be part of a clear strategy for fans

- t) The proposed residential building cannot be conceived as complying with the aim of "Building Better, Building Beautiful" as it appears to be squashed into a very small space
  - u) 170 apartment units are proposed there are less than half this number of parking spaces which is not sufficient.
189. One additional comment neither supporting or objecting to the application was received and is summarised as follows:
- a) Proposals should include high quality public realm to address the gateway location
  - b) The proposals must also address the increased footfall and cycling from the construction of the new bridge
  - c) Should be designed to accommodate cycle traffic.

## PLANNING POLICY

### Legal Framework

190. [Section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
191. [Section 70\(2\) of the Town and Country Planning Act 1990](#) requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
192. [Section 66 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) (the Listed Buildings Act) states: "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
193. [Section 72 of the Planning \(Listed Buildings and Conservation Areas Act 1990\)](#) also requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
194. [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.

195. [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.
196. Under [Section 40 of the Natural Environment and Rural Communities Act \(2006\)](#), A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.
197. [Equality Act 2010](#) - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share relevant protected characteristics and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief.
198. [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.
199. [Ancient Monuments and Archaeological Areas Act 1979](#) defines 'scheduled monuments' and regulates operations that might affect them.

### **Relevant National Planning Policies and Guidance**

200. The NPPF provides an overarching context within which this and other planning applications are considered and determined.
201. 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.

202. Other elements of the NPPF provide more specific guidance on the implementation of the planning system. The following sections are particularly relevant to the application:

- Delivering a Sufficient Supply of Homes (Section 5);
- Building a Strong and Competitive Economy (Section 6);
- Ensuring the Vitality of Town Centres (Section 7);
- Promoting Healthy and Safe Communities (Section 8)
- Promoting Sustainable Transport (Section 9);
- Making Effective Use of Land (Section 11);
- Achieving Well-Designed Places (Section 12);
- Meeting the Challenge of Climate Change, Flooding and Coastal Change (Section 14);
- Conserving and Enhancing the Natural Environment (Section 15); and
- Conserving and Enhancing the Historic Environment (Section 16).

203. The National Planning Practice Guidance (NPPG) contains guidance which must be considered alongside the NPPF. The NPPG is therefore material to the consideration of all applications. Part of the NPPG includes the National Design Guide, which should be read alongside the NPPG guidance on Design process and tools.

### **Relevant Local Planning Policies and Guidance**

204. Given the scale and the mixed nature of the proposal there are a number of policies within the Core Strategy (Local Plan Part 1) 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 6 Role of Town and Local Centres
- Policy 8 Housing Size, Mix and Choice
- Policy 10 Design and Enhancing Local Identity

- Policy 11 Historic Environment
- Policy 12 Local Services and Healthy Lifestyles
- 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 11 Housing Developments on Unallocated Sites within Settlements
- Policy 12 Housing Standards
- Policy 17 Managing Flood Risk
- Policy 18 Surface Water management
- Policy 27 Main Town Centre Uses outside of District Centres or Local Centres
- 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.

205. The Borough Council has also adopted a number of Supplementary Planning Documents (SPD's) which are a material consideration in the decision making process. The following SPD's are material to the consideration of this application:

- Low Carbon and Sustainable Design SPD
- Affordable Housing SPD
- Residential Design Guide SPD
- Development Requirements SPD.

206. The Draft Rushcliffe Design Code has completed consultation and forms a material consideration for this application.

207. The Rushcliffe Borough Council Five Year Housing Land Supply Assessment 2024 - 2029) is also material to the consideration of this application. This document identifies that as of 31<sup>st</sup> March 2024 the Council can demonstrate 5.2 years supply of housing.

208. Greater Nottingham Strategic Plan (Publication Draft 2025) has recently completed its Regulation 19 Publication Draft consultation. Given its early stage this document can only be given minimal weight.

## OTHER MATERIAL PLANNING CONSIDERATIONS

209. 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.
210. 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. It is however of material note that the council has resolved to abolish the designated AQMA's.
211. [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 an initial 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.
212. The Council has reconsidered this matter once the scale of residential development was reduced as part of the 2025 re-consultation and issued a further screening opinion in February 2025 confirming its position that the proposals do not represent EIA Development having regard to the provisions of the Regulations. Further information in relation to this assessment can be found in the formal screening opinions issued by the Borough Council. In summary the opinion concluded that "any effects are considered to be capable of appropriate identification and mitigation through appropriate technical studies during the course of a planning application. As a result, it is not considered that the proposed development would give rise to significant effects on the environment and that the project will not constitute EIA development".
213. 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.
214. 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.
215. Rushcliffe Borough Council – Corporate Strategy 2024-2027, Rushcliffe Sustainable Community Strategy 2009-2026.
216. [The Fire Safety England Regulations 2022](#) are made under Article 24 of the Regulatory Reform (Fire Safety) Order 2005. These regulations make it a requirement in law for responsible persons of high-rise blocks of flats to provide information to Fire and Rescue Services to assist them to plan and, if needed, provide an effective operational response. Further, the regulations require responsible persons in multi-occupied residential buildings which are high-rise buildings as well as those above 11 metres in height, to provide additional safety measures. This was further emphasised with the publishing of [Fire safety and high-rise residential buildings \(from 1 August 2021\)](#) which provided measures to ensure the consideration of fire safety matters are incorporated at the planning stage of schemes involving a relevant high-rise residential buildings.

## APPRAISAL

217. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
218. For the purposes of decision making and paragraph 11 of the NPPF, whilst the RBC Local Plan is now more than 5 years old, the Council can demonstrate a 5 year land supply, and there have been no changes to the NPPF that significantly conflict with the most relevant policies in the development plan for the determination of this application. Therefore it is considered that the most relevant policies are up to date for the purposes of determination of this application and full weight can be attributed to the relevant policies.
219. The main consideration for this application are considered to be:
- The Principle of Development
  - Design, impact upon the street scene, creating a sense of place;
  - Community Facilities and Impact on Assets of Community Value (ACV)
  - Highway Safety, Car Parking and Access
  - Economic impact
  - Impact upon neighbouring amenity
  - Flood risk and drainage
  - Retail
  - Heritage

- Air quality
- Contaminated Land
- Ecology and Biodiversity Net Gain
- Health & Wellbeing
- Rights of Way
- Sustainability
- Waste Management
- Planning Obligations and Viability.

## **Principle of Development**

### Policy

220. The key policies for consideration of this element of the proposal are as follows.
221. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
222. Section 5 of the NPPF - 'Delivering a Sufficient Supply of Homes' states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
223. Sections 6 (Building a strong, competitive economy) and 8 (Promoting healthy and safe communities) of the NPPF encourage the retention and development of existing sporting venues to support the economy and healthy lifestyles.
224. Section 11 of the NPPF – 'Making efficient use of land' NPPF promotes the effective use of land in meeting the need for homes and other using whilst safeguarding the environment and ensuring safe and healthy living conditions. It aims to direct such development to previously developed or 'brownfield land'. Paragraph 125 c) requires planning decisions to '*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land*'.
225. Policy 3 (Spatial Strategy) of the Local Plan Part 1: Core Strategy sets out the spatial strategy for sustainable development in Rushcliffe and establishes a hierarchy for housing development across the Borough. It identifies West Bridgford (being within the main built up area of Nottingham) at the top of the settlement hierarchy for housing growth. The Plan seeks to provide a minimum of 13,150 homes in the Borough by 2028, with approximately 7,650 of these being located either in or adjoining the main built-up area of Nottingham.

226. Local Plan Part 2: Land and Planning Policies - Policy 11 (Housing Development on unallocated sites within settlements) states that planning permission will be granted for development on unallocated sites subject to compliance with the criteria listed under part 1 of this policy. Of specific relevance are the below criteria whereby planning permission will be granted provided:
- a) the proposal in terms of scale and location is in accordance with Local Plan Part 1: Core Strategy Policy 3 (Spatial Strategy);
  - b) the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials;
  - c) the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;
  - d) the proposal would not result in the loss of any existing buildings considered to be heritage assets unless the harm is, in the case of designated heritage assets, outweighed by substantial public benefits or, in the case of non-designated heritage assets, the loss of significance to the asset is justified;
  - e) the proposal would not have an adverse visual impact or be unduly prominent from locations outside the settlement;
  - f) the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
  - g) appropriate provision for access and parking is made.
227. Local Plan Part 1: Core Strategy Policy 13 (Culture, Tourism and Sport) protects existing cultural, tourism and sporting facilities, where appropriate, and supports their further development. Policy 30 (Protection of Community Facilities) of the Local Plan Part 2 provides guidance on the protection of community facilities.
228. Policy 6 (Role of Town and Local Centres) of the Core Strategy requires under Part 6 that 'Development of retail and leisure uses in out-of and edge-of-centre locations will need to demonstrate suitability through a sequential site approach and also provide a robust assessment of impact on nearby centres'. The Local Plan Part 2 (Land and Planning Policies) will set thresholds at which retail impact assessments will be required for the scale of main town centre development in edge-of and out-of centre locations.' This is set within Policy 27 (Main Town Centre Uses Outside District Centres or Local Centres) of the Local Plan Part 2.

### Assessment

229. The development comprise 3 main component parts in terms of use, the redevelopment of the existing Peter Taylor Stand, including the creation of the new public plaza and the demolition of the Britannia Boat House and the residential redevelopment which includes the provision of new flexible

commercial uses within the residential block. The principle of such uses is considered below.

#### *The 'Full' Replacement Stand element*

230. In relation to the redevelopment of the Peter Taylor Stand and the associated works, Sections 6 (Building a strong, competitive economy) and 8 (Promoting healthy and safe communities) encourage the retention and development of existing sporting venues to support the economy and healthy lifestyles. Further to this, Core Strategy Policy 13 (Culture, Tourism and Sport) protects existing cultural, tourism and sporting facilities, where appropriate, 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. The application site is classed as a brownfield site (i.e. previously developed) in a highly sustainable location close to local amenities. It therefore would accord with the aims of Section 11 of the NPPF which prioritises the use of brownfield land for housing and other uses and, as per paragraph 125c, substantial weight should be applied to this. Accordingly, the principle of redeveloping the Peter Taylor Stand to enhance the existing sporting facilities, as well as provide a new public plaza and an additional access to the River Trent is clearly supported by both national and local planning policies and must be given substantial weight.
231. The associated works to create the pedestrian Plaza and link to Trentside North however results in the loss of the existing Britannia Boat House, which in itself represents an existing cultural, tourism and sporting facility which would be offered protection under the same policy. Paragraph 3.13.1 of the Core Strategy identifies that 'existing facilities will be protected and enhanced where there continues to be a viable need for them, and where they are affected by development, suitable alternative provision will be made where this is achievable and sustainable.' Policy 30 (Protection of Community Facilities) of the Local Plan Part 2 provides more detailed provision for the protection of such facilities in accordance with the guidance above. In this case, and as detailed later in this report, the loss of the existing Britannia Boat House is proposed to be offset by the delivery of a suitable alternative provision, secured by planning obligation. Subject to this, these works are also capable of being policy compliant under Policy 13 of the Core Strategy.

#### *The 'Outline' residential element (including commercial uses)*

232. In relation to the residential development, the site is unallocated for development within the Core Strategy or in the Local Plan Part 2 and therefore consideration needs to be given to Policy 11 of Local Plan Part 2. The site is located within the main built-up area of West Bridgford within Rushcliffe, which Policy 3 of the Core Strategy identifies as being at the top of the settlement hierarchy in terms of achieving sustainable housing development through a policy of urban concentration and regeneration. Therefore, the development of the site for residential purposes is considered to accord with the aims of Policy 3 of the Core Strategy and would therefore also accord with limb a) of the criteria within Policy 11 of LPP2. The other criterion within Policy 11 will be considered and addressed later within the report.



233. The application site is classed as a brownfield site (i.e. previously developed) in a highly sustainable location which is surrounded by residential properties and close to local amenities. It therefore would accord with the aims of Section 11 of the NPPF which prioritises the use of brownfield land for housing and other uses and, as per paragraph 125c, substantial weight should be applied to this.
234. Further, the Council currently has a five-year housing land supply of 5.2 years, which is demonstrated within Rushcliffe Borough Council's Five-Year Housing Land Supply Assessment 2024-2029. The addition of 170 homes will assist with the provision of both local and national housing and would accord with Section 5 of the NPPF. The development of the site for residential purposes is therefore considered to be acceptable in principle.
235. In relation to the flexible commercial uses, Policy 6 (Role of Town and Local Centres) of the Core Strategy requires under part 6 that 'Development of retail and leisure uses in out-of and edge-of-centre locations will need to demonstrate suitability through a sequential site approach and also provide a robust assessment of impact on nearby centres. The Local Plan Part 2 (Land and Planning Policies) will set thresholds at which retail impact assessments will be required for the scale of main town centre development in edge-of and out-of centre locations.' The Local Plan Part 2 sets out the extents of West Bridgford District Centre along with Local Centres and Centres of Neighbourhood Importance. The site does not lie within any such centre as defined on the policies map, nor does it sit within an edge of centre location.
236. Accordingly in order to be policy compliant a sequential assessment will need to be made as set out within policy 27 (1) (Main Town Centre Uses Outside District Centres or Local Centres) of the Local Plan Part 2. A detailed assessment will be made later in this report. As the floor area of the flexible uses would be less than 500sqm no retail impact assessment would be required. Accordingly the flexible commercial uses are also capable of being policy compliant subject to detailed assessment.

### Conclusion

237. In conclusion, it is considered that the principle of the development both individually and as a sum of its component parts is acceptable, subject to detailed policy considerations as set out through the remainder of this report. The delivery of enhanced sporting facilities, enhanced public realm, additional public access to the River Trent, as well as the provision of much needed new homes, alongside an element of commercial development, all on brownfield land in a sustainable location would all in principle weigh substantially in favour of the development.

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

#### Policy

238. The key policies for consideration of this element of the proposal are as follows.
239. Chapter 12 (Achieving well-designed places) of the NPPF highlights the importance of creating high quality buildings and places and that good design

is a key aspect to achieving sustainable development. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place.

- 240. Policy 10 (Design and enhancing local identity) of the Core Strategy states that all new development should be designed to make a positive contribution to the public realm and sense of place, create an attractive, safe, inclusive and healthy environment, reinforce valued local characteristics, be adaptable to meet demands and the effects of climate change, and reflect the need to reduce the dominance of motor vehicles. Development must also be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.
- 241. Policy 1 (Development Requirements) of LPP2 states that planning permission for new development will be granted subject to meeting certain criteria. One of the criterion listed states *'the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy'*.
- 242. Policy 11 (Housing Development on Unallocated Sites within Settlements) of LPP2 states that planning permission will be granted for development on unallocated sites within the built-up area of settlements provided *'b) the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials'* and further goes on to state *'the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers'* and *'e) the proposal would not have an adverse visual impact or be unduly prominent from locations outside the settlement'*.
- 243. The National Design Guide (PPG) sets out the characteristics of well-designed places and demonstrates what good design means in practice.
- 244. The Draft Rushcliffe Design Code has completed its consultation but has yet to be adopted. As such it forms material consideration for the application, and given its advanced stage it should be given moderate weight. It sets out the design requirements for new development within the Borough. The Existing Rushcliffe Borough Council Residential Design Guide SPD (2009) remains a material consideration at this time.
- 245. The Fire safety and high-rise residential buildings (from 1 August 2021) Guidance requires that fire safety measures for relevant high-rise buildings to be considered at the planning stage.

#### Assessment

- 246. Full planning permission is sought for the proposed replacement stand and associated works to create the plaza and infrastructure, and outline permission is sought for the proposed residential apartment block (including the proposed

commercial units). Some of 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, access and scale are to be considered in detail at this stage.

#### *The 'Full' Replacement Stand element*

247. 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. The existing structures have a functional appearance with the buildings doing little to create any great sense of place.
248. The City Ground sits within a wider 5.4 hectare site on the banks of the River Trent and in close proximity to another sporting arena, 'Trent Bridge Cricket Ground'. To the direct south of the site are a range of existing two and three storey residential buildings, and directly west of the site are the Waterside Apartments which is an 11 storey residential development within a former office building (formerly used as a Council office building). Key views of the application site are available from the south west, notably from Trent Bridge as well as from riverside paths north west of the river and the wider Nottingham administrative area. To the direct 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 add activity to the river frontage but are mainly viewed in the context of the existing city ground and Waterside Apartment building.
249. The replacement stand would provide general admission seating, executive and corporate hospitality seating to generate increased match day and non-match day revenues as well as conferencing facilities, improved accessible facilities, replacement changing and physio rooms, and associated facilities including media suites. 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.
250. The proposed replacement stand would be significantly larger than the existing Peter Taylor Stand. This is in part due to the requirement to meet modern building and stand design standards, and in part due to the proposed enhanced level of facilities proposed to be offered. In this regard it is notable that the existing Peter Taylor Stand is undersized and outdated compared with other parts of the ground.
251. The proposed 10,000-seat capacity stand would be split across five floors. The ground floor would provide for public access as well as players and staff. This floor would contain the lower concourse areas providing access to the lower tier seating. Player, staff and match official accommodation would also be provided along with associated servicing and plant areas. The first and second floors would primarily contain the business lounge, box seating and suites and hospitality lounges and all associated servicing areas (Kitchens/toilets/stores etc). The third and fourth floors would each provide public concourses areas servicing the third (top) tier of seating. Each concourse area would be serviced

with food and beverage provisions as well as W/C's. The Stand footprint would measure 109m in width x 52m depth, excluding the additional corner building, and would be approximately 38m high [to top of structural roof trusses] which would make it the tallest stand at the City Ground (around 10m taller). The main bulk and mass of the structure would have a height of circa 25m, with the top c.13m consisting of the inset roof structure and trusses. From public viewpoints, the main façade of the building would face south west onto the proposed public plaza and towards the proposed residential building.

252. A cantilever system is proposed for the roof structure which would align with the original architectural character of the wider ground (as seen on the existing Bridgford and Trent End Stands). It is a repetitive system with similar framing on each structural grid line. The building externally would be clad in a mixture of materials including concrete panels, aluminium panels in club colours, glazed panel systems including coloured panels to enhance character, brise soleil features to add interest and portal cladding to entrances.
253. To retain and enhance the visual presence from Trent Bridge, the design of the proposed west corner has been altered, with a four storey flat roofed and corner turning design proposed to this location to actively address this key view. This part of the building would contain the club shop at ground and first floor with hospitality identified as 'Trentside Lounge' on the floors above. The building would be finished in a mix of aluminium cladding and glazing to actively look out towards the river and activate the Trentside frontage and plaza corner.
254. The proposed replacement stand would be significantly greater in size than that which exists today when its maximum height is considered. The main mass of the structure would have a maximum height of c.25m, which would be directly comparable and slightly lower than the main mass of the adjacent Trent End Stand. The roof structure would then be inset from the plaza elevation and River facing elevations (due to the corner module) and as such the taller roof elements would appear secondary and would not result in a structure discordant with the existing stadia and structures on site. When considered in the context of the established football ground and the existing stands, along with the size of other buildings visible along the River Trent waterfront including the Waterside Apartments, it is considered that the replacement stand would be appropriate in scale to its location and use, without being overly dominant or out of character with the local area.
255. Whilst it is noted that 2 storey residential housing abuts the sites south eastern boundary, in close proximity to the replacement stand, this juxtaposition between the stadia site and the housing is an existing and long established feature. From a design perspective it is not considered that the development would be harmful to the character and appearance of the area given the established stadia footprints and building lines, along with the size of other existing stands.
256. The existing ground arrangement is entirely inward facing, with functional spaces to all sides, and the development would be considered to bring about significant enhancements to the character and appearance of the area as viewed locally from both Pavilion Road, and Trentside, as well as in views from further afield. The design would create presence and activity to the external ground elevations, seeking to create a new sense of place, and a real entrance

to the stadia. The materials proposed would be both functional, and add interest to the building, drawing attention to the stands main entrance and areas of activity which would be considered to appropriately create and define a sense of place in this gateway location and main entrance to the Nottingham Forest City Ground.

