

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Maid Marian House, 52 Maid Marian Way

1 SUMMARY

Application No: 15/02962/PFUL3 for planning permission

Application by: DMS Architecture Ltd on behalf of Beaumont Morgan Developments Ltd

Proposal: Proposed two-storey rooftop extension to form 33no. self-contained residential studios, including works to the external appearance of the existing building

The application is brought to Committee because it is a major application on a prominent site where there are important design and heritage considerations.

To meet the Council's Performance Targets this application should have been determined by 24th February 2016. An extension of time has been agreed to the 24th March 2016.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

1. (a) Prior completion of a s106 agreement which shall include provision for an off-site contribution of £13,287.45 for the provision of landscaping and infrastructure improvements at the Queen's Walk Recreation Ground.

(b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

The power to determine the final details of both the terms of the Planning Obligations and conditions of the planning permission to be delegated to the Head of Development Management.
2. Councillors being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonable related in scale and kind to the development.
3. Councillors being satisfied that the section 106 obligation sought in relation to provision of landscaping and infrastructure improvements would not exceed the permissible number of obligations according to Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site comprises Maid Marian House which is a four storey 1960's building located on the west side of Maid Marian Way. The site is adjacent to the Castle Conservation Area, the rear boundary of the site being the edge of the conservation area. It has (largely vacant) A1 retail /A3 food and drink uses at ground and mezzanine (upper ground) level and low grade office accommodation on the floors above. The building has a horizontal emphasis and includes a cantilevered stepped concrete canopy.
- 3.2 There is basement car parking which is accessed by a ramp to the rear of the site off Hounds Gate. Access to the building is currently gained at the southern end of the building off Hounds Gate with access to the ground floor commercial uses off Maid Marian Way.
- 3.3 Maid Marian Way is a busy arterial route which is lined predominantly with 1960's high rise development. To the north of the site is Friar Lane, within the Castle Conservation Area, which is a mix of residential and commercial premises namely legal practices, estate agents and the Nottingham Society of Artists. Park House, Nos. 57-67 Friar Lane, immediately abuts the north end of the application site.
- 3.4 Hounds Gate runs along the south of the site with the Castle Heights office tower block beyond. Hounds Gate comprises a range of modern and older buildings, including several listed buildings. To the rear of the application site is 66-72 Hounds Gate; No 66-68 is a red brick office building developed in the 1970's and The adjoining 70-72 is grade II listed.
- 3.5 The character of the block within which the application site is situated varies considerably from the busy Maid Marian Way to the east with large commercial properties, to the quieter finer grain historic buildings towards the Castle to the west.

Relevant Planning History

- 3.6 In February 2003 planning permission (reference 02/02200/PFUL3) was granted for an additional floor on Maid Marian House to house 5 new self-contained apartments. This consent was not implemented.
- 3.7 In February 2013 planning permission (reference 12/01841/PFUL3) was granted for the erection of two additional storeys at 4th and fifth floor level, extensions to the rear and refurbishment of the building for continued office use. This consent was not implemented.
- 3.8 In February 2016 planning permission (reference 15/02060/PFUL3) was granted for the conversion of the upper ground mezzanine level into 12 self-contained residential studios. This consent is currently being implemented. Conversion of the upper floors of Maid Marion House from offices to residential units has also taken place as permitted development.

4 DETAILS OF THE PROPOSAL

- 4.1 Permission is sought for the creation of a two storey rooftop extension to form 33 self-contained residential studios. The extension would provide fourth and fifth floors, with the total floor space of the building increasing by approximately 825

square metres. The fourth floor would replicate the layout of the floors below. The fifth floor would be set in from the Maid Marian Way frontage, the Hounds Gate frontage and also the boundary with 57 Friar Lane that forms part of Park House.