257. Furthermore, the new building footprint (and demolition of the Britannia Boathouse) allows for formation of a shared surface plaza that would create a public and pedestrian connection between Trentside North and Pavilion Road across the plaza. This new pedestrian connectivity to the riverside would improve the permeability of the current stadium area which is an impediment to direct access to Trentside North and the River Trent. This would represent a significant enhancement over the existing private car park arrangement with no public access. Whilst parking is still provided for within the plaza, this use does not appear the primary function of the space with differing paving solutions and landscaping used to delineate priority users in different spaces. The creation of such a new pedestrian space which directly interacts with the proposed replacement stand is considered a significant design and place making enhancement. As part of the plaza works, the built line of the existing club shop on Pavilion Road has been pushed back (as defined on the residential parameters plans), creating a wider access to the site which opens views into the plaza and towards the stand as pedestrian users travel down Pavilion Road, again helping to create a sense of place and identity to this currently private area of land.
258. Within the Design and Access Statement 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”*. It is considered that the plaza design combined with the stadium plans achieves these aims.
259. 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 to vehicular traffic where necessary. Pedestrian areas are designed to include appropriate infrastructure to prevent unauthorised vehicular access to ensure the safety and security of users. The design and layout of these measures have been discussed and designed in consultation with the police architectural liaison officer.
260. 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. The substation would be externally finished in facing brickwork, a capped parapet roof and louvre doors. The gates would be c. 3m tall to match the height of the gatehouse and would be metal features with provision for the club name.
261. 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.

- 262. The replacement stand, and the associated public realm, have been carefully designed with simple geometry to 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.
- 263. 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.
- 264. Overall it is considered that the proposed development would result in a stadium of significantly improved design quality and would accord with the requirements of Policy 10 (Design and Enhancing Local Identity) of the Core Strategy (LPP1) and Policy 1 (Development Requirements) of the LPP2, along with the aims set out in the national design guide.

*The 'outline' residential element (including commercial uses)*

- 265. 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. The layout, massing and indicative design have undergone significant amendments through the course of the application.
- 266. A parameter plan has been submitted detailing an L-shaped apartment block of up to 13 storeys in height, measuring some 40m in height at its maximum. The built form is approximately 53m L x 42m W x 40m H at the highest point stepping down to a height of 28.2m along Pavilion Road, with an approximate gross internal floor area of 17,091sqm, with 267 sqm of commercial / retail use at ground floor level. 67 car parking spaces, including five accessible spaces are provided at ground and first floor levels, and 170 cycle spaces are also proposed within secure storage rooms.
- 267. 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. As the residential element is outline in part and proposes up to 170 residential units, the 169 units shown on the submitted plans is indicative only.
- 268. The applicant suggests 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"*. The elevated residential accommodation is also resultant of the sites location with Flood Zone 3.

269. The residential accommodation is proposed in a single building varying in scale to help respond to the local context and varying scales of surrounding development and streets. In this regard the tallest aspect addresses the River, a natural green corridor of significant width, with the lowest aspects addressing the narrower Pavilion Road and the closest adjacent domestic scale properties south west of the site.
270. Indicative elevation designs show how the riverside facing tower element could be treated in an alternative vernacular to the other more linear aspects of the building which front the proposed plaza and Pavilion Road, to showcase itself as a standalone focal point addressing the river frontage. The designs are considered to showcase how a structure of such scale (40m in height) could successfully integrate into the riverside context, where development of scale sits either side of the site (Waterside Apartments at 37m and The City Ground (existing Trent End at 28.06m as well as the proposed Stand at 38m).
271. The building would provide a high point on the river front (being taller than both the waterside apartments and the City Ground Stands) however the height differences would be limited and would be seen as a gentle undulation in the skyline which would not be considered overbearing or dominant given the pinnacle type form of this tallest element. The location of this element set back slightly from the main Trentside frontage behind the retained boathouse buildings which maintain low level activity also aids the buildings successful integration into the site context, which subject to an appropriate external design and appearance (a reserved matter) would be considered an appropriate design response to the site. The building form then terraces down to the south, helping to moderate its impact and presence within the immediate area, and respond to the more domestic scale development which borders the site to the southern boundaries.
272. The design and access statement also states that *“Using an ‘L’ shaped building creates a semi-enclosed courtyard which forms the heart of the residential development providing private external amenity space for resident’s use. Additionally, the external facing elevations benefit from either south facing or river front views, either directly or obliquely”*.
273. The ‘L’ shaped footprint takes broad cues from the form and relative scale of the Waterside Apartments building adjacent. This helps to both address public realm and enclose the private courtyard space while providing for adequate space between the two developments: minimising the overall impact of by reducing overshadowing and allowing more daylight to reach the internal courtyard and residential units of both developments. Layout drawings also show that a subtle curve would be employed in the building form to echo the curved form of Waterside Apartments (Bridgford House).
274. 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 Waterside Apartments (Bridgford House) and the City Ground, all of which would be similar in height. Overall the proposals are considered to be well designed and bring considerable enhancement to the character of the area and quality of place, complying with the requirements of Policy 11 parts ‘b’ and ‘e’ of the LPP2 which requires that ‘the proposal is of

a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials' and that 'the proposal would not have an adverse visual impact or be unduly prominent from locations outside the settlement'.

275. The Draft Rushcliffe Design Code is currently out for consultation and forms a material consideration for this application. In considering the Draft Design Code, Section 3 (Multi-dwellings and Taller Buildings) is of particular relevance for the residential element of the scheme. Many of the design codes in this section relate to the external appearance of the building and landscaping, which will be considered as part of the reserved matters stage of the residential element of the application.
276. Design Code C3.1 requires all new and adapted homes to be dual aspect. It also stipulates that single aspect, north facing apartments will not be accepted unless where the adaptation of an existing building prohibits it, and this can be rigorously demonstrated. Whilst the proposal does not include details of the external appearance, including positioning of windows, the proposed floor plans indicate that the majority of apartments would be single aspect. It is therefore considered that the proposal would not comply with this design code in full. However, full consideration of the external appearance and design would be had at reserved matters stage and whilst the draft design code is a material consideration of the application, it has not been adopted and is subject to change, therefore it is considered that this should be afforded only moderate weight within the overall planning balance.
277. Design Code C3.5 requires that micro-climates surrounding tall buildings to be carefully considered, particularly in relation to unpleasant and dangerous wind effects. It also notes landscaping and trees can form mitigation measures for such impacts. The National Design Guide also requires that proposals for tall buildings carefully consider environmental impacts of the development, including wind impacts. The buildings external form/appearance and landscaping are reserved matters for the residential element of the scheme and it is therefore considered appropriate to impose a condition which requires the submission of a wind and microclimate assessment. This will inform the final design of the scheme and would be considered appropriate to mitigate any harm in terms of dangerous or unpleasant wind effects.
278. The Fire safety and high-rise residential buildings (from 1 August 2021) Guidance requires that fire safety measures for relevant high-rise buildings to be considered at the planning stage. However, as this legislation only applies to applications made on or after 1 August 2021, this guidance does not apply to this application. The applicant will still be required to comply with other legislative requirements in relation to fire safety that are separate to the planning process.

### Conclusion

279. The development scheme as a whole seeks to redevelop a sustainable brownfield site with no current public access, to provide enhanced sporting and community facilities, commercial uses, homes, public realm, parking and an improved connectivity to the River Trent corridor. The scheme seeks to use



built form, a mix of uses, public realm, nature and new movement corridors to deliver a new identity to the site. The assessments made above are considered to demonstrate how the scheme fits appropriately within its context, and accordingly these matters are all deliverable and definable characteristics identified within the National Design Guide.

280. Overall the design of the proposals is therefore considered to accord with the requirements of Policy 1 (Development Requirements) and Policy 11 (Housing Development on Unallocated Sites Within Settlements) parts 'b' and 'e' of the LPP2, Policy 10 (Design and Enhancing Local Identity) of the Core Strategy (LPP1) and Section 12 (Achieving Well-Designed Spaces) of the NPPF. Whilst a degree of conflict exists with policy 3.1 of the emerging Rushcliffe Design Code, to which moderate weight must be attached, it is considered that on balance, the design enhancements provided by the scheme with regards to placemaking far outweigh the limited harm identified with this policy. Accordingly the design of the development is considered acceptable.

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

#### Policy

281. The key policies for consideration of this element of the proposal are as follows.
282. 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.
283. Section 8 (promoting healthy and safe communities) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places. Paragraph 98 states *"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:"* *inter alia* 'c) 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs'.
284. Paragraph 200 of the NPPF states that *'existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'*.
285. Policy 30 (Protection of Community Facilities) of the Local Plan Part 2 states that new development resulting in the loss of facilities should not be granted unless:
- 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

- alternative provision will be provided as part of the redevelopment of the site
  - 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
  - it has been satisfactorily 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.
286. 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”*. The intention of this Policy is to provide for the protection of all tourist and leisure facilities with particular note to Nottingham Forest’s City Ground (amongst named others) as a “valued attraction”.

#### Assessment

287. 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 11.05.2029 (ACV 40).

#### The ‘Full’ Replacement Stand element

288. 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 with public access 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.
289. As part of the proposals the applicant has agreed to provide replacement facilities that would meet the requirements of the rowing club. The draft S106 includes provisions within the fifth schedule which identifies facilities that must be provided in any replacement facilities, which includes minimum gross internal areas for boats and equipment, a requirement for stepped access and landing strips to the river from the front of the replacement boat house, changing rooms with shower facilities, toilet facilities and a club room. The schedule also makes clear that the kitchen and balcony facilities lost from the

Brittania Boat House are to be replaced, altered and approved at the Nottingham Rowing Club Boat house.

290. 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. This would protect the existing facilities 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 of the LPP2.
291. Nottingham Rowing Club support these proposals and the method of securing replacement facilities and have been party to ongoing discussions in relation to the S106 legal agreement.
292. 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.
293. 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.
294. 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 ground for refusing planning permission on this basis.
295. In relation to the planning history of the adjacent boathouses, there are no permissions or current applications that would directly conflict with the proposed development. Whilst the Local Authority is aware of the wider aspirations of the boat clubs to redevelop their facilities including residential accommodation above replacement boat house/club facilities, these ambitions have not materialised in the form of any planning applications or permissions to which greater weight and certainty of intent can be given.

*The 'outline' residential element (including commercial uses)*

296. The residential element would be in relatively close proximity to the rear (west) boundary of the existing boat clubs however, it would not affect their status and most importantly their operation as community facilities and tourism and leisure facilities. 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 and any impact would not be considered to fundamentally impact the operation of the existing boat house buildings.

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 not considered that the proposals would be incompatible with adjacent land uses.

297. In accordance with the principles of 'agent of change' and having regard to paragraph 200 of the NPPF, appropriate acoustic glazing is proposed within the residential scheme and controlled by condition that would seek to ensure internal noise environments are acceptable for future occupiers, which would safeguard the long term viability of the established Boat clubs.

### Conclusion

298. 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 development 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 and operation. The development would therefore accord with Core Strategy Policy 13 (Culture, Tourism and Sport) and Policies 30 (Protection of Community Facilities) and 31 (Sustainable Tourism and Leisure) of the LPP2.

### **Highway Safety, Car Parking and Access**

#### Policy

299. The key policies for consideration of this element of the proposal are as follows.
300. Section 9 (Promoting sustainable transport) of the NPPF sets out that transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places.
301. Paragraph 115 of the NPPF requires that in assessing specific applications for development it should be ensured that:
- Sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location
  - Safe and suitable access to the site can be achieved for all users
  - The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - Any significant impact from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.

302. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
303. Paragraph 117 of the NPPF provides a list of matters which applications for development should seek to achieve:
- Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - Allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
304. Paragraph 118 of the NPPF requires that “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored”.
305. Policy 14 (Managing Travel Demand) of the Core Strategy identifies that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments. The policy goes further to state that the priority for new development is selecting sites already, or which can be made, accessible by walking, cycling and public transport. Where accessibility deficiencies do exist these will need to be fully addressed. In all cases it will be required that severe impacts, which could compromise the effective operation of the local highway network and its ability to provide sustainable transport solutions or support economic development, should be avoided.
306. Policy 1 (Development Requirements) of the LPP2 requires under part ‘2’ that a suitable means of access be provided 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.

307. Policy 11 (Housing Development on Unallocated Sites Within Settlements) of the LPP2 also requires under part 1(g) that appropriate provision for access and parking is made.

#### Assessment

308. The proposed replacement stand facility would provide for an additional 5,000 spectator capacity at the stadium (total 10,000 capacity stand) and is proposed together with up to 170 residential apartments and up to seven Class 'E' commercial units with a total area of 267sqm.
309. The design of the vehicle access and the layout of Pavilion Road has been amended, following discussions with the Highway Authority during the course of the application. The key changes within the existing highway boundary include creating a priority arrangement at Pavilion Road so that vehicles approaching from the south (Radcliffe Road Direction) have to give-way to vehicles approaching from Pavilion Road West (A60 direction). This would replace the existing layout where pavilion road turns the corner, with the NFFC car park served by a give way junction to the outside of the bend in the road.
310. The revised highway layout would be secured by condition and designed in greater detail following any granting of planning permission, to form part of a S278 highways agreement with the County Council as Highway Authority. The works would not change the form of the sites existing and established primary access off of Pavilion Road to serve the stadium and the existing car parking to north of the Brian Clough stand (accessed off Scarrington Road) would remain unaffected by the proposals.

#### The 'Full' Replacement Stand element

311. 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 (31 standard, 4 accessible). The remaining car parking area would be re-configured to include a coach drop-off facility and a turning area together with a separate area for secure match officials parking (4 spaces). Access would be managed by a secured manned gate on Pavilion Road.
312. The proposal would continue to make use of Trentside North as a secondary access for service vehicles to the southwest corner of The Peter Taylor Stand where plaza access would be available in the location of the Britannia Boathouse which is to be demolished. Primary servicing would however take place from Pavilion Road. 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.
313. The existing cycle parking facilities on Trentside North and the main car park 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. The provision of these facilities could be secured by

condition. Access across the plaza would not be stepped with only minor level changes, and level access would be retained into the stadium complex.

314. The applicant has submitted a Transport Assessment (TA) in support of the application. 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. The assessment goes on to consider the match day and non-match day operations at the ground as existing, with match day operations utilizing data collected from a suite of surveys collected at a home game on 13<sup>th</sup> April 2019 (attendance 27,768) which included:
- On street Parking Beat Surveys
  - Off Street parking surveys
  - Pedestrian Surveys
  - Spectator Surveys (to understand current travel)
  - Automatic Traffic Count (ATC) Surveys (From 13<sup>th</sup> April for 1 week).
315. The data from the ATC surveys identified that Saturday match day peak hour vehicle flows do not exceed the peak traffic flows on a normal working weekday (08:00 – 09:00 or 17:00 – 18:00). The match day peak was noted between 17:00 and 18:00 which correlates with spectators leaving a game, but as stated these traffic flows did not exceed those seen on a working weekday.
316. The applicant manages 4 car parks on or adjacent the site, as well as having a number of off-site approved car parking options. The on site car parks are identified below:
- Main Stand Car Park 1 and 2;
  - East Car Park;
  - Brian Clough Car Park; and
  - Environment Agency Car Park (adjacent to the Site).
317. The applicant states that match day parking at the ground for general admission supporters is limited and priority is given to disabled supporters, coaches, players, and match and Club officials. They advise that the actual number of spaces available on site on any match day varies depending on factors such as visitor supporter numbers (and coaches), and television screening requirements. On site parking is noted as being at capacity on match days, with it noted from the data collected that corporate hospitality guests have a longer post-match dwell time on site before leaving than most general spectators.
318. The on-street parking beat surveys covered an area of approximately 1.25km from the ground. Survey results were filtered to focus on non-residential spaces available to visitors on match days (for example excluding resident permit areas). The area was split into zones with surveys completed at 15.45 (half time during the game) and then again at 21.00 the same evening. Results suggest that out of 3,901 identified spaces some 443 on street spaces were available at half time during the game, with 1,849 available by 21.00 that evening. The spaces available at half time were notably in areas further from the ground, with areas closest at capacity.

319. Pedestrian flow analysis was also undertaken on routes around the ground both before and after the game. This analysis shows that post game peak flows are higher than pre-game with around 2,500 spectators arriving the stadium area in any 5 minute interval before the match, but some 7,000 leaving the stadium area in any 5 minutes after the match.
320. Baseline modal splits for staff and spectator transportation were also derived. 64% of spectators arrived by car, with 88% of those noting that they parked on street. Train and bus were next highest (11.6% and 9.7% respectively), followed by tram and walking (5.9% and 5.7% respectively). For staff around 45% arrived by car, with 29% by bus. The next highest was walking at 7%.
321. Existing non-match day activities on site are identified to include club administration, retail activity associated with the club shop and ticket office, and events such as conferences and weddings. The applicants advise that current facilities can hold conferences/events for up to 600 attendees, and that the site holds up to around 40 such events (of varying size) each year.
322. The TA 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.
323. Fundamentally the scheme would result in a loss of existing car parking on site, with the Main Car park being reduced from 171 spaces to 35 resulting in a net loss of 136 on site parking spaces.
324. The development would deliver for an additional 5,000 spectators during a match day event. The TA identifies that each additional spectator be treated as an additional trip, and that by utilising existing modal travel data for spectators it can predict that the development would result in an additional 3,200 vehicular trips, 580 rail trips, 485 bus trips, 295 tram trips etc. This information is set out in table 6.1 (page 66) of the TA. Other data collected identifies an average of 2.4 persons per vehicle arriving at the ground, which allows the 3,200 to be split into drivers (1,257) and passengers (1,943), and then data on peak arrival times has been used to predict the change to peak hour arrivals and departures based solely on the existing and established modal travel trends. The results in tables 6.3 and 6.4 of the TA (page 67) suggest that as a result of the additional capacity an additional 3,700 spectators are likely to arrive during the peak arrival hour (weekend or weekday), with 4,800 additional spectators to leave during the peak hour departure.
325. Additional staff required to service the expansion (around 50) would not clash with peak hour travel trends as they are required to attend the site 3 hours prior to kick off and would not leave until 90 minutes after full time.
326. Non-match day conference and hospitality event capacity is proposed to increase from 600 to 1,200 people. The applicant has suggested that the facilities could be used up to 230 times per year however a significant proportion of that is identified as small meetings of circa 15 people. It is suggested that on site parking is capable of accommodating even the largest



event sizes on site. The applicant has however confirmed that events would be capped at 800 guests across the site, limiting the expansion over existing capacity to 200 additional guests on site. The TA identifies that most events that are proposed, also already happen on site, and identifies that the larger events of up to 800 persons would likely be parties or wedding which would take place at times outside of normal weekday peak hour flows.

327. The TA carefully concludes that additional match day pressures on bus, train and tram would not be significant, noting that the busiest match day hours would not coincide with peak weekday travel times. In terms of cycles the additional numbers would result in 5 peak hour additional cycle movements which would again not be considered to result in any significant impact on the surrounding cycle network.
328. In terms of pedestrian movements crowd flow modelling has been used to support the development proposals, and any impacts would be short lasted and managed by appropriate crowd management solutions where necessary.
329. In terms of highway capacity, the TA identifies the development would lead to an additional 1,257 car trips on a match day. Using arrival and departure profiles the number of movements in any one hour can be predicted (Table 7.3 Page 80). This identifies 930 additional cars in the peak arrival hour and 1,207 in the peak departure hour. Traffic flow data has been used to further predict of those cars, what percentage would arrive and leave using 4 key routes around the ground (Trent Bridge, Lady Bay Bridge, Radcliffe Road, Meadow Lane). Careful analysis shows that in general that the predicted post development match day flows still do not exceed weekday peak flows on the network, with exception to southbound over Lady Bay Bridge, where an additional 24 trips an hour are predicted. The TA confirms that this would not however represent a significant impact.
330. Section 7.6 of the TA looks at wider highway impacts, identifying areas within 30 minutes walk of the City Ground, and identifying arterial routes into this area from the wider highway network. The percentage of trips using each route has been predicted to allow the peak hour impacts on any given route to be predicted. Given that peak hour flows do not directly clash with network peak flows on weekdays the TA concludes no significant impacts would be felt.
331. With regards to parking demand the TA identifies in section 7.7 that with the expansion, and loss of existing parking, a net demand for 1,416 spaces is generated. The TA identifies that parking beat surveys identified spare capacity in the existing surveys but also notes that for major events attendees are typically willing to walk longer distances, and that as such drivers would park beyond the 1.25km distance.
332. Junction capacity assessments for both 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 assessments conclude that both junctions operate satisfactorily with and without traffic development.

333. Following careful consideration and assessment Nottinghamshire County Council as Local Highways Authority have confirmed that they do not object to the findings and methodology as presented within the document. This position heavily relies on the implementation of extensive travel plan processes (detailed further below) and agreement to S106 obligations.
334. Section 10 of the TA identifies mitigation measures. Above and beyond existing stadium and club travel measures, the applicant has committed to the provision and agreement of a Travel Plan to encourage sustainable travel modes and actively discourage the use of the car. It is important to note that the highway assessments earlier in this section of the report are based on current travel trends, and that as such the measures of a travel plan should seek to provide a betterment beyond the assessed scenario.
335. The Travel Plan requires that the developer appoints 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.
336. The Travel Plan highlights that Travel Information Packs would be created for all employees. The existing site events management plan (EMP) would be given greater scope to review and manage all modes of transport and not just traffic, with the proposal to establish a transport management group with all relevant stakeholders. The updated EMP is suggested to be controlled by planning condition and the Travel Plan suggests the following measures could be reviewed and included:
- Improvements to NFFC's website to promote the use of sustainable modes of transport;
  - Colour coded tickets and signage to different parts of NFFC;
  - Mapping of walking routes from public transport nodes printed on reverse of tickets;
  - Actively encouraging spectators to arrive earlier and stay later with pre and post-match entertainment / hospitality, which would stagger spectator arrivals and departures and minimise the impact of peak spectator movements outside NFFC and reduce pressure on the transport network;
  - Stewarding measures to optimise crowd flows onto Trent and Lady Bay Bridges following a match;
  - The use of coaches as an alternative travel mode for spectators. The Applicant has initiated discussions with a coach travel provider; and
  - Consideration of temporary road closures at the conclusion of events to ensure pedestrian safety, particularly on Lady Bay Bridge (through the implementation of Traffic Regulation Orders).
337. The Travel Plan identifies a range of sustainable transport initiatives for staff such as bus taster tickets and car club schemes to limit single occupancy

vehicle travel. The Travel Plan also commits to engaging with public transport operators such as Nottingham Express Transit (NET) and East Midlands Railways (EMR) to discuss emerging strategies for encouraging further spectator travel by rail/tram.

338. 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.
339. 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.
340. 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.
341. 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.
342. The applicant has agreed to the following S106 obligations in relation to transport and travel initiatives relating to the stadium development:
  - Match Day Traffic Regulation Orders - £50,000
  - Match Day Permits - £190,000
  - Bus Service Improvements - £210,000 for 5 Years ((£1,050,000 Total)
  - Electronic Transport Displays - £50,000
  - Footpath Upgrade to Grantham Canal - £50,000
  - Cycle access improvements on Lady Bay Bridge and access off Scarrington Road - £200,000
  - Pedestrian Crossing Improvements London Road / Cattle Market Junction - £150,000.
343. All of the above would provide for enhanced connectivity and accessibility of the site which would again contribute to encouraging a transition and modal shift in supporter and employee travel trends in favour of more sustainable transport modes. Given the position of County Council as Local Highways Authority who raise no objection, and given the assessment as outlined above, it is considered that the highways, parking and access strategy related to the stand and plaza (full) application is acceptable. The scheme seeks to promote sustainable travel methods and options, provides for suitable and safe access, has demonstrated no significant impact to existing transport networks, and parking levels in accordance with highways authority advice who have

confirmed no objection. Accordingly this aspect of the development is considered to accord with the relevant policies of the development plan including Section 9 of the NPPF, Policy 14 of the Core Strategy and Policy 1 of the LPP2.

*The 'outline' residential element (including commercial uses)*

- 344. Access is one of the matters to be considered at this stage with regard to the apartment building which would also contain commercial (Use Class E) units at ground floor. Consideration of the highway's aspects include the parking, servicing 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. The access point for this part of the scheme would be via a new dropped kerb access onto Pavilion Road.
- 345. 67 car parking spaces (including five disabled spaces) and 170 cycle spaces would be provided to serve the apartments. The car parking spaces would be located within the ground and first floors of the building.
- 346. The main pedestrian access for the proposed apartment building would be from Pavilion Road with a dedicated entrance from the new public realm alongside Pavilion Road. Vehicle access to the residential parking spaces would also be from a new dropped kerb access on Pavilion Road with servicing for both deliveries and waste collection to take place from the roadside and not within the building.
- 347. Waste storage would be provided at ground floor level for the residential scheme. 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.
- 348. Up to 7 ground floor commercial units in the residential element of the scheme fronting the new plaza have been proposed. The facades to the commercial uses are shown 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 267sqm. The space has been described as flexible floorspace intended to provide flexibility for active uses along the plaza frontage. Servicing would be achieved via the adjacent proposed plaza.
- 349. In relation to the proposed residential scheme, parking demand in this location 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 could then create a safety issue.
- 350. The impact of the residential and commercial uses on the local highway network have been modelled, notably in regards to the Pavilion Road/Radcliffe Road junction. The assessment finds that in combination with the reduced parking at the Main Car Park from Pavilion Road, the traffic impact on the junction would be negligible.

351. The TA identifies that the package of mitigation and Travel Plan measures being put forward, combined with the wider accessibility of the site, would 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.”*
352. To mitigate a deficit in parking provision, measures have been set out in a Travel Plan which aims to *“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”*.
353. The Travel Plan requires that the developer appoints 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.
354. 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.
355. The Travel Plan would include measures to promote walking and cycling, highlighting walking and cycling infrastructure improvements (including those supported by S106 contributions once completed). 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 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.
356. 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. Pool bikes are also proposed within the building for use by residents.
357. The applicant has agreed to the following S106 obligations in relation to transport and travel initiatives relating to the residential development:
- Traffic Regulation Orders - £40,000
  - Parking Permits - £40,000

## Conclusion

358. The Highway Authority has reviewed the proposals. The initial consultation response objected to the proposals on the basis of access, layout, parking, the assessment method to assess traffic impact, and the mitigation measures for both the replacement stand and the residential element. Significant work has been undertaken since this initial position to reach the scheme as presented today.
359. In response to these objections, access arrangement to the proposed replacement stand were 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 increase in the number of parking bays to 67 together with 170 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.”*
360. 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.
361. 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 contrition towards cycle access. These contributions total £1.740M and have been agreed with the applicant.
362. 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.
363. 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. Subject to the above The Highways Authority confirm they do not object to the proposed development as a whole.
364. The January 2025 highways addendum covers off the changes on site since the 2021 reports were conducted and the July 2022 Committee was heard. The changes amount to the loss of 1 existing space on site, and the local highways authority have confirmed that this change has not materially impacted the position previously established, as outlined above.
365. 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. It was not considered that any improvements to Trentside North could be justified as required by the development proposed. 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.

366. Highways England do not object to the proposals.
367. On the basis of the sites sustainable urban location, the scheme has sought to utilise existing and enhance existing sustainable transport options, whilst also delivering for traditional private transport models to an agreed ratio following detailed discussions with the Local Highways Authority, demonstrating that the pressures placed upon existing highways and transport networks would not be severe. Overall the scheme is considered to have delivered a vision led approach to transport and accessibility in accordance with the aims set out within section 9 of the NPPF, and Policy 14 of the Core Strategy.
368. On the basis that the mitigation measures are secured and are appropriately managed, it is considered that the proposed access and parking arrangements for the application accord with the requirements of Policy 1 (Development Requirements) of the LPP2 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. The requirements of Policy 11 (Housing Development on Unallocated Sites Within Settlements) of the LPP2 under part 1(g) that appropriate provision for access and parking is made, which is specific to the residential/commercial element of the scheme, are also considered to be complied with.

## **Economic Impact**

### Policy

369. The key policies for consideration of this element of the proposal are as follows.
370. Section 6 (Building a strong, competitive economy) of the NPPF states that policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
371. Policy 5 (Employment Provision and Economic Growth) of the Core Strategy seeks to strengthen and diversify the economy through the provision of new floorspace across all employment to meet restructuring, modernisation and inward investment needs.
372. Policy 31 (Sustainable Tourism and Leisure) of LPP2 seeks to maximise the potential of tourism and leisure in the Borough and increase opportunities for

residents and visitors by supporting the: a) retention of existing tourist and leisure attractions and accommodation which contribute to the local economy.

### Assessment

373. 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.
374. 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 visitor expenditure in the local economy (on match days and non-match days).
375. 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).
376. The Economic Impact Analysis document has been updated in July 2022 to reflect market conditions at that time and the baseline conditions of NFFC's promotion to the Premier League.
377. Since the 2022 addendum report, NFFC has achieved promotion to the Premier League and have completed two full seasons. They are currently in their third season within the Premier League. A further Addendum Report (dated January 2025) has been provided to reflect current market conditions. This document considers 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.
378. In terms of the construction impact, the 2022 Addendum Report indicated that the proposal would result in an additional 253 additional jobs (net) sustained through the construction period with the overall capital expenditure expected would be in the region of £94.4m. The updated January 2025 Addendum Report indicates that the capital expenditure for the during construction has risen to £130m. It is noted that the application is supported by an Employment and Skills Plan which commits to training and apprenticeship opportunities for local people.
379. In terms of direct employment, the 2022 Addendum Report indicated that the Club employed 142 non-playing staff, 321 temporary or casual staff (70 FTE's) and 70 playing staff, totalling 282 full time equivalent (FTE) staff. The most up to date figures (as per the January 2025 Addendum Report) indicate that the Club presently employs 218 non-playing staff, 156 temporary or casual staff (FTE) and 82 playing staff, totally 456 full time equivalent staff. Based on the scenario that the Club remain in the premier league and the stand is delivered,



it is anticipated that there would be an additional 35 net additional jobs created at the Club.

380. In the event that the Club is relegated to the Championship in the future, which is considered unlikely based on the recently finished position of the Club in the Premier League, the introduction of the stand would still result in increased employment to the benefit of the local economy, although these figures would be reduced when compared to scenario that the Club maintains their Premier League status.
381. In terms of supply chain expenditure, the 2019 and 2022 Economic Impact Assessments confirmed that the Club spend in the region of £4.1m per annum on local goods and services. The most recent report (January 2025) states that the Club spend in excess of £50m on local goods and services since their promotion to the Premier League. It also confirms that with the completion of the stand, the supply chain expenditure would be increased by a further £1.32m annually as further catering, cleaning, transport and entertainment would be required. It is stated that this could also sustain a further 11 net additional jobs.
382. In terms of matchday visitor expenditure (money spent outside the ground), the January 2025 report indicates that, once the stand is completed, an additional spend on goods and services outside the ground would be in the region of £75m per annum. It is also estimated that this could sustain 900 jobs and would result in a boost of 218 net additional jobs through increased visitor expenditure should the new stand be completed.
383. 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 £4.67m to the local economy per annum.
384. Overall, based on the most up to date figures, it is estimated that the development would boost the local economy by a further £13m per annum (to a total of £77m) and would create 264 net additional jobs. These estimates are based on the Club maintaining Premier League status, which is considered likely, and with the completion of the proposed stand.
385. 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.
386. The Council's Economic Growth Manager has reviewed these proposals and agrees with the conclusion of the assessment. They are supportive of the increased capacity of the ground to accommodate additional spectators and improve facilities at the club.
387. Paragraph 3.13.1 of the Core Strategy Policy 13 (Culture, Tourism and Sport) recognises the important link that sporting facilities have with the local economy, identifying that: *"Rushcliffe has specific strengths with regard to the provision of major sporting facilities, which are an important part of the tourism*

*and visitor 'offer' for the Borough and Greater Nottingham as a whole. Rushcliffe is home to Trent Bridge Cricket Ground, Nottingham Forest's City Ground football stadium, and the National Watersports Centre at Holme Pierrepont, **which all play an important role in supporting the local economy and adding to the quality of life of residents.***"

### Conclusion

388. Clearly, the proposed development would contribute significantly to both the local and wider economy. Section 6, paragraph 85 of the NPPF confirms that significant weight should be placed on the need to support economic growth and productivity. The economic benefits outlined above as such weigh significantly in favour of the proposal and this needs to be considered as part of the wider planning balance.

### **Neighbouring Amenity**

#### Policy

389. The key policies for consideration of this element of the proposal are as follows.
390. Section 12 (Achieving well-designed places) of the NPPF at paragraph 135 requires that planning decisions should ensure that development inter alia creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
391. Policy 10 (Design and Enhancing Local Identity) of the Core Strategy requires under part 2 that developments be assessed in terms of their treatment of a number of set criteria, criterion 'b' being 'impact on the amenity of occupiers or nearby residents'.
392. Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies seek to ensure that:
- 1) there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated;
  - 2) The scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy;
393. Policy 11 (Housing Development on Unallocated Sites within Settlements) of Rushcliffe Local Plan Part 2: Land and Planning Policies states that planning permission will be granted provided that '*f) the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers*'

## Assessment

394. 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 detailed consideration of layout, access and scale). The potential impact on neighbouring amenity from both the stand and the apartment building can therefore be considered at this stage.

### The 'Full' Replacement Stand element

395. 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 maximum 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 impact on the amenity presently enjoyed by existing residents. This must be carefully considered.
396. There are residential properties close to the application site to the south along Rosebery Avenue which consist primarily of two-storey semi-detached dwellings. 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). Residential neighbours within the Waterside Apartments scheme also have the potential to be impacted given their close relationship with the site.
397. The applicant has submitted a detailed Sunlight and Daylight Assessment based on the methodologies set out in the Building Research Establishment (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.
398. 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. Of all the properties assessed, 21 properties were identified to experience some change in daylight and sunlight beyond BRE guidelines and were discussed in greater detail within the applicant's assessment. All other properties were considered to pass the assessment and daylight and sunlight met BRE guidelines.
399. The properties where a change is identified in the assessment include 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27 and 31 Rosebery Avenue; 5-7 and 9-11 Pavilion Road; 15, 19 and 21-23 Colwick Road; and Waterside Apartments (Bridgford House).
400. 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 (not just Rosebery Avenue and Colwick Road). The conclusion is that out of the 174 habitable rooms assessed, 162 rooms

would meet the above BRE criteria or will see no change from the current daylight value.

401. Of the 12 remaining windows, the Assessment comments that 11 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 Apartment 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.
402. 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 The Waterside Apartment 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).
403. 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%.
404. 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.
405. 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.
406. Officers have reviewed the report and have no grounds to disagree with its findings. Accordingly it is not considered that the development as proposed would give rise to any undue overshadowing or loss of light issues for neighbouring residents.
407. The Sunlight and Daylight Assessment report does not consider the physical massing of the proposed replacement stand or apartment building. The proposed stand in particular would be 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.

408. Representations have been made from neighbouring occupiers, particularly 27 Rosebery Avenue that state the proposed replacement stand would have an overbearing impact.
409. Most neighbouring properties along Rosebery Avenue would retain a more open view across the plaza area before the view terminates at the new development. Whilst this would represent a change in outlook this is not considered unduly detrimental or overbearing in this urban context. There are however a number of unusual relationships within the scheme that require careful consideration.
410. 21 – 23 Colwick Road are a pair of properties which are owned by the applicant with rooms rented to employees of the club from time to time. As such whilst the outlook from the rear of these properties would be impacted, with the side of the proposed stand some 15m from the bottom of the garden, the impact is known and controlled by the applicant. Furthermore the impact would not be severe to prejudice the properties from residential occupation.
411. Careful consideration must also be given to 27 Roseberry Avenue. The side elevation of this property is only 15m from the side of the proposed stand, with the depth of the stand extending 20m down the length of this properties garden (which sits with its side sharing a boundary with the NFFC site). At its closest point the stand would be just 5m from the garden boundary. This closest point would be at a position some 19m down the garden (measured from the rear of the house. The main bulk and mass of the stand would have a height of some 25m, with the elevation broken up using a variety of material finishes and glazing (obscure), with the roof structure and stanchions topping out at 38m, albeit the stanchions would by their nature have minimal massing. Whilst the stand would not wrap around the rear of the garden, it would clearly be a feature of significant scale that despite its elevational treatment would undoubtedly have a considerable overbearing impact on this neighbouring properties garden. The development would appear as overbearing and would have an impact on the residential amenities of occupiers at the address, in terms of their overall enjoyment. This does represent a policy conflict (Policy 1(4) of the LPP2) and would need to be considered as part of the wider planning balance.
412. Other properties on Rosebery Avenue, namely 19 – 25 and 31, who would attain views towards the new stand, would experience a change in outlook given the lower nature of existing built form onsite. The proposed stand would however be set beyond the rear gardens serving these properties, and on an angle in relation to these gardens. As such the separation distance from these properties of between 20m and 30m (measured from the rear elevations to the closest corner of the stand), and the layout of the scheme would be considered to prevent any undue overbearing impacts to these neighbours.
413. The separation with the Waterside Apartments building from the proposed residential apartments would be considered to prevent any undue overbearing impacts when the layout and scale of the building as proposed are considered. The 2 storey car deck with amenity area above would be closest to the apartments at a minimum distance of 7.2m, however the limited massing of this structure with its flat topped design would be considered to prevent any potential undue overbearing impacts on the direct facing side windows in the

waterside apartments building. The only direct facing windows in the first floor of that building (with the ground floor being ancillary space) are secondary living space windows and primary bedroom windows. Only the secondary lounge window would be adjacent the closest part of the car deck, with the other side windows looking out over the existing boat club buildings, with that outlook not impacted directly by the scheme. As such there is not considered to be any undue overbearing impact from the scale and layout of the car and amenity decks. The provision of adequate screening to consider impact of shining from car headlights would be considered as part of the reserved matters appearance.