- 4.2 As part of the extension, alterations would also be made to the main entrance to the upper floors, which is located off Hounds Gate, through additional glazing at the ground floor level. The fourth floor element of the extension would replicate the design of the lower floors. It would be clad in reddish brown brick slips with a band of stone cladding to replicate the original shoulder detail to the building. The brick slips and banding would be carried onto both the side elevations and the rear elevation of the building. A grey cladding system would be used for the fifth floor, with a standing seam cladding system and some projecting window elements to the rear.
- 4.3 As a result of this proposal, together with the conversion of the mezzanine floor and the residential units created at first, second and third floor level through permitted development, a total of 102 residential units would be provided.
- 4.4 The basement car parking area would accommodate 6 disabled car parking spaces and cycle storage for a total of 50 cycles. Bin storage facilities would be provided at ground floor level and would be accessed from the service area to the rear of the building.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

29 neighbouring properties were consulted on the Maid Marian Way, Hounds Gate and Friar Lane. The application was also publicised by a site notice and press notice.

One representation has been received from the Nottingham Civic Society which raises the following issues:

The building occupies an important site within the View Corridor from Nottingham Castle to the Dome of The Council House. This historic view has been recognised as important, first by the Castle Conservation Area Appraisal, and subsequently by the Adopted City Centre Urban Design Guide (2009). Increasing the visual connectivity between Nottingham's iconic tourist attractions is a recognised aim of the recently adopted Heritage Strategy. The Heritage Lottery Funding scheme to regenerate Nottingham Castle also acknowledges the value of making better visual connections between Nottingham Castle and other parts of the city centre. Therefore, this proposal should not be allowed to proceed, at least until it has been demonstrated that the additional height does not block out or interrupt existing views of the Council House Dome from the Castle Green or the Ducal Palace approach.

Additional consultation letters sent to:

Pollution Control: No Objections to the proposed development subject to a condition requiring confirmation of the installation of sound insulation.

English Heritage: English Heritage have reviewed the information received and have advised that they do not wish to offer any comments on this occasion and that

the application should be determined in accordance with national and local policy guidance, and on the basis of in house conservation advice.

Conservation Officer: This application relates to a two storey rooftop extension to 52 Maid Marian Way, a mid to late 20th century, 4 storey building. The building itself is of no particular architectural or historic merit, but stands just outside the boundary of The Castle Conservation Area where it has a neutral impact on its historic setting. The principle of extending the building with two additional storeys has already been established as acceptable by the approved application 12/01841/PFUL3. This previous scheme proposed extensive re-cladding and remodelling works to the facades of the building. By contrast, the present application takes a more restrained approach, with the choice of materials and elevational treatment complementing and reflecting the building's existing architecture more closely.

The resulting elevations are considered to successfully blend together the new and the old in such a way that the impact on the setting of nearby heritage assets will remain neutral. For this reason the application would comply with policies BE10 and BE12 of the Nottingham Local Plan.

Local Lead Flood Authority: No objection.

Highways: The development is in a highly sustainable location and some distance from the nearest public car parking provision and as such the reduction in parking is not considered to be significant, although the cycle parking is a welcome addition. The Highway Authority has no objections against the proposal subject to conditions requiring the submission of a construction management plan and the provision of secure and sheltered cycle parking spaces prior to the development being first brought into use.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. The most relevant section of the NPPF to the determination of this application is section 12 which relates to heritage assets and secures high quality design.

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities

H2- Density

BE10- Development within the Curtilage, or Affecting the Setting of a Listed Building

BE12 – Development in Conservation Areas

T3- Car, Cycle and Servicing

Aligned Core Strategy (September 2014):

Policy 8 – Housing Size, Mix and Choice

Policy 10 – Design and Enhancing Local Identity

Policy 11 - The Historic Environment

City Centre Urban Design Guide (2009)

The Castle Conservation Area Appraisal (1996)

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) The acceptability of the proposed use;
- (ii) Whether the development preserves or enhances the character or appearance of the townscape, neighbouring Conservation Area and setting of surrounding listed buildings;
- (iii) Quality of proposed accommodation
- (iv) Impact upon adjacent occupiers; and
- (v) Car parking.

Issue (i) The acceptability of the proposed extension and use (Policy ST1 and Policy 8)

- 7.1 The upper floors of the building are in the process of being converted into Class C3 residential studios, which is being carried out as permitted development. The ground floor of the building would remain in commercial use. In this instance it is considered that the location of the site within the City Centre and the mix of uses that already exist would indicate that further residential development at this site is acceptable in principle. Policy ST1 encourages the re-use of existing buildings. Whilst Policy 8 emphasises that flats of two or more bedrooms should be encouraged within the City Centre, given the change that has already been made to the building it is not considered that studio accommodation would be unacceptable in this location. Overall the proposal would not conflict with the creation of sustainable communities and would therefore accord with Policy ST1 and Policy 8.