- 414. The taller residential elements would be some 27.5m and 30m away from the closest elevations of the waterside apartments. The spacing, staggered heights and overall layout would be considered to mitigate the potential for any undue overbearing impacts on Waterside Apartments (Bridgford House).
- 415. With regards to overlooking it is not considered that the proposed replacement stand would create issues of direct overlooking as its inherent design is to focus spectators towards the pitch. Any glazing in the south east facing side wall would be obscure glazed to prevent outlook towards neighbouring residents gardens.
- 416. There would be 27m between the proposed apartment building and the nearest part of the Waterside Apartments (Bridgford House) to the rear (west). The north eastern wing of the Waterside Apartments (Bridgford House) building is laid out in pattern with each floor containing 2 bedrooms with primary north east outlook, and a lounge front and back with dual aspect views. 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, it is concluded that an adequate degree of privacy would be retained for all residents.
- 417. A separation distance of a minimum of 30m would be provided between the south east frontage of the proposed apartment block and the back of residential gardens serving Roseberry Avenue which is considered sufficient to prevent any direct overlooking. Further assessment would also be given through the appearance details which would be considered at the reserved matters stage.

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

- 418. 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. The creation of the public plaza with commercial uses would also give rise to potential noise and disturbance.
- 419. The existing site operates as a large car park servicing large commercial premises with operations including both match day and non-match day events. The proposed works would significantly reduce vehicle movements on site, and generally moves vehicle parking further away from site boundaries with residential neighbours. The use of the land as a plaza area, and day to day

operations would not be significantly different to the levels of activity seen on site in the current scenario and as such it is not considered that the use or intensification would give rise to any significant impacts to the detriment of neighbouring residents.

420. 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.
421. It concludes that there would be a limited overall noise increase 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.
422. Other assessments have been made in relation to non-match day activities 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.
423. 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.
424. Based on all the available information it is considered that the increase in capacity would not cause significantly more harm to the overall amenity of nearby residents 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, given the existing uses and arrangements.
425. It is proposed that the ground floor of the proposed apartment building would contain seven commercial (Use Class E) units. It is considered that sufficient measures could be put in place through 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.
426. Similarly, subject to appropriate conditions it is considered that future residents of the proposed residential apartment building would be afforded sufficient amenity.

## *Substation*

427. The proposed substation building would be located adjacent the rear garden boundaries serving 1, 3 and part of 5 Rosebery Avenue. The substation building would be 3.45m tall and finished externally in brick. The building would be marginally set off the existing shared boundary demarked by a brick wall of circa 1.5m in height. 1 and 5 Roseberry Avenue have additional fencing to a height of 2m above ground, whilst 3 has established vegetation, and overall the scale and massing of the substation would not be considered to raise any undue overbearing concerns towards these neighbouring residential properties. The site orientation would also prevent any overshadowing concerns. In terms of potential operational nuisance, the Council's EHO has confirmed that a noise impact assessment including mitigation recommendations for the design be appropriate in this instance to safeguard neighbours from any potential noise and disturbance associated with the operation of the substation.

## Conclusion

428. The proposed residential building (with ground floor commercial) development as proposed in outline, with consideration of access, layout and scale is considered to have been appropriately designed to avoid any undue impacts on the amenity of adjoining occupiers. This would align with the aims of section 12 of the NPPF, Policy 10 of the Core Strategy and Policies 1 and 11 of the LPP2.
429. The proposed stand and plaza development, whilst generally considered to prevent any significant impacts to neighbouring occupiers, has been found to result in undue overbearing impact upon the occupiers of 27 Rosebery Avenue as a result of the scale and massing of the stand in relation to this property. The property occupiers would experience a considerable change in circumstance, and whilst there has been found to be no material harm to daylight/sunlight or shadowing at the property, the scale of harm is considered to be significant. This aspect of the development would therefore give rise to a degree of conflict with the requirements of Policy 1(4) (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This conflict weighs negatively against the stand development. This conflict, given the scale of harm (albeit to one property only), must be given significant weight.

## **Flood Risk and Drainage**

### Policy

430. The key policies for consideration of this element of the proposal are as follows.
431. Paragraph 181 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 such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- 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.*

432. Paragraph 178 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”.*

433. Core Strategy Policy 2 (Climate Change) 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.

434. Policy 17 (Managing Flood Risk) of the LPP2 requires that:

Planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that:

- a) the sequential test and exception test are applied and satisfied in accordance with the National Planning Policy Framework and National Planning Policy Guidance; or
- b) where the exception test is not required, for example change of use applications, it has been demonstrated that the development and future occupants will be safe from flood risk over the lifetime of the development; or
- c) the development is for minor development where it has been demonstrated that the Environment Agency’s flood risk standing advice has been followed, including:
  - i. an industrial or commercial extension of less than 250 square metres;
  - ii. alterations to buildings that do not increase the size of the building;

- iii. householder development including sheds, garages within the curtilage of the dwelling; and
  - d) development does not increase the risk of flooding on the site or elsewhere, including through increased run-off due to areas of hardstanding, or reduction in ground water storage as a result of basements.
435. Policy 18 (Surface Water Management) of the LPP2 identifies in part 1 that development should seek to increase the levels of water attenuation, storage and water quality and where appropriate must identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the drainage hierarchy.
436. The Flood Risk and Coastal Change Guidance (PPG) advises how to take account of and address the risks associated with flooding and coastal change in the planning process. It also provides specific guidance relating to the application of the sequential and exceptions tests, and in relation to sustainable drainage systems.

#### Assessment

437. The site is located within Flood Zone 3a (but defended) based upon the Environment Agency flood maps. The Greater Nottinghamshire Strategic Flood Risk Assessment (SFRA) identifies the site as being within an area equivalent to flood zone 1 due to the defences, however if the defences were breached floodwater could reach the proposed replacement stand and the proposed residential apartment building during a 1 in 100 years flooding event. The presence of flood defences does not remove sites from the designated flood zone, and the NPPG confirms that for the purposes of applying the sequential test to the location of development, existing flood risk management infrastructure should be ignored (Paragraph: 024 Reference ID: 7-024-20220825). This is due to the uncertainties that can surround the infrastructure's long term funding, maintenance and renewal, and that, in light of climate change the level of protection offered by such infrastructure is uncertain.
438. 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. A revised sequential test document was received following changes to 'de-couple' the 'full' stand and plaza application from the residential and commercial 'outline' scheme. This change affected some of the assumptions made within the original sequential assessment, particularly with regard to the locational constraints for the development.
439. As stated within paragraphs 173 and 174 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.

440. 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). Annex 3 within the NPPF identifies that assembly and leisure facilities are less vulnerable to flood risk and appropriate in Flood Zone 3a. The same 'less vulnerable' designation applies to car parks, and shops which also form part of the stadium application. Amenity open spaces (pedestrian areas of the plaza) are identified as 'water compatible'. Given the strict locational requirements for the replacement stand at the NFFC City Ground site, it cannot be considered that the stand could be re-provided in any other location at a lower risk of flooding without moving the entire stadium, which is clearly beyond the scope of this application or assessment. As such it is considered that there is no reasonable alternative to the redevelopment of the Peter Taylor Stand (other than relocating the entire stadium), and it is considered that this element (along with the associated parking/plaza and integral club shop) would pass the sequential test. Table 2 in the NPPG confirms that less vulnerable and water compatible type developments do not need to be subject to the 'exceptions test'.
441. Whilst Class E uses are 'less vulnerable' in regards to flood risk, the NPPG confirms that the sequential test should be based upon the most vulnerable use. The residential apartments are considered as 'more vulnerable', and as such the development as a whole (outline commercial and residential) should only be permitted if it can be demonstrated to pass both the sequential and exception tests for flood risk. The sequential test must establish that there are no reasonable available alternative sites within Flood Zone 1, or if necessary, Flood Zone 2.
442. The NPPG provides guidance on how the sequential test should be applied to applications:
- 'For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.'* (Paragraph: 027 Reference ID: 7-027-20220825).
443. Sequentially, the site is located within the urban core of West Bridgford, a highly sustainable location identified as 'the main built up area of Nottingham' within Policy 3 (Spatial Strategy) of the Core Strategy. West Bridgford as such sits at the top of the Borough Councils sustainable growth strategy which supports a policy of urban concentration and regeneration. As an urban brownfield site the scheme directly supports the core aim of the spatial strategy. A Flood Risk Sequential Test Note has been provided, building upon this, and is detailed further in the next paragraph.

444. The Flood Risk Sequential Test Note has set a geographical extent of the 'Riverside Area Type' as defined within the Rushcliffe Draft Design Code Supplementary Planning Documents and has only assessed alternative sites within this area. This further refines the area from the West Bridgford urban area justified through Policy 3 of the Core Strategy. The Draft Design Code is at an advanced stage of preparation and can be given moderate weight. This document identifies the Riverside as an area appropriate for buildings of scale and tall buildings, and it is unlikely that other development areas would be appropriate for such development densities or buildings of scale. As such it is considered reasonable that this area designation is used for the selection of alternative sites within the sequential test. RBC Planning Policy have accepted this approach to defining a geographical area for the test.
445. The Sequential Test Note goes on to identify that as the application site is Flood Zone 3a, any reasonably available sites in Flood Zones 1 or 2 would be sequentially preferable. Officers would agree with and endorse this approach and initial assumption. With regards to what represents a 'reasonably available site', the NPPG provides guidance. It states that 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. It confirms that sites do not have to be owned by the applicant to be considered reasonably available.
446. The Sequential Test Note provides a list of parameters for the search as below, which would be reviewed and identified using EA Flood maps, and RBC's most recent Strategic Housing Land Availability Assessment (December 2023).
- Flood Zone 2 or 1
  - Riverside development Zone
  - Previously developed land
  - Within settlement boundary
  - Not within a conservation area
  - Not a listed building
  - Site area no less than 0.20 hectares (0.49 acres)
  - Capable of achieving approximately 170 residential units
  - Sites capable of delivery/completions around June 2027.
447. Officers in consultation with RBC Planning Policy have reviewed these parameters and consider them to be appropriate to set the scope for the sequential test. The test found no sites that were sequentially preferable based on the above parameters. RBC Planning Policy have confirmed that the approach, and the results finding all sites unsuitable and not sequentially preferable, appears to be logical.
448. The proposal is therefore considered to have passed the sequential test on the basis of the lack of suitable alternative sites as evidenced by the submitted sequential test and the sites location within the main built-up area in an otherwise sustainable location for development.
449. Therefore, the exception test needs to be applied, as per Paragraph 178 of the NPPF. 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 redevelopment of a brownfield site for residential and commercial use would help increase housing

provision across the Borough, with associated social benefits, particular within the highly sustainable location of West Bridgford. Equally the development would provide additional employment generation during construction and thereafter through the commercial uses, which would represent an economic and social benefit, as well as the scheme seeking to provide environmental enhancements to the site through provision of a non-mandatory net gain (as the application was submitted before mandatory net gain came into force), as well as other landscaping improvements to the site. Accordingly, the development is considered to deliver wider sustainability benefits to the community which, as outlined earlier in this report (with particular regard to housing need and economics), would outweigh any flood risk. This would comply with paragraph 178 'a' of the NPPF.

450. 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.
451. 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 181 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. It is therefore considered that the proposal complies with criteria d) and e) of paragraph 181 of the NPPF.
452. 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. The Environment Agency have confirmed that the amended substation design using watertight construction and floodgates rather than bunding is acceptable, albeit the applicant must accept there is a risk of damage to the private substation in an extreme flood event. Given the considerations set out above the development is considered to pass part 'b' of the exception test set out in paragraph 178 of the NPPF. Accordingly the exceptions test has been passed.

453. 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 have been 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 181 of the NPPF.

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.

### Conclusion

454. In respect of flood risk and drainage, subject to conditions, the proposal is considered to comply with the requirements of paragraphs 178 and 181 of the NPPF and also to comply with Policy 2 (Climate Change) of the Local Plan Part 1 and Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Local Plan Part 2.

### **Retail**

#### Policy

455. The key policies for consideration of this element of the proposal are as follows.
456. Section 7 (Ensuring the vitality of town centres) of the NPPF provides guidance on where new retail development should be located and the sequential approach set out therein (Paragraph 91) identifies a preference for town centre sites, followed by edge of centre sites and lastly out of centre sites. Importantly, the NPPF notes that when considering edge of centre and out of centre locations preference should be given to accessible sites that are well connected to the town centre.
457. Policy 6 (Role of Town and Local Centres) of the Core Strategy requires under Part 6 that 'Development of retail and leisure uses in out-of and edge-of-centre locations will need to demonstrate suitability through a sequential site approach and also provide a robust assessment of impact on nearby centres. The Local Plan Part 2 sets out the extents of West Bridgford District Centre along with Local Centres and Centres of Neighbourhood Importance.
458. Policy 27 (Main Town Centre Uses Outside District Centres or Local Centres) of Local Plan Part 2: Land and Planning Policies requires that development for main town centre uses outside of the defined District and Local Centres will only be permitted if, following a sequential test, it could be demonstrated that the development could not be accommodated within a suitable and available

centre or edge of centre location having demonstrated appropriate flexibility in the format and scale of development proposed.

#### Assessment

459. The site does not lie within any such centre as defined within the policies map and it also does not lie within an edge of centre location. Accordingly in order to be policy compliant a sequential assessment will need to be made as set out within Policy 27 (1) (Main Town Centre Uses Outside District Centres or Local Centres) of the Local Plan Part 2.

#### The 'Full' Replacement stand element

460. A replacement Club Shop is proposed within the replacement Peter Taylor stand and would seek to replace the existing Club shop which would be demolished to facilitate the residential element of the proposal.
461. The club shop proposed within the stand would be conditioned and controlled to be for the sale of club merchandise and represents a replacement facility for the existing facility to be lost. The condition would prevent any unintended use as general retail.
462. Given the unique locational requirements and the Club shop's ancillary nature to the stadium, along with the proposed condition, it is not considered that a sequential test is necessary for this element of the proposed development.

#### The 'outline' residential element (including commercial uses)

463. The proposed residential element includes ground floor retail. Information was provided within the initially submitted supporting documentation to demonstrate that there is an enabling relationship effect of the residential development (which includes the ground floor retail) to provide an essential funding contribution towards the cost of the new Stand and there are no reasonable alternatives to deliver these uses as the applicant has no other landholdings that are suitable for development of the scale required to support the redevelopment of the main stand.
464. However, the enabling link between the replacement stand and residential element of the development has since been removed from the application. Therefore, it was considered appropriate to request the submission of a retail sequential test in order to demonstrate compliance with Policy 27 of LPP2.
465. The NPPG provides guidance on undertaking the sequential test for retail development. It includes the following checklist for considerations in undertaking the sequential test:
- *'with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly*

- *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal*
- *if there are no suitable sequentially preferable locations, the sequential test is passed’.*  
(Paragraph: 011 Reference ID: 2b-011-20190722)

466. It also states that: *‘In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.’* (Paragraph: 011 Reference ID: 2b-011-20190722)

467. The Supreme Court in *Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland) [2012]*, confirms that the sequential test is designed for use in the ‘real world’ and the question posed by the sequential test is whether an alternative site is suitable for the Proposed Development, not whether the Proposed Development could be altered or reduced so that it can be made to fit an alternative site. The key wording from this Supreme Court Decision comes at para 38, where Lord Hope provides guidance as to the interpretation and application of the sequential test in retail matters as follows:

*‘If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers, in para 28, above, they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.’*

468. The application site is out of centre and the nearest designated centre is West Bridgford Centre, which is located approx. 525 metres from the site. The nearest Centre of Neighbourhood Importance (CNI) is Radcliffe Road, being approx. 60 metres south of the application site.

469. Therefore, the application needs to sufficiently demonstrate that the proposed retail development cannot be sufficiently provided within the sequentially preferable locations (e.g. the district centres or, secondly, edge of centre locations). The initially submitted Retail Sequential Test did not include sites from edge of centre locations within the assessment. As ‘edge of centre’ locations are sequentially preferable to ‘out of centre’ locations, a revised Retail Sequential test Note (V2) was provided to include edge of centre locations within the assessment.

470. The following parameters for the site search for the sequential test were used and agreed with the applicant:

- Within the Radcliffe Road CNI and/or Musters Road CNI, West Bridgford District Centre, or within 300m of the District Centre (in order to be sequentially preferable)



- Allowing for +/- 10% floorspace, thus units of between 16m<sup>2</sup> and 106m<sup>2</sup> on an individual basis or between 240m<sup>2</sup> and 293m<sup>2</sup> as a whole
  - Ground floor frontage, allowing shopfront
  - Adequate servicing arrangements for deliveries, refuse collection etc.
  - Class E use.
471. The RBC Brownfield Register was also reviewed and 9 sites within West Bridgford were identified. Of these 9, only 2 were in sequentially preferable locations for retail (i.e. centre or edge of centre) and as such brought forward for further consideration.
472. The Sequential Test has considered the availability of any suitable sites that could accommodate the application proposal within the West Bridgford District Centre, Radcliffe Road CNI and the Musters Road CNI, along with 'edge of centre' sites (sites within 300 metres of the defined primary retail area within the West Bridgford District centre) in accordance with the NPPF's requirement for flexibility in the format and scale of the assessment proportionate to the scale of the development proposed. A total of 22 sites were identified using the above search parameters.
473. The applicant's assessment concludes that none of the identified sites are suitable or sequentially preferable on the basis that they are either not available, suitable, accessible and/ or viable. They conclude that, overall, there is no sequentially preferable sites available in either centre or edge of centre locations to accommodate the flexible Class E floorspace of its proposed scale and format. It is considered that the approach to the Sequential test is reasonable, and RBC Planning Policy have confirmed that they agree with both the approach and the conclusions reached, and it is therefore considered that the sequential test is passed.
474. Whilst the application site is out of centre, it has got good accessibility and connectivity to the Radcliffe Road centre, the rest of West Bridgford and the wider City (which is located outside of Rushcliffe). The site is located in a highly sustainable location by virtue of its public transport links which would be in accordance with Paragraph 92 of the NPPF. Therefore, in the absence of any sequentially preferable sites, the application site is considered acceptable for the purposes of the sequential test.
475. In terms of the requirement for a Retail Impact Assessment, as the floor area of the flexible 'Class E' uses would be less than 500sqm no retail impact assessment would be required.

### Conclusion

476. Accordingly, the retail element of the replacement stand is considered acceptable sequentially given its ancillary nature to the stadium and it being a replacement of existing Club Shop facilities.
477. The flexible 'Class E' retail units within the residential element of the scheme would not be located within a 'centre' or 'edge of centre'. It is, however, considered that the submitted Retail Sequential Test is appropriate and that it sufficiently demonstrates that the proposed development could not be accommodated within a suitable and available centre or edge of centre

location. Given its scale (with 267m<sup>2</sup> being just 1.5% of the total floor space of the West Bridgford centre of 18,170m<sup>2</sup>), it is not considered that the proposal would harm the vitality of the West Bridgford town centre, or either the Radcliffe Road or Musters Road CNI. The proposal is therefore considered to accord with the requirements of Policy 27 of LPP2, as well as section 7 of the NPPF.

## **Heritage**

### Policy

478. The key policies for consideration of this element of the proposal are as follows.
479. [Section 66 of the Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) (the Listed Buildings Act) states: "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
480. Section 16 (Conserving and Enhancing the Historic Environment) of the NPPF outlines the government's policy on preserving and enhancing heritage assets. It emphasises the desirability of sustaining and enhancing the significance of all heritage assets when determining planning applications.
481. Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
482. Policy 28 (Historic Environment: Conserving and Enhancing Heritage Assets) of Local Plan Part 2 aims to protect and enhance the historic environment, including designated and non-designated heritage assets. It focuses on conserving and enhancing the significance of these assets, their settings, and the character of their surroundings.
483. Policy 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies focuses on safeguarding archaeological sites during development. It emphasizes the preservation of archaeological remains and the need to avoid, mitigate, or, if unavoidable, compensate for adverse impacts on these sites.

### Assessment

484. The application site is not located in a Conservation Area and there are no designated or non-designated heritage assets present on the site.
485. 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. The Old Trent Bridge is also a Scheduled Ancient Monument ("SAM").
486. The proposed development would not be directly adjacent to any of these Listed buildings. At certain positions, the proposed stand and apartment

building could be viewed from Trent Bridge, however the War Memorial is much more detached from the site, and the old flood arches have very limited intervisibility. With particular regard to bridges, the contribution of their setting to their significance is inherently driven by the bridge's relationship with the alignment of the road which they serve, and the feature which they cross, in this case the River Trent.

487. Whilst the proposed developments would be visible from the Trent Bridge, it is not the case that any change to the setting of a listed building is by definition harmful. In this case the potential impact on setting has been carefully considered. Although both the replacement stand and apartment building would be 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. The buildings do not disrupt the established river corridor, and would not disrupt established sight lines or building lines along the river corridor. Given bridges relationship with the River Trent corridor and London Road (A60) would not be altered, it is considered that the setting (insofar as it contributes to its significance) of Trent Bridge (Grade II listed) would be preserved. Similarly, the site would be further from and have no impact on the setting of the Old Trent Bridge Flood Arches (Grade II).

#### *Ancient Monuments*

488. The Old Trent Bridge Flood Arches are also a 'SAM'. Scheduled Ancient Monuments are primarily designated to protect archaeological value. It is sometimes the case that where a site has both above ground standing remains and associated buried archaeological remains the feature will be protected by both listing and scheduling, as is the case here. This is because listing applies exclusively to buildings and structures, not land, so listing alone cannot protect archaeological remains in the ground around a building or structure. As the scheduling is primarily an archaeological consideration it is not considered that the proposed development, far removed from the remains of the medieval Trent Bridge and well clear of the alignment of its former route would have any impact on the Old Trent Bridge Flood Arches SAM.
489. Whilst the Ancient Monuments and Archaeological Areas Act 1979 does not contain any specific duty to consider the settings of ancient monuments when granting planning permissions they do need consideration under the NPPF as Heritage Assets. Scheduled Monuments tend to only engage significant consideration of setting in cases where the monument has substantial earthworks such that it is visible above ground (things like barrows and hill forts) or in cases where a monument isn't visible on the ground but has strong associations with other ancient monuments or key features in the landscape. In this case beyond the listed standing remains nothing of the old bridge is visible above ground, and if there is any visual relationship to visible features in the landscape that will be to the river which the bridge used to cross, similar to the setting of the standing remains, which would not be affected by the proposed development.
490. The Councils Conservation Officer does not object to the proposed development, and as such it is considered that the proposals would preserve the setting of the adjacent heritage assets having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### *Demolition*

491. 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. The Council's Conservation Officer has also raised no objection in relation to the demolition of the Boathouse. It is therefore considered that its demolition would be justified and would not harmfully affect the setting of any adjacent listed buildings.
492. Likewise, the proposals would require the demolition of the current Peter Taylor Stand as well as three existing buildings - the Champions Centre, Club Shop and Storage Warehouse. These are all modern structures and have limited architectural or historic value. The Council's Conservation Officer has also raised no objection in relation to the demolition of these structures. It is therefore considered that the demolition of these structures would not harmfully affect the setting of any adjacent listed buildings.

### *Archaeology*

493. In terms of archaeology, the County Archaeologist advises that the site is not present within an Archaeological Alert Site zone. However, a small archaeological alert zone is present along the northeastern 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.
494. A 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.
495. 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 County Archaeologist does not object to the application and recommends that an Archaeological Mitigation Strategy (comprising a phased approach of investigation followed by archaeological mitigation work should it be necessary) should be conditioned.

### Conclusion

496. Subject to the imposition of conditions recommended by the County Archaeologist, it is considered that the proposal complies with Policies 28 and 29 of LPP2. It is also considered that the proposal would accord with Chapter 16 of the NPPF, and would preserve the setting of the adjacent heritage assets achieving the desirable objectives as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Air Quality**

#### Policy

497. The key policies for consideration of this element of the proposal are as follows.
498. 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.
499. 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”* (P.110 NPPF).
500. Section 15 of the NPPF notes in paragraph 199 that planning policies should sustain and contribute toward compliance with relevant limit value or national objectives for pollution taking into account the presence of Air Quality Management Areas (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.
501. Policy 39 of the LPP2 (Health Impacts of Development) identifies in part 2 that, where applicable, development proposals should promote, support and enhance health by:
- e) alleviating risks from unhealthy and polluted environments such as air, noise and water pollution and land contamination;

502. Policy 41 of the Local Plan Part 2 relates to Air quality Matters. It comments that:
1. 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
  2. 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
  3. Development proposal must not exacerbate air quality beyond acceptable levels either through poor design or as a consequence of site selection.

#### Assessment

503. The application site is adjacent to Rushcliffe Borough Council's former Air Quality Management Area No. 1, which was an area encompassing the Lady Bay Bridge/Radcliffe Road junction, the Trent Bridge/Loughborough Road/Radcliffe Road junction and the Wilford Lane/Loughborough Road/Melton Road junction in West Bridgford. The site is also within 200m of the borough wide Nottingham City Council AQMA. Both AQMAs in proximity to the site have been declared due to exceedances to the long term NO<sub>2</sub> air quality objective.
504. Since declaring AQMAs, the Borough Council and Nottingham City Council have each produced air quality action plans. The RBC action plan was updated in 2021 before the AQMA was revoked in May 2025. It included a modelling and monitoring study which has resulted in the development of action plan measures which have been implemented with the aim of working towards reducing NO<sub>2</sub> levels within these AQMAs in order to comply with national air quality objectives.
505. In this context the applicant has submitted an Air Quality Assessment to consider the potential impact the proposed replacement stand and the residential element (including the commercial units) would have on both Air Quality Management Areas. It considers the construction impact of the proposed development and operational impact (once constructed).
506. The assessment states that "monitoring data in the vicinity of the site indicates that air quality objectives have been met at most locations, however pollutant levels are elevated, particularly in the vicinity of London Road. In terms of traffic emissions during construction, the report concludes that "it is considered unlikely that this increase in traffic during the peak construction year would have a significant effect on air quality, and the impact from construction traffic emissions can be ruled insignificant".
507. However, it is acknowledged that during construction, activities on the site would have the potential to affect local air quality in particular from dust deposition and increases of particulate matter concentration. The assessment states that risk from dust impact during demolition, earthworks and construction would deem the proposals "high risk". As such dust mitigation

measures are recommended to ensure that any impact on local air quality is insignificant.

508. Owing to the predicted increase in traffic generated as a result of the development, a dispersion modelling study has also been carried out in order to quantify the impact of traffic emissions associated with the development. This study utilises transport modelling data carried out as part of the Transport Assessment. It concludes that “the change in nitrogen dioxide and particulate matter concentrations at surrounding sensitive receptors has been predicted using air dispersion modelling software at residential properties where the impact associated with the development is likely to be greatest. The impact significance is predicted to be negligible at all considered receptor locations”.
509. In relation to the potential impact on future occupiers of the proposed residential development, the Assessment comments that “the proposed residential block is not located within the AQMA boundary and would be set-back approximately 90m from the nearest busy roadside (London Road). It is therefore likely that pollutant levels would be close to background levels, and it can be concluded that air quality objectives will be met at the proposed residential receptors”.
510. The Council’s Environmental Health Officer concurs with the conclusions of the air quality assessment subject to appropriate conditions relating to dust mitigation being secured. More recently at their meeting on 11th February 2025 Rushcliffe Borough Council’s Cabinet RESOLVED that the revocation of the Borough’s Air Quality Management Areas (AQMA 1 and 1/2011) be approved i.e. the one at Trent Bridge and the one at the Stragglethorpe Junction. The revocation orders were formally made in May 2025. The justification for revocation was that automatic continuous analysers installed at both AQMA sites demonstrate that levels of NO<sub>2</sub> had been under the target levels for five years and DERFA recommended the removal of AQMAs after three years.

### Conclusion

511. On the basis of this technical evidence it is considered that with the implementation of recommended mitigation measures during the construction phase, the proposed development would not have a significant impact on air quality. As such the development would satisfy the requirements of Policy 41 of the Local Plan Part 2.

### **Contaminated Land**

#### Policy

512. The key policies for consideration of this element of the proposal are as follows.
513. Section 15 – Conserving and Enhancing the Natural Environment of the NPPF identifies in relation to Ground Conditions and Pollution at paragraph 196 inter alia that planning decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as

mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

514. Policy 39 of the LPP2 (Health Impacts of Development) identifies in part 2 that, where applicable, development proposals should promote, support and enhance health by:

- f) alleviating risks from unhealthy and polluted environments such as air, noise and water pollution and land contamination.

#### Assessment

515. The application is supported by a Ground Engineering Desk Study which has been reviewed by the Borough Council Environmental Health Team. Having reviewed this the Borough EHO has requested 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).

#### Conclusion

516. As such, subject to the provisions of the recommended condition the development is considered to accord with the requirements of the NPPF and policy 39 of the LPP2 in relation to ground contamination and the natural environment, with such provisions also safeguarding the amenity of future users of the development.

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

#### Policy

517. The key policies for consideration of this element of the proposal are as follows.

518. Under Section 40 of the Natural Environment and Rural Communities Act (2006), A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.

519. 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.



520. Paragraph 193 of the NPPF states: *'When determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>70</sup> and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'.*

521. 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.

522. Policy 38 (Non-designated biodiversity assets and the wider ecological network) of Local Plan Part 2 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.

#### Assessment

523. The applicant has submitted a Protected Species report, Addendum reports and a Biodiversity Impact Report which contains a Biodiversity Net Gain Assessment as part of the application.

#### *Ecology*

524. 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.

525. 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.
526. 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.
527. 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.
528. Separately, the 2019 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.
529. The 2019 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.
530. In terms of bats, the 2019 survey confirmed that the site offered low quality foraging and commuting habitat. Similarly, all trees on site were assessed as having negligible potential to support roosting bats. Nevertheless, bats were confirmed as roosting in the Britannia Boathouse (B1). 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. It also confirmed that nocturnal surveys were carried out on Building 5 which is a single storey, flat roofed building located along the southwestern edge of the site. No roosts were identified, but potential for individuals could

not be ruled out. The Report recommended mitigation and precautionary measures in relation to these buildings but concluded that no further surveys were required.

- 531. The remaining buildings across the site were identified as having negligible potential for roosting bats in the 2019 Report and therefore concluded that no further survey or specific mitigation was considered necessary or proportionate for their demolition.
- 532. Due to the passage of time, an Addendum Report was submitted in 2022. This report confirmed that there had been no change to the ecological conditions of the site and the findings of the 2019 report remained valid.
- 533. A further Addendum Report (2024) has been submitted and is intended to sit alongside earlier reports and updates. The conclusion of the Addendum is that the overall ecological value of the Site and its importance for ecological receptors has not materially changed and remains regarded as of intrinsically low ecological value given its predominance as hard standing/sealed surface.
- 534. However, the updated Addendum Report (2024) did identify one matter of material change since the previous reports which pertained to the bat roost formerly identified in Building B1 (Britannia Boathouse). In the initial 2019 survey, three nocturnal surveys were undertaken which identified a single Common pipistrelle (*Pipistrellus pipistrellus*) emerging from Building B1 in one of three survey occasions. Additional surveys were undertaken in 2022 and these revealed no bat emergences from the building. Further surveys were undertaken in 2024 and this confirmed a single Common pipistrelle was heard passing through the Site during the August survey, but no activity was detected during the September survey. The Addendum report concludes that Building B1 no longer represents a bat roost but recommends a further 2 dusk surveys are undertaken prior to the demolition of the building as a precautionary measure. It is considered necessary to ensure these surveys are secured via condition.
- 535. The Council's Environmental Sustainability Officer has been consulted on the proposals and comments that the Protected Species report and subsequent Addendum Reports appear to have been carried out according to good practice guidelines and that favourable conservation status of Protected Species is unlikely to be impacted by this development subject to the recommendations within the reports being implemented.

#### *Biodiversity Net Gain*

- 536. In February 2024, mandatory Biodiversity Net Gain was introduced. As the application was submitted prior to 12 February 2024, the mandatory biodiversity net gain requirements do not apply to this application. Notwithstanding this, the submitted Biodiversity Net Gain report confirms that the proposed development does not impact any habitats other than that of building and hard standing/sealed surface and as it does not impact habitat greater than that of 25sqm, it would be considered to be exempt from these requirements under the de minimus threshold.

537. The most recent Biodiversity Net Gain Assessment (submitted in Jan 2025) confirms that the proposed development would demonstrate a 11.51% net gain (formally 12.90% in Defra Metric 3.1 within the initial report submitted in 2019). The Councils' Environmental Sustainability Officer has been consulted on the proposal and concludes that the proposal demonstrates a biodiversity net gain. It is therefore considered that the proposed development would accord with the requirements of Policy 38 of LPP2 as it has demonstrated that a biodiversity net gain can be achieved.

The Environmental Sustainability Officer has requested several conditions and notes to the applicants referring to the mitigation measures set out in the appraisal surveys for both ecology and biodiversity net gain.

538. Nottinghamshire Wildlife Trust does not object to the proposals and Natural England has no comments to make.

### Conclusion

539. It is considered that, subject to the suggested conditions from technical consultees, the proposal would accord with the requirements of Policy 17 of the LPP1, Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 and the NPPF in terms of both ecology and biodiversity net gain.

## **Health and Wellbeing**

### Policy

540. The key policies for consideration of this element of the proposal are as follows.
541. At a national level the links between planning and health and wellbeing are found throughout the NPPF and creating and supporting strong, vibrant, and healthy communities is a key element of delivering sustainable development.
542. 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, Chapter 8 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.
543. Paragraph 96 of the NPPF notes planning policies and decision-making should *"enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – 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."*

544. The NPPF para 135 states that planning decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
545. 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”*.
546. Policy 10 (Design and Enhancing Local Identity) of LPP1 and Policy 1 (Development Requirements) of LPP2 also requires that developments incorporate features to reduce crime opportunities, the fear of crime, disorder and anti-social behaviour and promotes safer living environments. This is further emphasised in LPP2 Policy 39 (Health Impacts of Development).
547. 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.
548. Local authorities should have regard to the guidance provided surrounding Section 17 of the Crime and Disorder Act 1998 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.

#### Assessment

549. 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.
550. 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.
551. 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.

- 552. 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.
- 553. 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.

#### *Crime Prevention*

- 554. The applicant has submitted an updated Security Report (May 2021) which details proposed crime prevention measures. Nottinghamshire Police have been consulted as part of the application and have provided advice and guidance on matters in relation to crime prevention, including CCTV provision and hostile vehicle mitigation (HVM) measures. It is considered appropriate to impose a condition requiring the submission of an updated Security Report prior to the use of the replacement stand which incorporates the advice and recommendations from Nottinghamshire Police.

#### Conclusion

- 555. Overall, subject to the suggested conditions, it is considered that the proposed development would 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.

#### **Rights of Way**

##### Policy

- 556. The key policies for consideration of this element of the proposal are as follows.
- 557. Chapter 8 (Promoting healthy and safe communities) of the NPPF seeks to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.
- 558. Further, Policy 34 (Green Infrastructure and the Natural Environment) of Local Plan Part 2: Land and Planning Policies seeks to protect and enhance the rights of way network.

##### Assessment

- 559. The Trent Valley Way (shared pedestrian / cycle footpath) is located to the north of the site and 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. The impact of the proposal on this right of way therefore needs to be considered.

560. Nottinghamshire County Council Public Rights of Way have been consulted on the application and have raised no objections to the proposal. They consider that there does not appear to be any long-term implications on the footpath as a result of the proposal and have recommended that every effort should be made to keep the route open and safe for the public during the construction phase of the development.

### Conclusion

561. There are no changes proposed to the existing footpath/cyclepath as part of the proposal. It is therefore considered that the proposal would not adversely impact the existing footpath/cyclepath to the north of the site and would accord with Policy 24 of LPP2 and Chapter 8 (Promoting healthy and safe communities) of the NPPF in this regard.

### **Sustainability**

#### Policy

562. The key policies for consideration of this element of the proposal are as follows.
563. Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF recognises that the planning system should, among other things, encourage the reuse of existing resources and the conversion of existing buildings.
564. Policy 2 (Climate Change) requires all developments to mitigate against and adapt to climate change and to comply with targets on reducing carbon emissions and energy use. It also sets out that developments will be expected to achieve sustainable design, through sustainability sourced materials, minimisation of water use, designed to withstand long terms impacts on climate change, allowing for adaptation to future changes in climate and reduction in carbon footprint where possible.
565. Rushcliffe Borough Council adopted the Low Carbon and Sustainable Design SPD in 2023. This focuses on how new development can design in and embed carbon reduction and wider sustainable design measures. It also requires that proposals include information on the sustainability and low carbon credentials of the development.

#### Assessment

##### *Re-use of materials*

566. The submitted Sustainability Assessment identifies that the pre-demolition report showed that the development will minimise waste diversion to landfill by recycling materials on and off site. It states that 5,808 tonnes of concrete is expected to be recycled on-site. It also confirms that 1796 tonnes of brick and block will be recycled on-site for façade and internal walls.

567. In terms of the new stand, the concept design for the steel framed stand has been developed with consideration of material efficiency, with the column grid providing open spaces within the accommodation to support flexibility in uses and ease for future reconfigurations to suit functional requirements.
568. In terms of the residential scheme, a reinforced concrete frame with post-tension floor plates is proposed which would require less reinforcement, resulting in material savings. The principle of designing for durability and efficiency takes that further by identifying opportunities to select materials that will last for the duration of the building life cycle without the need for frequent replacement or maintenance.

#### *Reduction of carbon emissions*

569. The applicant has submitted a Sustainability Appraisal (January 2025) which has been updated to demonstrate compliance with the Low Carbon and Sustainable Design SPD. The report suggests that 67% of the total energy demand will be from low carbon technologies which includes a water source heat pump as the primary heat source. The submitted Energy Statement (January 2025) has provided an indicative location for the proposed water source heat pump which indicates that this can be achieved on site. However, this is indicative and it is considered that the final details should be secured via condition.

#### *Reducing car-based travel*

570. The Sustainability Appraisal confirms that the proposal will incorporate Electric Vehicle Charging Points (EVCP's) and cycle parking to promote sustainable transport methods which will support healthy communities. Final details of these elements should be secured via planning condition.

#### Conclusion

571. Overall, the proposal includes suitable measures to ensure the development is able to achieve current standards for energy efficiency and sustainable building design. Conditions will secure details of the various measures proposed and required. It is therefore considered that the proposal would accord with Chapter 14 of the NPPF, Policy 2 of LPP1 and the Low Carbon and Sustainable Design SPD in this regard.

### **Waste Management**

#### Policy

572. The key policies for consideration of this element of the proposal are as follows.
573. 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.

574. 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. It is considered that waste matters can be adequately considered by way of planning conditions as set out in the recommendation.

#### Assessment

575. The application 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. The submitted plans identify how sufficient and discrete provision for bin storage would be provided for the scheme and how the scheme would operate a private waste management scheme, details for which would be controlled by appropriate planning condition.
576. 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.

#### Conclusion

577. Taking into account the above comments and suggested conditions, it is considered that waste management is adequately addressed, subject to the imposition of conditions. 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**

## Policy

578. The key policies for consideration of this element of the proposal are as follows.
579. Planning obligations can assist in mitigating the impact of unacceptable development and make the development concerned acceptable in planning terms. Paragraph 58 of the NPPF identifies that Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

These tests are set out as statutory tests in the Community Infrastructure Levy (CIL) Regulations 2010 and as policy tests in the NPPF.