Issue (ii) Whether the development preserves or enhances the character or appearance of the townscape, neighbouring Conservation Area and setting of surrounding listed buildings (Policy BE10, Policy BE12, Policy 11 and section 12 of the NPPF);

- 7.2 The principle of a two storey roof top extension has been established through the granting of planning permission in 2013, at which point its impact upon views to and from the Castle were tested.
- 7.3 The design of the fourth and fifth floor extension does reflect the design of the existing building and careful consideration has been given to the external materials to ensure that the extension would blend with the building and avoid any adverse impact on the setting of nearby heritage assets.

- 7.4 The impact of the proposal has been assessed against the following identified key views:

From the Castle

- 7.5 In addressing the concern over the additional storeys from the Civic Society, Maid Marian House is visible in long views from the Castle mound and is also in the path of views towards the Council House Dome, as identified in the City Centre Urban Design Guide CCUDG (2009). The Castle Conservation Area Appraisal (1996) highlights that the scale, form and massing of new buildings must ensure that they are subordinate to the prominence of the Castle and do not detract from views of it or out from the Castle grounds. The existing and proposed views from the Castle mound and the views of the Council House Dome are already obscured by existing taller buildings namely the Travel Lodge hotel on Maid Marian Way and the Pearl Assurance building further to the east. The extended building would still be lower than the adjacent larger and higher neighbouring buildings. It is not therefore considered that the proposal would impede the strategic long views of the City Centre or Council House when viewed from the Castle. It is also the case that views of the Council House Dome open up when viewed from further south along the Castle Mound. The site is identified as being in the Northern and Western fringes in the massing zones in the CCUDG which sets out maximum heights to these corresponding areas in order to ensure that the character of the different parts of the City are preserved. Although the scheme would be higher than the levels set out in the CCUDG, the amount is not significant and the setting back of the roof helps to break up its mass.

- 7.6 The roof top extension would be visible in the context of some finer grained historic buildings in the foreground when viewed from the Castle mound; however the design of the extension would have no impact on this view. The design and materials of the fifth floor extension would help it to recede into the background and the angular roof form would be keeping with the pitched roof forms of the finer grain of the historic buildings in the foreground of the view from the Castle.

View from Friar Lane

- 7.7 The extended building would remain screened by Park House in views from the south west of Friar Lane.

View from Maid Marian Way

- 7.8 Even with the proposed roof top extension Maid House would still remain lower than the adjacent taller tower blocks to the north and south of the site. The proposal would not affect any long views from either end of Maid Marian Way. The recessed 5th floor would assist in reducing the mass and scale of the extension.
- 7.9 Although the extended building would be taller than the adjoining part of Park House (no 57 Friar Lane), the materials proposed to be used would assist in ensuring that the proposal would not have an overbearing impact upon this part of Park House.
- 7.10 In conclusion, the impact of the building would remain neutral and the character, appearance and setting of the adjacent Conservation Area and listed buildings would be preserved in accordance with Policies BE10, BE12 and Policy 11 and

section 12 of the NPPF. The proposal is also considered to respect the aims of the CCUDG (2009) and Castle Conservation Area Appraisal (1996).

Issue (iii) Quality of accommodation provided (Policy H2 and Policy 10)

- 7.11 Policy H2 requires developments to be compatible with their surroundings, to safeguard living conditions and to be accessible to public transport and services. Policy 10 also requires developments to provide a sufficient level of amenity to future occupants. It is considered that the size of the units proposed are acceptable and provides a good level of outlook and privacy. It is recommended that a condition be used to ensure that the sound insulation and mechanical ventilation system proposed are provided in this way residential amenity will be safeguarded. The site is also accessible to public transport. The proposal would therefore accord with Policy H2 and Policy 10.