580. Policy 19 (Developer Contributions) of the Core Strategy requires under part 1 that all development will be expected to:
- a) Meet the reasonable cost of new infrastructure required as a consequence of the proposal;
  - b) Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and
  - c) Provide for the future maintenance of facilities provided as a result of the development.
581. Policy 43 (Planning Obligations Threshold) of the LPP2 identifies that Planning obligations may be sought from developments of more than 10 dwellings or 1,000 square metres or more gross floorspace for the provision, improvement or maintenance, where relevant, of the following infrastructure:
- a) Health;
  - b) Community and sports facilities;
  - c) Green Infrastructure and recreational open space;
  - d) Biodiversity Mitigation and compensation;
  - e) Education; and
  - f) Highways, including sustainable transport measures.

582. In relation to affordable housing Policy 8 – Housing Size, Mix and Choice of the Local Plan Part 1 states that: “4) New residential developments should provide for a proportion of affordable housing on sites of 5 dwellings or more or 0.2 hectares or more. The proportion of affordable housing that should be sought through negotiation on strategic sites and within each housing submarket is as follows:” With regard to West Bridgford the proportion sought through negotiation should be 30%.

583. Under Part 5, the policy goes on to state: “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”.

### Assessment

#### The ‘Full’ replacement stand element

584. In relation to the proposed replacement stand, contributions have been sought to mitigate the impact from additional spectator capacity at 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, enhancements to pedestrian crossings along London Road at the Cattle Market junction 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.
585. Nottingham City Council have requested a variety of 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. Such requests included funding towards the new pedestrian/cycle River Trent bridge crossing which was already separately funded, and not demonstrated as a feature necessary for the development to be acceptable, and a number of broad requests for bus and cycle improvements, without any costings are defined scope. The broad scope and lack of evidence supporting such requests meant they could not be demonstrated to meet the relevant CIL tests. A separate request for funding towards permanent Hostile Vehicle Mitigation (HVM) along Trent Bridge was also received, however again this is a matter which already exists, and given the existing HVM solution, would not be considered necessary to make the development acceptable or reasonable in scale and kind.
586. 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. This improvement relates to the direct pedestrian route from the City Centre to the ground, which would be subject to increased footfall as a result of the additional stadium capacity and as such was considered to meet the requisite tests of necessity, being directly related to the development and the contribution being fairly and reasonably related in scale and kind to the development.
587. In summary the total contributions agreed in relation to the replacement stand is £1.740m split as follows:
- Match Day Traffic Regulation Orders - £50,000
  - Match Day Permits - £190,000
  - Bus Service Improvements - £210,000 for 5 Years ((£1,050,000 Total)
  - Electronic Transport Displays - £50,000
  - Footpath Upgrade to Grantham Canal - £50,000
  - Cycle access improvements on Lady Bay Bridge and access off Scarrington Road - £200,000

- Pedestrian Crossing Improvements London Road / Cattle Market Junction - £150,000.

588. Accordingly the proposed stand and plaza element (when considered in isolation) is considered to provide for all mitigation reasonably necessary to make the development acceptable as required by policies 19 and 43 of the Core strategy and LPP2 respectively. The necessity for these contributions has been demonstrated as necessary through the body of this report and as such this aspect of the development is considered compliant with the appropriate contributions policies.

*The 'Outline' residential element (including commercial uses)*

589. In relation to the residential element of the proposals, a variety of contributions have been requested to mitigate the impact of the development to make it acceptable in planning terms. These include affordable housing, education provision, payments towards play space, sports pitches, allotments, highways, NHS Nottingham Universities Trust (health), Rushcliffe ICB (NHS) 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, the final requested contributions are detailed below (\* Please note some contribution requests relate to the original 250 unit scheme and no updated comments were received when the scheme was reduced to 170 units):

- NHS Nottingham University Hospitals Trust - £194,421\*
- NHS Nottingham West ICB - £128,240
- NCC Education - £686,170
- NCC Transport - £80,000
- Offsite Play Equipment - £105,000
- Sports Pitches - £206,263
- Allotments - £12,410
- 51 Affordable dwellings (30%)

590. Whilst the majority of contributions identified above are considered to meet the CIL Tests, and have been well evidenced to be necessary to make the development acceptable, directly related to the development and fairly and reasonable related to the development in scale and kind, evidenced through engagement between the LPA, its consultees and the developer, there is one which is not considered to meet the relevant tests. The NHS Nottingham University Hospitals Trust provided a response to the original consultation in December 2019 requesting a funding contribution of £194,421. They have not however provided any updated response based on future re-consultations and revisions since the original submission. As such the current request is not reasonably related to the development in scale or kind, and the evidence is not considered to demonstrate based on current circumstance that the request is necessary to make the development acceptable in planning terms. As such this request is not supported by the Local Planning Authority.

591. Nottingham City Council also requested that a variety of improvements are made to Trentside North including its access from London Road and its carriageway dimensions and surface. These requests have been considered very carefully. The justification for these works is 'to make Trentside North

suitable for additional residential development'. However, the residential scheme would not take any vehicular access from Trentside North, for either private vehicles or servicing. It is notable that the outline application area does not provide any direct link to Trentside North, with access directly from Pavilion Road. Pedestrians may access Trentside North through the new plaza but it is not considered that this would justify the improvements to the access or carriageway widths currently requested. As such this request made by Nottingham City Council would not meet the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010 and the policy tests in the NPPF as it would not be fairly and reasonably related to the development in scale or kind, and fundamentally would not be necessary to make the development acceptable in planning terms.

592. 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 2025 - 31 December 2025) the CIL charge for residential development (Use Class C3 excluding apartments) is £116.37/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, with apartment development identified as exempt under the CIL Charging schedule due to viability considerations with such types of development. The general retail (Use Class E) development would also be chargeable at a current rate of £58.18/m<sup>2</sup> which would remain applicable to the scheme. The total CIL receipt for the proposed commercial uses within the block would therefore be £15,548.
593. 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 65 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.
594. The applicants Planning Statement originally stated 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"*. The viability position on the application has been assessed at various points through the life of the application.
595. 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"*.

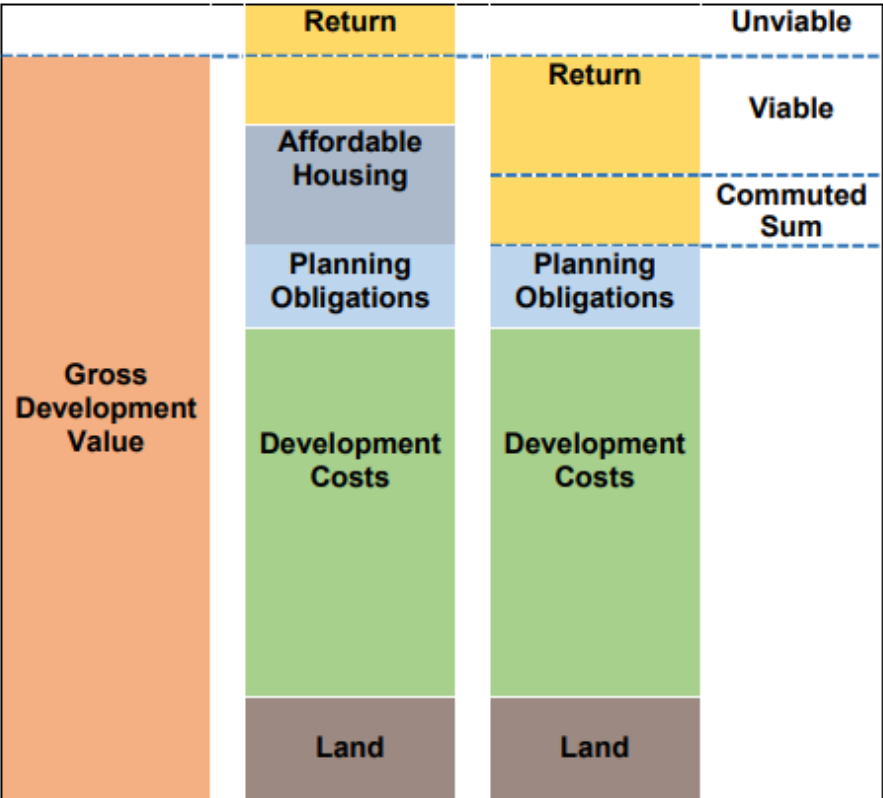
596. Likewise, it is acknowledged that not all sites will be sufficiently financially viable to provide for affordable housing and S106 developer contributions. This is acknowledged in paragraph 59 of the NPPF, which states:
- "Where up-to-date policies have set out the contributions expected from development, 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".*
597. The NPPG also provides additional guidance on the consideration of viability assessments as part of decision making, confirming that: *"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 viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment."* (Paragraph: 008 Reference ID: 10-008-20190509)
598. The applicant has prepared a Viability Assessment, updated in May 2025. It concludes that the residential part of the proposal is not viable if subjected to the full S106 requests including affordable housing provision on site given the limited return on investment. In these circumstances and in line with paragraph 2.77 of the Affordable Housing SPD, the viability assessment has been independently evaluated by a qualified land valuer on behalf of the Council.
599. Most recent revisions to 'de-couple' the 'outline' residential scheme from the 'full' stadium scheme have resulted in previous money allocated for the replacement boat club (£1,213,250) to be removed from the assessment. The provision is still a requirement and would be secured separately within a S106, however as it is not the residential development that requires the boat club to be demolished and provided elsewhere, this cost cannot be reasonably associated to the residential scheme. Construction/Infrastructure costs associated with the demolition of buildings on the residential portion of the site (£150,000), and an apportioned amount for the substation (which is required to service both sites) (£250,000) remain and have been demonstrated and reasonably related to the residential element of the development.
600. Following detailed discussions, it has been agreed amongst all parties (the applicant, an independent viability expert and the Local Planning Authority), that after a profit margin of around 18%, £1,250,000 would be available to be applied towards developer contributions. This is as well as the calculated CIL receipt of £15,548 from the commercial floor area. This figure is based upon an all market scheme, without provision of onsite affordable housing. As a guideline the January 2025 appraisal identified that the provision of 30% on-site affordable housing would reduce the development value by circa £5,715,185, which sits well beyond the latest viability position which provides

a total fund of some £1,250,000 for S106 contributions. The independent viability assessor concludes that the scheme cannot viably support S106 contributions of more than £1,250,000.

601. The developer contribution of £1,250,000 would provide for all of the agreed contribution requests identified below:
- NHS Nottingham West ICB - £128,240
  - NCC Education - £686,170
  - NCC Transport - £80,000
  - Offsite Play Equipment - £105,000
  - Sports Pitches - £206,263
  - Allotments - £12,410.
602. Accordingly the outline scheme would comply with the requirements of Policy 43 of the LPP2 and Policy 19 of the LPP1.
603. The development cannot however deliver 30% on site affordable housing, as set out within Policy 8 of the Core Strategy. Part 5 of Policy 8 confirms that 'The overall proportion and mix for affordable housing will be determined by: inter alia, c) The ability to deliver affordable housing alongside other requirements, taking into account 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'.
604. The Rushcliffe Borough Council Affordable Housing Supplementary Planning Document was adopted in February 2022 and is material to the consideration of this application. This sets out further guidance for consideration of viability in relation to affordable housing delivery. At para 2.75 it confirms that *"Rushcliffe Borough Council will, subject to viability assessments, negotiate amendments to the type and tenure of affordable units or a reduction in their number. If the delivery of affordable housing on-site is likely to raise viability issues"*.
605. At paragraph 3.1 it further identifies that *"To ensure delivery of affordable housing it is expected that they will be provided on site alongside the open market housing. Discussions regarding alternative off-site delivery on a 'donor site', or, as a last resort, commuted sums (financial payment) will take place in exceptional circumstances. These circumstances exist where:*
- a) An independent viability assessment confirms delivery on site is not viable;*
  - b) No Registered Provider is willing to purchase the affordable unit(s); or*
  - c) Delivery of off-site or a commuted sum would deliver more sustainable development and/or more affordable units"*.
606. As the application has been subject to a formal independent viability assessment, in accordance with the methodology set out in the NPPF and the Affordable Housing SPD, it is considered that the development meets the exceptional circumstances test set out under 3.1(a) above.

607. With specific regard to ‘unviable proposals’ the SPD provides the following at paragraph 3.10.

*“Figure 3 below illustrates the calculation of the commuted sum where the combined costs of the development (including affordable housing) exceed the*



**Figure 3: Calculation of commuted sums for unviable schemes**

*gross development value and therefore does not provide an acceptable competitive return and the scheme is therefore unviable. In the example below a reduction in the number of affordable units is not achievable. It is therefore judged acceptable to forego on-site provision of affordable housing and accept a commuted sum which is less than the cost of providing a policy compliant number of units on-site. The commuted sum will provide a competitive return and no more. Not accepting an appropriate commuted sum would prevent the development coming forward”*

608. The viability review has found that the scheme can viably contribute an affordable housing commuted sum of £31,917 after all other planning obligations (as set out earlier in this section at para 554) have been met. Para 3.4 of the SPD identifies that such commuted sums “will be paid into a ring-fenced fund which will be used to contribute to the overall affordable housing provision in the Borough through a range of projects such as supporting the development of rural affordable housing (within exception sites), enabling any specialist housing provision such as supported housing, forward / gap funding schemes, improving tenure mix / affordability, and empty homes / refurbishments. This is not an exhaustive list and the fund can be used to support new innovative ways to contribute to increasing affordable housing provision including the consideration of viability assessments submitted with an application to ensure the maximum number of affordable units are secured”.



609. Whilst Policy 8 of the Core Strategy sets out the initial requirement for delivery of 30% affordable housing on site within part 4, it clarifies that this should be sought through negotiation. Part 5 of this policy provides for the wider consideration of viability in delivering any overall affordable housing proportions and mixes. This viability consideration and component is further defined with the Affordable Housing SPD. As demonstrated above, the viability assessment has complied with the requirements laid out within the affordable housing SPD, and as such despite the heavily reduced commuted sum available, the development is considered to deliver, by negotiation, an affordable housing commuted sum in accordance with the provisions of Policy 8 of the Core Strategy.

### Conclusion

610. Accordingly, the scheme is considered to provide for all CIL compliant obligation requests in accordance with Policy 19 (Developer Contributions) of the Core Strategy which states that *“all development will be expected to meet the reasonable cost of new infrastructure required as a consequence of the proposal”* and Policy 43 (Planning Obligations Threshold) of the LPP2. Furthermore the residential component, following detailed assessment and consideration is considered to comply with the requirements laid out within Policy 8 of the Core Strategy and the Affordable Housing SPD.

## **THE PLANNING BALANCE AND CONCLUSION**

611. The application raises numerous planning issues for consideration and requires a complex evaluation of a series of planning matters. Those matters have been considered in detail and very carefully through the body of this report. 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.
612. The issues considered relate both to the replacement stand and the apartment building. The application has attracted widespread public interest and has received comments both in support and in objection, many raising material planning concerns. Many statutory consultees and local amenity groups have also commented.
613. 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).
614. An economic objective – it is considered that this objective is satisfied. The conference, hospitality and increased spectator capacity 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. Temporary economic impacts from construction of

both schemes (Stand and Residential) would also weigh in favour of the scheme. Future residents of the residential scheme would also potentially work and spend in the local economy, bringing further benefits.

615. A social objective – it is considered that this objective has been satisfied. The residential element of the scheme would deliver a range of smaller homes which would 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 would have good connectivity to the River Trent which would benefit both future and existing residents. NFFC plays a vital social role within the community and the enhancement of its facilities would only go to enhance its social value to the community.
616. An environmental objective – it is considered 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 using strong urban design principles. The scheme also looks to deliver an 11.51% biodiversity net gain and seeks to enhance sustainable transport links and improve surrounding movement corridors.

*The Replacement Stand and Plaza (Full)*

617. The replacement stand has been found to bring with it significant benefits. 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. The provision of a replacement stand would not only enhance spectator and player experiences, but provide additional revenues and facilities for use outside of matchdays. The enhancements would support an established and integral sporting facility, with significant community benefits as a cultural and tourism venue.
618. The development would also create an open plaza area between the stand and apartment building which would create a new and enhanced public realm between Trentside North and Pavilion Road. It would include new paving, street tree planting, lighting and pathways that would enhance the permeability and attractiveness of the area. These enhancements would bring social and environmental benefits considered to weigh in favour of the development.
619. The principle of redeveloping the Peter Taylor Stand to enhance the existing sporting facilities, as well as provide a new public plaza and an additional access to the River Trent on an established brownfield site (i.e. previously developed) is clearly supported by both national and local planning policies and brings considerable benefits which must be given substantial weight (as per paragraph 125c of the NPPF).
620. 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. The buildings would be clearly visible from the wider area including from both sides of the River Trent. The development scheme would lead to a significant enhancement to local

character and placemaking in comparison to the existing baseline conditions. This would be achieved through the creation of the new stand and stadium entrance actively addressing the proposed plaza. The revised building lines and urban realm would also create a defined entrance to the site, with the stadium revealing itself to users as they get closer to the site along Pavilion Road, as well as addressing longer distance key views such as those from Trent Bridge with the actively curved design of the club shop building. Overall the design of the scheme, revitalising an underutilised brownfield site, is considered to represent a factor which weighs notably in favour of the development.

621. An updated Economic Impact Assessment identifies that the development would boost the local economy by a further £13m per annum (to a total of £77m) as it would result in more people being employed at the Club, more spend with local businesses and attract more visitors. The combined impact of this would be an additional 264 net additional jobs, on top of The Clubs current impact. These matters weigh significantly in favour of the proposed development.
622. The application was submitted prior to the implementation of mandatory Biodiversity Net Gain which came into force in 2024. Notwithstanding this the scheme has still sought to demonstrate the delivery of an 11.51% net gain through the delivery of the scheme of works which could be controlled by planning condition in accordance with the requirements of Policy 16 of the LPP1 and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2. This matter weighs in favour of the development.
623. Whilst the development would generally avoid any undue impacts on the amenity of adjoining occupiers, it is considered that there remains an overbearing impact upon 27 Rosebery Avenue. The development would therefore give rise to a degree of conflict with the requirements of Policy 1(4) (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This conflict specifically arises from the stand development and not the residential. This would weigh negatively in the planning balance, and given the level of harm should be afforded significant weight.
624. All other matters have been carefully considered through the course of the application and as set out in the report, are considered to comply with policy and guidance provided by technical consultees. In such instance these matters weigh neutral in the planning balance.

*The Planning Balance (Stand and Plaza)*

625. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
626. It has been established through the courts that development plan policies can pull in different directions, and that when this happens the decision maker can give greater weight to some policies over others, having regard to the importance/relevance of policies complied with, or breached, and the extent of such compliance or infringement (*Cummins & Ors, R (on the application of) v London Borough of Camden & Ors*). The test applied under Section 38(6)

should therefore be read as whether a proposal accords with the development plan read as a whole, and not whether it complies with each and every policy (Milne, R (on the application of) v Rochdale Metropolitan Borough Council).

627. Whilst there remains a degree of conflict with policy 1(4) of the LPP2 (in relation to overbearing impacts on 27 Rosebery Avenue), the proposal for the stand and plaza delivers upon the desire of Policy 13 of the Core Strategy which seeks to support the further development of existing cultural, tourism and sporting facilities, with the City Ground specifically identified as an 'important part of the tourism and visitor offer' within Rushcliffe. The works not only deliver increased capacity, but enhanced facilities to users, access for a greater range of users, and enhanced public realm around the site through the new plaza area and access to Trentside. These significant placemaking enhancements to the stadium site seek to reduce the dominance of the motor vehicle through the provision of the public plaza land around the stand, delivering landscaping, seating and biodiversity enhancements for members of the public, all whilst delivering a development considered to sit sympathetically within the local context. These benefits are in direct accordance with Policy 10 of the Core Strategy and Policy 1 of the LPP2.
628. Policy 1 (Sustainable Development) of the Core Strategy requires that 'when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'.
629. Fundamentally, whilst the scheme has found to give rise to a specific policy conflict relating to an undue overbearing impact to one neighbouring property, the development scheme accords with policies of the development plan in all other respects (as set out within this report). The scheme would deliver tangible benefits to the economic, social and environmental conditions of the area, as supported by policy 1 of the Core Strategy, and would fundamentally support the provision of an enhanced cultural, tourism and sporting facility within the Boroughs most sustainable and accessible settlement. Accordingly, when taking the policies of the development plan as a whole, and in considering the degree of conflict identified, and the degree of compliance found, along with the key drivers for sustainable growth which underpin the development plan, it is found that the development of the stand and plaza (Full Application), would be compliant with the development plan as a whole.
630. Further to the above, there are other material considerations to consider as identified within the NPPF. Significant economic, social and cultural benefits would arise from the development of the replacement stand. Paragraph 125c of the NPPF confirms in principle that decision makers should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs...'. This site is brownfield within the Boroughs most sustainable settlement, and the scheme seeks to meet an identified need in relation to demand for the sporting, tourism and cultural use of the NFFC City Ground. Substantial weight must therefore be provided in favour of the development.

631. Further to this are the placemaking improvements provided through new pedestrian access to Trentside, new public plaza (open space), and the general design of the stadium, seeking to develop an outwards offering and entrance into the wider community, rather than the existing inward facing stadia design surrounded by car parking. These placemaking and health and wellbeing improvements are supported and these enhancements should be given significant weight in favour of the development as set out in paragraph 139 (a) of the NPPF. This states that 'significant weight should be given to: a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes*'.
632. The proposed development would contribute significantly to both the local and wider economy. Section 6, paragraph 85 of the NPPF confirms that significant weight should be placed on the need to support economic growth and productivity. The economic benefits outlined provided by the development as such weigh significantly in favour of the proposal.
633. The most recent Biodiversity Net Gain Assessment (submitted in Jan 2025) confirms that the proposed development would demonstrate a 11.51% net gain. As this is not a statutory requirement this weighs in favour of the development, meeting the aims of paragraph 193 'd' of the NPPF as well as Policy 38 of the LPP2. However given the level of gain, this is only afforded modest weight.
634. On careful assessment and balance, it is concluded that the benefits associated with the replacement stand and plaza would outweigh the identified harms, and as such it is considered that the development should be supported.

#### *The Residential and Commercial Scheme (Outline)*

635. The development has been found to accord with policies of the development plan in full. The benefits identified through this report, including the re-use of brownfield land in a sustainable and well-connected location for the provision of housing, are substantial, and whilst concerns have been expressed with aspects of the development, careful assessment has found that any concerns can be adequately mitigated through appropriately worded planning conditions, and planning obligations. As such there are no material planning considerations that would outweigh the significant benefits which have been found. As such it is considered that the development should be supported.

#### Overall Conclusion

636. 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 that would be considered to align with the policies of the development plan taken as a whole.
637. When taken all of the policies of the development plan (taken as a whole) into consideration as set out within this report, the proposed development is

considered on balance to comply with the development plan overall. In considering other material considerations of which the NPPF is the most weighty as the most recent and up to date expression of Government Guidance they are also supportive of the grant of consent taking into account the aspiration for sustainable development and the wide ranging economic, social and environmental benefits. Accordingly, it is recommended that planning permission be granted subject to a series of planning conditions. A legal agreement will also be required to ensure the replacement of Britannia boathouse and to deliver other mitigation, including the agreed package of developer contributions.

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

## **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.

### **Full Permission (Stand and Plaza)**

1. **The development of the replacement stand, and all development associated with the detailed part of the application hereby permitted (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08'), must be begun not later than expiration of three years from the date of this permission.**

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

2. **The proposals for the replacement stand and associated development (forming the detailed part of this hybrid application, as shown on drawing BNY-SA-00-00-04 Rev: B08) must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:**

- Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08, 1:500, A0
- Proposed Main Stand Ground Floor GA Plan - Plan Ref: BNY-Z1-20-00-01 Rev: B02, 1:200, A1
- Proposed Main Stand First Floor GA Plan, B01 - Plan Ref: BNY-Z1-20-01-01 Rev: B02, 1:200, A1
- Proposed Main Stand Second Floor GA Plan - Plan Ref: BNY-Z1-20-02-01 Rev: B01, 1:200 A1
- Proposed Main Stand Third Floor GA Plan - Plan Ref: BNY-Z1-20-03-01 Rev: B01, 1:200, A1
- Proposed Main Stand Fourth Floor GA Plan - Plan Ref: BNY-Z1-3120-04-01 Rev: B01, 1:200, A1
- Proposed Main Stand Overall Seating GA Plan - Plan Ref: BNY-Z1-20-05-01 Rev: B01, 1:200, A1
- Proposed Main Stand Roof GA Plan - Plan Ref: BNY-Z1-20-06-01 Rev: B01, 1:200, A1
- Proposed Street Elevations Sheet 1 - Plan Ref: BNY-SA-21-AL-01 Rev: B02, 1:500, A1
- Proposed Street Elevations Sheet 2 - Plan Ref: BNY-SA-21-AL-02 Rev: B02, 1:500, A1
- Proposed Main Stand Elevations Sheet 1 - Plan Ref: BNY-Z1-21-AL-01 Rev: B02, 1:200, A1
- Proposed Main Stand Elevations Sheet 2 - Plan Ref: BNY-Z1-21-AL-02 Rev: B01, 1:200, A1
- Proposed Main Stand Sections - Plan Ref: BNY-Z1-22-AL-01 Rev: B01, 1:200, A1
- Proposed Area Schedule - Main Stand - Plan Ref: BNY-SA-SD-AL-03 Rev: B01, 1:500, A1
- Proposed External Works / Landscape Plan - Plan Ref: BNY-SA-90-00-01 Rev: B05, 1:250, A1
- Proposed Gatehouse Layout - Plan Ref: BNY-SA-90-00-02 Rev: B04, 1:50, A1
- Proposed Substation Layout - Plan Ref: BNY-SA-90-00-03 Rev: B04, 1:50, A1

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

3. No development or demolition shall take place (except for above ground site clearance and demolition down to slab level) in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until an Archaeological Mitigation Strategy for the protection of archaeological remains in relation to that element has been submitted to and approved by the Local Planning Authority. The mitigation strategy will include appropriate Written Schemes of Investigation for evaluation and provision for further mitigation work. These schemes shall include the following:
  1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these

elements).

2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

[Reason: This condition is pre-commencement to ensure the preparation and implementation of an appropriate scheme of archaeological mitigation having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF).]

4. No development or demolition shall take place in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until a written report of the findings of a Preliminary Risk Assessment (PRA) for that element, including details of the nature and extent of any contamination affecting either element of the development, whether or not it originates from the site, has been submitted to and approved in writing by the Local Planning Authority (LPA). The PRA must be prepared by a suitably qualified 'competent person' (as defined in the NPPF September 2023 or any subsequent version) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance (LCRM) (or any subsequent guidance). As a minimum the PRA must include the following:
  - a. a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses;
  - b. the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface;
  - c. the development of an initial 'conceptual site model' (CSM), which identifies and qualitatively assesses any potential source - pathway - receptor (contaminant) linkages;
  - d. a basic hazard assessment identifying the potential risks from any contaminants on:
    - i. human health;
    - ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - iii. adjoining land;
    - iv. ground and surface waters;
    - v. ecological systems;
    - vi. archaeological sites and ancient monuments; and
    - vii. recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.



Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the LPA.

Where the findings of the submitted SI identify unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Strategy (RS) has been submitted to and approved in writing by the LPA. The submitted RS must include:

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

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

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

[Reason: This condition is pre-commencement to ensure that a satisfactory assessment of any land contamination, and an appropriate strategy for its remediation from the site, is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 196 and 197 of the NPPF ].

5. No development and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving construction vehicles / machinery) shall take place in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until a site-specific Construction Management Plan (CMP) for this

element has been submitted to and approved in writing by the Local Planning Authority. The CMP must include details outlining:

- appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors;
- areas for loading and unloading plant and materials;
- the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
- measures to control the emission of dust and dirt and vibration during construction;
- measures for the storage/recycling/disposal of waste resulting from the construction works;
- any hoarding to be erected;
- the routing of construction traffic and measures to be employed to ensure those approved routes are adhered to;
- the piling method to be used on site; and
- a scheme to treat and remove suspended solids from surface water run-off during construction works;

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

[Reason: This is a pre-commencement condition in the interests of highway safety and to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

6. No development and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving construction vehicles / machinery) shall take place in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until an updated Construction Ecological Management Plan and Construction Environmental Management Plan for that element of the development, has been submitted and approved in writing by the Local Planning Authority. The submitted documents shall be in general accordance with the documents submitted with the application. The approved document(s) must be adhered to at all times throughout the construction period for the development.

[Reason: This is a pre-commencement condition to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

7. No development shall take place (except for above ground site clearance and demolition down to slab level) in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until a detailed surface

water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme should include, where practical, rainwater harvesting from the development and full details any plant or pumping facilities required as part of the scheme. Any approved scheme shall then be implemented and available for use in accordance with the approved details prior to replacement stand first being brought into use.

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

8. No development shall take place (except for above ground site clearance and demolition down to slab level) in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until such time as a revised energy strategy document has been submitted to and approved in writing by the Local Planning Authority in relation to that element . The strategy shall include detailed feasibility studies into the use of low carbon technologies, and the provision renewable energy generation equipment. The document shall build upon the assumptions made within the Energy Strategy Rev.03 dated January 2025 by Bruro Happold. The development shall thereafter only be constructed in accordance with the approved documents.

[Reason: In the interests of sustainable development and to accord with policies 1 (Presumption in favour of sustainable development) and 2 (Climate Change) of the Local Plan Part 1:Core Strategy (2014), and the Low Carbon and Sustainable Design SPD].

9. No development shall take place (except for above ground site clearance and demolition down to slab level) in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until a Flood Evacuation Plan for that element has be submitted to and approved in writing by the Local Planning Authority. It shall include details of safe access and egress on site with regards to that element of the development. Thereafter, the measures within shall be implemented in accordance with the approved details and adhered to and reviewed as required.

[Reason: To ensure that there are sufficient plans to manage flood risk in the context of visitors and future occupants of the site having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 181 and 182 of the NPPF].

10. No works (including any demolition works) to the Britannia Boat House authorised by this consent shall be carried out until both the interior and exterior of the Britannia Boat House (as shown on drawing BNY-Z2-02-00-03 Rev: B01) has been recorded in accordance with a Written Scheme of Investigation (WSI) that must first have been submitted to and approved in writing by the Local Planning Authority. The WSI must:

- be prepared by a suitably qualified historic buildings surveyor;
- outline how the building is to be surveyed commensurate with a level 3 record as per Historic England document "Understanding Historic Buildings - A Guide to Good Recording Practice";
- include a detailed analysis of any architectural/historical features found in/on the building during the survey; and
- include provision for the production and deposition of a final report of the building survey carried out within the local Historic Environment Record (HER).

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

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

11. Prior to the commencement of any works relating to the substation hereby approved, details of the final substation design to incorporate the following matters shall be submitted to and approved in writing by the Local Planning Authority:

- Final design of flood protection measures to a height of 24.92maOD supported by an appropriate flood risk design strategy;
- PAS 68 (counter terrorism) or equivalent protection on public facing elevations, supported by a design strategy;
- Details of any acoustic mitigation measures required, supported by a noise impact assessment;

The approved measures and substation will then be installed in accordance with the approved details prior to the substation becoming live and will be retained in place for the life of the development.

[Reason: In the interest of public safety and to protect the wider network and the structure from risk of flooding, having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 14 (Meeting the challenge of climate change, flooding and coastal change of the NPPF].

12. No works in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall commence beyond foundation level until a detailed Landscaping Scheme (LS) including details of the final

position, design and materials for all street furniture, has been submitted to and approved in writing by the LPA.

The Landscaping Scheme and details of all street furniture shall be supported by a Microclimate and Wind Assessment which shall be submitted to and approved in writing by the LPA. The final design and layout of the landscaping and street furniture shall have regard to the Microclimate and Wind Assessment and to the updated Security Report as required by Condition 14.

The LS must also provide details of all hard and soft landscaping features to be used and include the following:

- an accurate survey of all existing trees and other natural features showing those to be retained and those to be removed
- detailed plans showing the location of all new trees and shrubs to be planted, including the number and / or spacing of shrubs in each shrub bed or hedgerow
- a schedule of the new trees and shrubs (using their botanical / Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees)
- plans showing the proposed finished land levels/contours of landscaped areas
- details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features
- Details of all street furniture features
- details of the protection measures to be used of any existing landscape features to be retained
- a Phasing Plan for the delivery of the LS
- a landscape management and maintenance strategy for the public realm areas.
- An updated Biodiversity Net Gain calculation.
- Details of a scheme of ecological enhancements including as a minimum bat and bird boxes within the fabric of the buildings where possible;

The approved LS must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted, or it being first brought into use, whichever is sooner, unless otherwise identified in the Phasing Plan.

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

Once provided, (in accordance with the approved landscaping scheme) all hard landscaping works shall thereafter be permanently retained

throughout the lifetime of the development and the approved landscape management and maintenance plan shall be adhered to thereafter for the life of the development.

The development shall be constructed in accordance with the approved details and retained thereafter.

[Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area and the amenities of future occupiers during the operation of the City Ground and ground floor commercial premises having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the NPPF].

13. No works in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall commence beyond foundation level until details of the type, texture, and colour of the materials to be used in the construction of the exterior of the development, including architectural details/sections as necessary have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials and details.

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

14. No works in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall commence beyond foundation level until an updated Security Report has been submitted to and approved by the Local Planning Authority. The Updated Security report shall include specifications for:

- a. ground floor glazing;
- b. window and door frames;
- c. signing for vehicle access and car parking;
- d. litter bins and street furniture;
- e. CCTV;
- f. mail handling protocol;
- g. access and electronic access controls;
- h. an intruder detection system;
- i. hostile vehicle measures; and
- j. Details of all lighting.

The development shall be carried out, and thereafter maintained in full accordance with the recommendations of the report.

[Reason: To protect the amenities of future occupiers during the operation of the City Ground and ground floor commercial premises

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

15. Prior to the occupation of any building in relation to the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') an updated travel plan for that element, based upon the Travel Plan Ref: 0043642 by Buro Happold ver 05 (FTP), shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be operated in full accordance with the approved travel plan.

[Reason: To promote sustainable travel having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

16. The replacement stand and its associated facilities as part of the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or, occupied, until, a Travel Plan Coordinator has been appointed who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the updated Travel Plan as approved in condition 15, and whose details shall be provided and continue to be provided when requested thereafter to the Local Planning Authority.

[Reason: To promote sustainable travel having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

17. The replacement stand and its associated facilities as part of the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or, occupied, until a scheme for the provision of Electric Vehicle Charging Points (EVCPs) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The approved scheme(s) shall then be installed and made available for use prior to the development being brought into use. Thereafter the EVCP must be permanently retained in accordance with the approved scheme throughout the lifetime of the development.

[Reason: To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 115 of the NPPF].

18. The replacement stand and its associated facilities as part of the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall

not be brought into use or, occupied, until a scheme for the servicing and delivery arrangements in relation to those elements has been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall thereafter remain in place for the lifetime of the development.

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

19. The replacement stand and its associated facilities as part of the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or, occupied, until a scheme for waste management in relation to that element has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- a. Bin storage areas;
- b. Number and size of waste containers;
- c. Bin collection points;
- d. Waste collection arrangements, routing and frequency; and
- e. provision for measures to encourage/enable waste recycling.

The approved scheme shall then be implemented and made operational prior to the replacement stand first being brought into use. Thereafter, the development shall be operated in accordance with the approved waste management scheme for the lifetime of the development.

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

20. The replacement stand and its associated facilities as part of the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or, occupied, until details of the proposed vehicle parking area(s) to serve the development have been submitted to and approved in writing by the Local Planning Authority. The submitted details must show:

- the proposed surface to be used;
- the layout of the parking spaces;
- the means of access to the car park area(s); and
- the finished land levels, drainage and any proposed lighting.

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



**[Reason: In the interests of amenity highway safety having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].**

- 21. The replacement stand and its associated facilities as part of the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or, occupied, until such time as the additional secure and covered cycle storage spaces, to be submitted and agreed in writing with the Local Planning Authority, have been installed and made available for use in accordance with the approved details. They shall thereafter be retained and made available for use for the lifetime of the development.**

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

- 22. The replacement stand and its associated facilities as part of the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or until an Events Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Events Management Plan (EMP) shall cover, conferences, events and any other activities taking place on site. The EMP shall build upon the requirements set out within the Travel Plan and include details of:**

- a. hours of operation;**
- b. car parking arrangement for conferencing, events and other activities hosted at the site;**
- c. access and egress arrangements to and from the conferencing/events facility from within the site.**
- d. Access and egress arrangements with regards to other transport modes;**
- e. Details for the establishment of, and ongoing management and operation of a Transport Management Group with key stakeholders, aiming to promote and develop sustainable travel at the site.**

**The site shall thereafter only be operated in strict accordance with the approved Events Management Plan.**

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

- 23. The replacement stand and its associated facilities as part of the detailed consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall**

not be brought into use, or occupied, until a Plaza Management Plan detailing the operation of plaza between the replacement stand and the residential building has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include measures to separate vehicle movements from pedestrians and confirmation of a continued unhindered public access from Trentside North through the plaza to Pavilion Road.

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

24. Prior to the installation of any floodlighting to serve the football pitch in association with the replacement stand, the details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority. The proposed floodlighting must be designed, located and installed so as not to cause a nuisance to all neighbouring residents and the scheme shall provide details of a lux plot of the estimated illuminance at the nearest residential premises. Thereafter any approved lighting shall be installed and maintained in accordance with the approved details.

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

25. The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in Condition 3. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior written consent of the Local Planning Authority.

[Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF).]

26. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited

with the County Museum Service, or another public depository willing to receive it.

[Reason: In order to ensure that satisfactory arrangements are made for the reporting, archiving and dissemination of the results of the investigation having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF).]

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

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

28. The number of guests for any non-match day event shall not exceed 800 and there shall be no more than 12 non-match day large events per year, as defined within the Revised Transport Assessment by Buro Happold, Ref: 0043642, dated 28 May 2021.

[In the interest of the amenities of the area and nearby residential occupiers and in the interests of highway safety, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

29. All windows above ground floor level on the south east facing elevation of the replacement stand hereby approved shall be fitted with glass or other material which has been rendered permanently obscured to Group 5 level of privacy or equivalent and is fixed shut. Thereafter, those windows must be retained to this specification throughout the lifetime of the development.

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

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

[To ensure that the retail activities within the replacement club shop relate to the proposed development of the replacement stand and to

comply with Policy 30 (Protection of Community Facilities) and Policy 31 (Sustainable Tourism and Leisure) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

### **Outline Permission (Residential and Commercial)**

31. An application for approval of the reserved matters, must be made to the Local Planning Authority (LPA) not later than the expiration of three years from the date of this permission in relation to the development of the residential and commercial land, and all development associated with the outline part of the application hereby permitted (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08').