Issue (iv) Impact upon adjacent occupiers (Policy 10)

- 7.12 Given the orientation of the site, the distance between buildings and the surrounding mix of uses (being mainly commercial), it is not considered that the proposed development would have detrimental impact upon the amenities of adjacent properties or their occupants. The proposal would therefore accord with Policy 10.

Issue (v) Car parking (Policy T3)

- 7.13 The existing basement is to be retained as part of the proposal. 6 disabled car parking spaces would be provided together with cycle parking facilities for 50 cycles. Given the city centre location, the existence of Traffic Regulation Orders in the vicinity of the site which severely restrict on-street parking and also the nature of the units proposed, this level of car parking is considered to be appropriate. The location of the site near to public transport and other facilities is also considered to reduce the need for on-site car parking facilities. The proposal would therefore comply with Policy T3.

Other Matters - Planning Obligations (Policy ST1 and Policy 19)

- 7.14 Policy ST1 of the Local Plan and policy 19 of the Aligned Core Strategy set out the broad policy basis for section 106 obligations. The obligation that would be associated with this application would secure landscaping and infrastructure improvements to Queen's Walk Recreation Ground. It is considered that the obligation meets the following tests: it is necessary to make the development acceptable in planning terms; it is directly related to the development and; it is reasonably related in scale and kind to the development.
- 7.9 Checks have been made to ensure that the individual contributions sought would not exceed the permissible number of obligations sought that can be pooled together for any one project/scheme. The checks made indicate that the project that the contribution would be sought has not benefited from other planning obligations and as such would accord with Regulation 123 (3) of the Community Infrastructure Levy Regulations 2015.

8. SUSTAINABILITY / BIODIVERSITY

The application involves an extension to an existing building. Whilst no specific features have been highlighted in the planning application, the extension would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is therefore considered that the application would comply with Policy 1 of the Aligned Core Strategy.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham – Providing a high quality and sustainable development

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 15/02962/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NY1YBELYCB000>

17 Published documents referred to in compiling this report

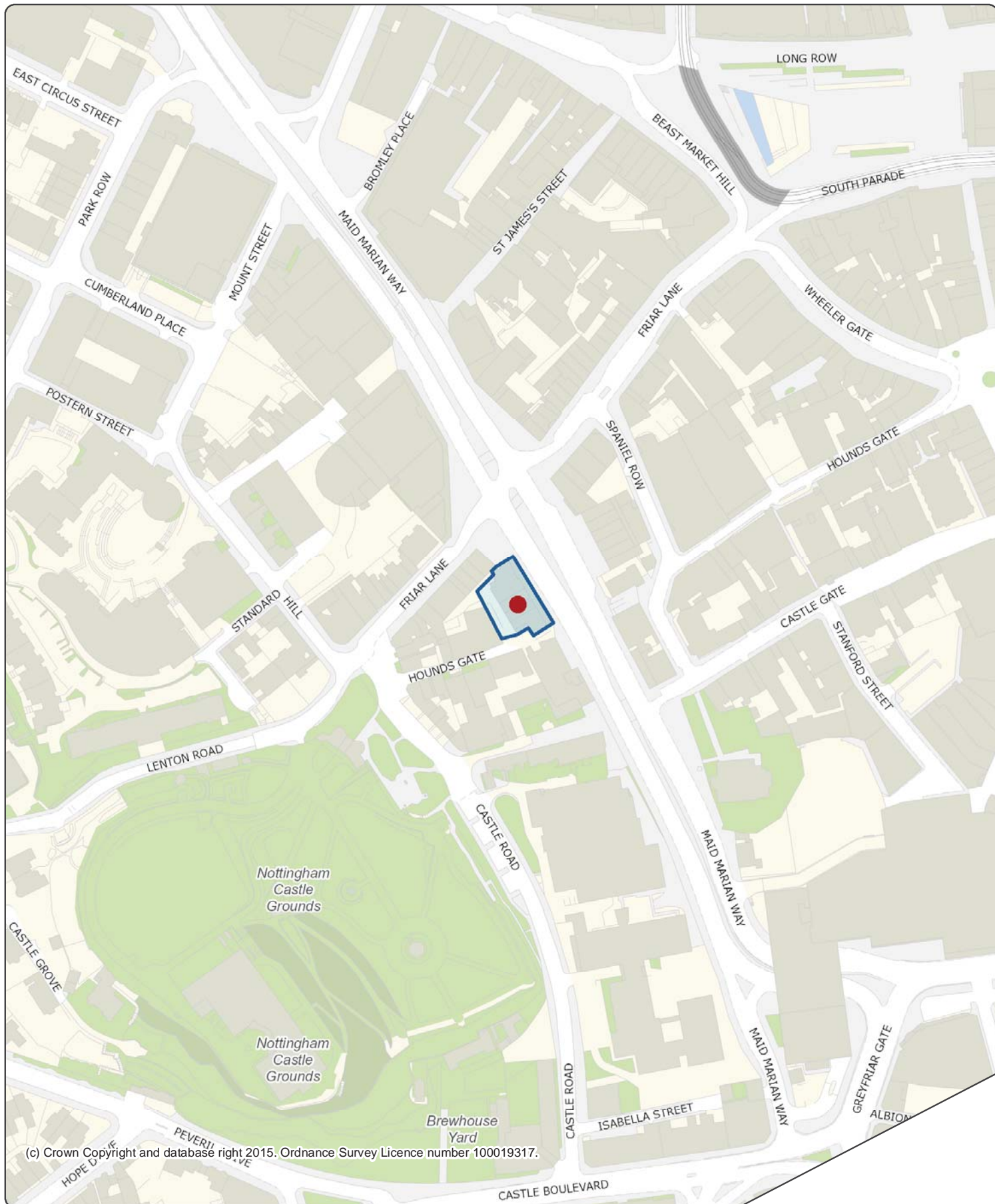
Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
City Centre Urban Design Guide (2009)
The Castle Conservation Area Appraisal (1996)