Approval of the details of the 'appearance' and 'landscaping', (hereinafter called "the reserved matters") must be obtained from the LPA in writing before the development (with regard to the outline part of the site as defined above) hereby permitted is commenced. The scheme of reserved matters shall demonstrate broad accordance with the outline scheme, demonstrating the provision of a landscaped amenity terrace over the car decks and green roofs and/or walls where feasible. Any application for Reserved Matters must be accompanied by the following information:

- A Wind and Microclimate Assessment – demonstrating the buildings appearance and landscaping help create acceptable public environments to the adjacent public realm and amenity terrace areas;
- A Biodiversity Net Gain Assessment demonstrating the provision of on site net gain;
- Detailed internal floor plans for the building at each floor, showcasing appropriate servicing, circulation, amenity areas and the living environments for occupiers with regard to outlook;

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

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

32. The outline part of the proposals hereby permitted (as shown on drawing Proposed Site Block Plan & existing Stand Outline – Plan Ref: BNY-SA-00-00-04 Rev: B08) must be carried out broadly in accordance with the following approved plan(s)/drawings/documents:
- Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08, 1:500, A0
  - Proposed Residential Indicative Parameters Plan - Ground Floor - Plan Ref: BNY-Z2-03-00-01 Rev: B04, 1:200, A1

- Proposed Residential Indicative Parameters Plan - Typical Up' Floor - Plan Ref: BNY-Z2-03-00-02 Rev: B04, 1:200, A1
- Proposed Residential Parameters Elevation Sheet 1 - Plan Ref: BNY-Z2-03-AL-01 Rev: B03, 1:200, A1
- Proposed Residential Parameters Elevation Sheet 2 - Plan Ref: BNY-Z2-03-AL-02 Rev: B03, 1:200, A1
- Proposed Overall Ground Floor GA Plans - Stand + Residential - Plan Ref: BNY-SA-20-00-01 Rev: B09, 1:500, A1
- Proposed Residential Level 0 GA Plan - Plan Ref: BNY-Z2-20-00-01 Rev: B08, 1:200, A1
- Proposed Residential Level 1 GA Plan - Plan Ref: BNY-Z2-20-01-01 Rev: B04, 1:200, A1
- Proposed Residential Typical Level 02-08 GA Plan - Plan Ref: BNY-Z2-20-02-01 Rev: B05, 1:200, A1
- Proposed Residential Level 09 GA Plan - Plan Ref: BNY-Z2-20-09-01 Rev: B04, 1:200, A1
- Proposed Residential Level 10 GA Plan - Plan Ref: BNY-Z2-20-10-01 Rev: B04, 1:200, A1
- Proposed Residential Level 11 GA Plan - Plan Ref: BNY-Z2-20-11-01 Rev: B04, 1:200, A1
- Proposed Residential Level 12 GA Plan - Plan Ref: BNY-Z2-20-12-01 Rev: B04, 1:200, A1

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

33. No development or demolition shall take place (except for above ground site clearance and demolition down to slab level) in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until an updated Security Report has been submitted to and approved in writing by the Local Planning Authority. The report must identify appropriate specifications for:
- a. ground floor glazing;
  - b. window and door frames;
  - c. signing for vehicle access and car parking; and
  - d. Any other necessary design standards and or mitigation .

The development shall thereafter be carried out in complete accordance with the approved details.

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

34. No development shall take place (except for above ground site clearance and demolition down to slab level) in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until details of the

acoustic mitigation to be fitted to the residential and commercial building hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The details shall be supported by an updated noise impact assessment building upon the requirements set out in the approved Noise Impact Assessment Rev 02 dated 21 April 2021 (Ref: 043642). Prior to the first occupation of any residential unit, the approved scheme shall be implemented and shall remain in place for the life of the development.

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

35. No development shall take place (except for above ground site clearance and demolition down to slab level) in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until an overheating and ventilation Study has been submitted to and approved in writing by the Local Planning Authority. If this study indicates a high risk of significant overheating having taken account of the required noise mitigation measures, a scheme of mitigation shall be provided (including mechanical ventilation / cooling) so that occupants retain the option to keep windows closed and retain reasonable thermal comfort. The development shall be carried out in accordance with the approved details.

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

36. No development shall take place (except for above ground site clearance and demolition down to slab level) in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until an Archaeological Mitigation Strategy for the protection of archaeological remains in relation to that element has been submitted to and approved by the Local Planning Authority. The mitigation strategy will include appropriate Written Schemes of Investigation for evaluation and provision for further mitigation work. These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

**The scheme of archaeological investigation must only be undertaken in accordance with the approved details.**

**[Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF).]**

- 37. No development or demolition shall take place in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until a written report of the findings of a Preliminary Risk Assessment (PRA) for that element, including details of the nature and extent of any contamination affecting either element of the development, whether or not it originates from the site, has been submitted to and approved in writing by the Local Planning Authority (LPA). The PRA must be prepared by a suitably qualified 'competent person' (as defined in the NPPF September 2023 or any subsequent version) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance (LCRM) (or any subsequent guidance). As a minimum the PRA must include the following:**
- a. a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses;**
  - b. the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface;**
  - c. the development of an initial 'conceptual site model' (CSM), which identifies and qualitatively assesses any potential source - pathway - receptor (contaminant) linkages;**
  - d. a basic hazard assessment identifying the potential risks from any contaminants on:**
    - i. human health;**
    - ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;**
    - iii. adjoining land;**
    - iv. ground and surface waters;**
    - v. ecological systems;**
    - vi. archaeological sites and ancient monuments; and**
    - vii. recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.**

**Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the LPA.**

Where the findings of the submitted SI identify unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Strategy (RS) has been submitted to and approved in writing by the LPA. The submitted RS must include:

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

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

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

[Reason: This condition is pre-commencement to ensure that a satisfactory assessment of any land contamination, and an appropriate strategy for its remediation from the site, is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 196 and 197 of the NPPF ].

38. No development and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving construction vehicles / machinery) shall take place in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until a site-specific Construction Management Plan (CMP) for this element has been submitted to and approved in writing by the Local Planning Authority. The CMP must include details outlining:

- appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors;
- areas for loading and unloading plant and materials;
- the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
- measures to control the emission of dust and dirt and vibration during



- construction;
- measures for the storage/recycling/disposal of waste resulting from the construction works;
- any hoarding to be erected;
- the routing of construction traffic and measures to be employed to ensure those approved routes are adhered to;
- the piling method to be used on site; and
- a scheme to treat and remove suspended solids from surface water run-off during construction works;

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

[Reason: This is a pre-commencement condition in the interests of highway safety and to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

39. No development and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving construction vehicles / machinery) shall take place in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until an updated Construction Ecological Management Plan and Construction Environmental Management Plan for that element of the development, has been submitted and approved in writing by the Local Planning Authority. The submitted documents shall be in general accordance with the documents submitted with the application. The approved document(s) must be adhered to at all times throughout the construction period for the development.

[Reason: This is a pre-commencement condition to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

40. No development shall take place (except for above ground site clearance and demolition down to slab level) in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme should include, where practical, rainwater harvesting from the development and full details any plant or pumping facilities required as part of the scheme. Any approved scheme shall then be implemented and available for use in accordance with the approved details prior to replacement stand first being brought into use.

[Reason: To ensure compliance with Policy 18 (Surface Water

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

- 41. No development shall take place (except for above ground site clearance and demolition down to slab level) in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until such time as a revised energy strategy document has been submitted to and approved in writing by the Local Planning Authority in relation to that element . The strategy shall include detailed feasibility studies into the use of low carbon technologies, and the provision renewable energy generation equipment. The document shall build upon the assumptions made within the Energy Strategy Rev.03 dated January 2025 by Bruro Happold. The development shall thereafter only be constructed in accordance with the approved documents.**

**[Reason: In the interests of sustainable development and to accord with policies 1 (Presumption in favour of sustainable development) and 2 (Climate Change) of the Local Plan Part 1:Core Strategy (2014), and the Low Carbon and Sustainable Design SPD].**

- 42. No development shall take place (except for above ground site clearance and demolition down to slab level) in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') until a Flood Evacuation Plan for that element has be submitted to and approved in writing by the Local Planning Authority. It shall include details of safe access and egress on site with regards to that element of the development. Thereafter, the measures within shall be implemented in accordance with the approved details and adhered to and reviewed as required.**

**[Reason: To ensure that there are sufficient plans to manage flood risk in the context of visitors and future occupants of the site having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 181 and 182 of the NPPF].**

- 43. No works in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall commence beyond damp proof course level until a scheme of ecological enhancements to be integrated into the building fabric have been submitted to and approved by the Local Planning Authority. The scheme shall provide for the provision of bird and bat bricks as a minimum, and should be a site specific scheme developed by an appropriately qualified ecologist. The development shall thereafter only be undertaken in accordance with the approved details.**

**[Reason: To ensure that thee development will not have any impact on the conservation status of any protected species or local wildlife having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and**

**Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the NPPF].**

- 44. Prior to the occupation of any unit in relation to the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') an updated travel plan for that element, based upon the Travel Plan Ref: 0043642 by Buro Happold ver 05 (FTP), shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be operated in full accordance with the approved travel plan.**

**[Reason: To promote sustainable travel having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].**

- 45. The residential and commercial facilities as part of the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or, occupied, until, a Travel Plan Coordinator has been appointed who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the updated Travel Plan as approved in condition 43, and whose details shall be provided and continue to be provided when requested thereafter to the Local Planning Authority.**

**[Reason: To promote sustainable travel having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].**

- 46. The residential and commercial facilities as part of the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or, occupied, until a scheme for the provision of Electric Vehicle Charging Points (EVCPs) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The approved scheme(s) shall then be installed and made available for use prior to the development being brought into use. Thereafter the EVCP must be permanently retained in accordance with the approved scheme throughout the lifetime of the development.**

**[Reason: To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 115 of the NPPF].**

- 47. The residential and commercial facilities as part of the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or, occupied, until cycle parking has been provided in accordance with details to be submitted and agreed in writing with the Local Planning**

**Authority.** The details must demonstrate the provision of a minimum of 170 cycle parking spaces in a safe and secure location with appropriate access provision. The approved cycle parking shall thereafter be retained and made available for use for the life of the development.

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

**48.** The residential and commercial facilities as part of the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or, occupied, until a scheme for waste management in relation to that element has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- a. Bin storage areas;
- b. Number and size of waste containers;
- c. Bin collection points;
- d. Waste collection arrangements, routing and frequency; and
- e. provision for measures to encourage/enable waste recycling.

The approved scheme shall then be implemented and made operational prior to the replacement stand first being brought into use. Thereafter, the development shall be operated in accordance with the approved waste management scheme for the lifetime of the development.

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

**49.** The residential and commercial facilities as part of the outline consent area (the extent of which are defined on the 'Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev: B08') shall not be brought into use or, occupied, until details of the proposed vehicle parking area(s) to serve the development have been submitted to and approved in writing by the Local Planning Authority. The submitted details must show:

- the proposed surface to be used;
- the layout of the parking spaces;
- the means of access to the car park area(s including tracking drawings);
- the finished land levels, drainage and any proposed lighting;
- details in relation to space allocations; and
- Details in relation to access control;

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

**[Reason: In the interests of amenity highway safety having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].**

- 50. The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in Condition 36. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior written consent of the Local Planning Authority.**

**[Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF).]**

- 51. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.**

**[Reason: In order to ensure that satisfactory arrangements are made for the reporting, archiving and dissemination of the results of the investigation having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF).]**

- 52. No part of the residential development hereby permitted shall be occupied until the vehicular access has been made available for use in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.**

**[Reason: In the interests of Highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].**

- 53. No part of the residential development hereby permitted shall be occupied until a section 278 agreement has been entered into, and works have been completed to alter the priority arrangements along Pavilion Road to the site**

entrance, in broad accordance with the details identified within Revised Transport Assessment by Buro Happold, Ref: 0043642 Rev 03, dated 28 May 2021.

[Reason: In the interests of Highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

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

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

55. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the uses within the ground floor commercial units forming part of the residential building shall only be used for purposes falling within Class E (Commercial, Business and Service Uses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification).

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

56. The ground floor commercial units forming part of the residential building hereby permitted shall only be open to members of the public between 0800hrs and 2200hrs.

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

57. Each apartment hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

58. The residential scheme hereby permitted must include at least 88 number 1 bedroom apartments or studio's.

[Reason: The contributions have been calculated based upon the suggested housing mix, and any increase in the number of 2+ bedroom apartments would have greater infrastructure contribution requirements. The condition is required to accord with Policy 43 (Planning Obligations Threshold) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

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

[Reason: In the interests of residential amenity and highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

#### **General Sitewide**

60. Prior to the installation of any fume extraction equipment details must be submitted to and approved in writing by the Local Planning Authority. The approved fume extraction equipment must only be installed in accordance with the approved details. The fume extraction equipment must thereafter be retained and maintained in accordance with the approved details throughout the life of the development.

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

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

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

- 62. Prior to the installation of any external lighting within the external areas forming part of the development hereby permitted, details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a lux plot of the estimated illuminance and have regard to guidance for bat sensitive lighting guidance. The lighting shall be installed in accordance with the approved details and maintained thereafter.**

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

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

**[Reason: In order to promote local employment opportunities in accordance with Policies 1 (Presumption in Favour of Sustainable Development) and Policy 5 (Employment Provision and Economic Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].**

- 64. The development shall be carried out in accordance with the details provided with the submitted Flood Risk Assessment (FRA) Ref: 0043642 by Buro Happold version 02 (January 2020) and Flood Risk Assessment Addendum, 17 May 2021, (Buro Happold) and the Flood Risk Addendum, 13 January 2025 (Buro Happold) and shall ensure that:**

- residential finished floor levels shall be set no lower than 29.8 metres above Ordnance Datum (AOD);**
- the minimum non-residential finished floor levels shall be set in accordance with those detailed in table 4-5 on page 26 of the 2020 FRA;**
- all flood resilience measures shall be implemented as detailed on page 26 of the 2020 FRA;**
- the Water Entry Strategy in relation to the ground floor of the replacement stand as described on pages 25 and 26 of the submitted FRA;**
- The proposed electricity substation shall be made resistant to flooding to a height of 24.92 metres above Ordnance Datum.**
- the surface water drainage outlets into the River Trent shall be fitted with non-return valves as described on page 28 of the 2020 FRA.**

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



**[Reason: To reduce the risk of flooding to the proposed development and future occupants, to ensure that the development is resilient to the impacts of flooding and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 181 and 182 of the NPPF ].**

- 65. The development hereby permitted must be undertaken in accordance with the recommendations as set out in the submitted Protected Species Report - Ramm Sanderson - RSE\_3012\_01 (V2), the Ecology Update Surveys - Addendum Report - Ramm Sanderson - Ref: RSE\_:6037\_L1\_V2 (July 2022) and the Addendum Report – Ramm Sanderson – Ref: RSE\_8643\_L1\_V2 (October 2024).**

**[Reason: To ensure that the development will not have any impact on the conservation status of any protected species or local wildlife having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the NPPF].**

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

**[Reason: To promote sustainable travel having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].**

- 67. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the Local Planning Authority (LPA) within 48 hours of its discovery. All development in this area of the site must cease immediately and must not recommence until a written scheme for the investigation of; and risk assessment relating to the unexpected contamination has been submitted to and approved in writing by the LPA. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the NPPF September 2023 or any subsequent version) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM) guidance (or any subsequent guidance).**

**Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy**

**(RS) has been submitted to and approved in writing by the LPA. The submitted RS must include:**

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

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

**[Reason: To ensure that any unexpected contamination that is encountered is appropriately remediated so that the site is suitable for the approved development without resulting in any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 196 and 197 of the NPPF].**

- 68. Any aggregate (other than virgin quarry stone) that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with the Earthworks Specification which shall be submitted to and approved in writing by the Local Planning Authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved Earth Works Specification shall be imported onto the site.**

**[Reason: To ensure that all aggregate materials brought onto the site are free from contamination so that the site is suitable for the approved development without resulting in any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 196 and 197 of the NPPF].**

- 69. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site for the construction of the development hereby approved must be assessed for chemical or other potential contaminants in accordance with an Earthworks Strategy which shall be submitted to and approved in writing by the Local Planning Authority prior to the material being brought onto the**

site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site. For the avoidance of doubt, any sub-soil, topsoil etc. imported onto the site for the purposes of upgrades to the pitch/field of play is not captured by this condition.

[Reason: To ensure that all soil or soil forming materials brought onto the site are free from contamination so that the site is suitable for the approved development without resulting in any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 196 and 197 of the NPPF].

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

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

71. No external roller shutters shall be installed on any building permitted by this permission.

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

72. There shall be no external storage of any equipment or goods relating to Nottingham Forest Football Club or any of the commercial units within the plaza area between the new stand and residential areas without prior written approval from the Local Planning Authority.

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

## **BIODIVERSITY GAIN CONDITION**

The development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and

- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition

**Based on the information on the date of the application, the Planning Authority considers that biodiversity net gain does not apply (application pre-dates 12 February 2024).**

Further information about this statutory condition is set out below within the notes.

## **NOTES TO APPLICANT**

The applicant is reminded that this permission is also subject to a planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

In order to carry out the off-site works required the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, there will be a need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council Highway Development Control ([hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)) for details. It is strongly recommended that the developer contacts the Highway Authority at an early stage. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. All correspondence with the Highway Authority should be addressed to: NCC Highways (Development Control, Floor 3) Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7Q.

In order to discharge the obligations in relation to sustainable transport improvements, technical approval (or equivalent) under S38 of the Highways Act will be required. The Highway Authority advise that such approval sought prior to submission of any reserved mattered application.

The proposed development will involve works within close proximity to an ordinary watercourse. As such the applicant is advised to seek consultation with the Lead Local Flood Authority (Nottinghamshire County Council) to establish the need for any permission or consents. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place: a. on or within 8 metres of a main river (16 metres if tidal) b. on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) c. on or within 16 metres of a sea defence d. involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert.

The applicant should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

All applications approved on or after the 7 October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

The applicant is advised to contact the Borough Council's Senior Design and Landscape Officer to discuss the landscape elements of the permission including the roof garden amenity area for the apartments required for biodiversity enhancement.

Cadent have advised that low or medium gas pipes and associated equipment are -on and in the vicinity of the application site. The applicant is advised to contact Cadent prior to any works on site at Plant Protection Cadent Block 1; Floor 1 Brick Kiln Street Hinckley LE10 0NA, E-mail: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Telephone: +44 (0)800 688588 (National Gas Emergency Number: 0800 111 99).

Condition 57 requires the new dwelling(s) to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement is a condition of this planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building Regulations 2010 (as amended).

The applicant is reminded that this decision is for planning permission only and does not grant any express advertisement consent for advertisements the applicant might wish to display in connection with the development hereby permitted. The applicant is advised to contact the Planning Department at [planning@rushcliffe.gov.uk](mailto:planning@rushcliffe.gov.uk) to discuss any proposals to display an advertisement or advertisements on the land in the future.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

The applicant is advised to contact the Borough Council's Waste Management Team to discuss the requirements for details in respect of conditions 19 and 48 [wastemanagement@rushcliffe.gov.uk](mailto:wastemanagement@rushcliffe.gov.uk)

You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report. If evidence of bats is found, you should stop all work immediately and contact Natural England on 0300 060 3900.

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting

in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 9588248. If bats are present you should contact Natural England on 0300 060 3900.

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

The applications attention is drawn to the consultee responses which may include further informatives that need to be adhered to.

#### BIODIVERSITY NET GAIN CONDITION - NOTES

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

#### Statutory exemptions and transitional arrangements:

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74- 003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>