Contact Officer:

Miss Jennifer Cole, Case Officer, Development Management.

Email: jenny.cole@nottinghamcity.gov.uk Telephone: 0115 8764027

NOMAD printed map

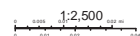


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Key

 City Boundary

Nomad web map printed by a Nomad user at 10:33, 15/03/2016



Description

No map description

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Your Ref:

Contact: Miss Jennifer Cole

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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 15/02962/PFUL3 (PP-04619316)
Application by: Beaumont Morgan Developments Ltd
Location: Maid Marian House, 52 Maid Marian Way, Nottingham
Proposal: Proposed two-storey rooftop extension to form 33no. self-contained residential studios, including works to the external appearance of the existing building

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the 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 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until samples of all the materials to be used in the construction of the external elevations of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy BE12 of the Local Plan and Policy 10 and 11 of the Aligned Core Strategy.

3. No development shall take place until a construction management plan has been submitted and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of delivery vehicles to/from the site, haul routes (if any), site security, traffic management plans, measures to prevent the deposit of debris on the highway, working



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times and a timetable for its implementation. Thereafter the approved management plan shall be implemented throughout the period of construction.

Reason: The building abuts the public highway, a construction management plan is required in the interests of public safety and to accord with Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

4. Prior to first occupation of the development hereby approved, verification that the sound insulation scheme as detailed in Peak Acoustics Environmental Noise Assessment (2408152NR) dated 8th September 2015, has been implemented and is fully operational shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development in order to comply with Policy 10 of the Aligned Core Strategy.

5. Before the development is brought into use secure, and sheltered cycle parking spaces shall be provided within the curtilage of the site. The cycle parking should be well lit, secure and covered. The details of the parking provision and location shall be submitted to the LPA in consultation with the Highway Authority for approval.

Reason: To promote the use of cycles in order to encourage more sustainable forms of transport and to accord with Policy 14 of the Aligned Core Strategy.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

There are no conditions in this section.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference 1152 A(20) 104 revision C, received 19 November 2015
Drawing reference 1152 A (20) 001 revision I, received 4 March 2016
Elevations reference 1152 A (20) 107 revision F
General reference NOISE ASSESSMENT revision 2408152NR dated 8 September 2015

Reason: To determine the scope of this permission.

Informatives

1. The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 15/02962/PFUL3 (PP-04619316)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.