

REPORT OF CHIEF PLANNER

9 - 10 Short Hill And 54 - 56 High Pavement, Nottingham

1 SUMMARY

Application No: 16/02249/PFUL3 for planning permission

Application by: Rg+p Ltd on behalf of Abode Nottingham Ltd

Proposal: 117 apartments with basement car park, comprising change of use of rear of 9 Short Hill (plus additional floor to roof), change of use of 54-56 High Pavement, a new 5-storey building to Short Hill, a new 3/5/7-storey building to Malin Hill, demolition of 10 Short Hill (facade retained) and demolition of extensions at rear of 56 High Pavement

The application is brought to Committee because this is a major development on a prominent site where there are important design and heritage considerations. Also, officers may recommend that policy compliant S106 contributions be waived or reduced on the grounds of viability, depending on the awaited conclusions of the District Valuer.

To meet the Council's Performance Targets this application should have been determined by 23rd January 2017, but an extension of time to the 4th September 2017 has been agreed.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 a) Prior completion of a planning obligation which shall include:
- (i) a financial contribution towards off-site public open space;
 - (ii) a financial contribution towards education;
 - (iii) on-site provision of affordable housing

Subject to the conclusions of the District Valuer's independent assessment of the developer's viability appraisal as to whether the whole or part of the policy compliant section 106 contributions should be required.

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

Power to determine the final details of the conditions and the planning obligation to be delegated to the Chief Planner and, in the case of the latter, in consultation with the Committee Chair, Vice-Chair and Opposition Spokesperson, and subject to him being satisfied that the obligation sought complies with the provisions of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

- 2.2 That Councillors are 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 reasonably related in scale and kind to the development.
- 2.3 That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The site incorporates 54 and 56 High Pavement, 9 and 10 Short Hill and an area of land that sits between and behind 56 High Pavement and 10 Short Hill.
- 3.2 The site occupies a prominent position on the Lace Market Cliff and, when viewed from London Road, sits between the tower of St Mary's Church and the tower of the Trivett Square flats. The rear boundary of the site is formed by a brick/sandstone wall that adjoins Malin Hill. From the Lace Market side the site appears as a gap in the street scene flanked by the side elevations of 10 Short Hill and 56 High Pavement (which form part of the application site). The site also forms part of the setting to Hollow Stone as a result of Short Hill sitting above the street level of Hollow Stone.
- 3.3 The area that forms the gap to Short Hill/High Pavement is being used as a surface car parking area. This car park has an upper and lower level; the lower level is accessed through a tunnel entrance off Hollow Stone and the upper level is accessed off High Pavement.
- 3.4 The existing four buildings on the site are all Grade II listed and fall within the boundary of the Lace Market Conservation Area. Both numbers 54 and 56 High Pavement are three and four storey buildings that were previously in use as offices. 10 Short Hill is a three storey former warehouse building; it partially adjoins 9 Short Hill which is a six storey former warehouse that also has a frontage to Trivett Square. Part of 9 Short Hill is incorporated within the Trivett Square development.
- 3.5 There is a cave located within the cleared area of the site which is accessed from the basement area of 56 High Pavement. There are also a number of other caves along the outer edge of Malin Hill that were associated with the historic Long Stairs route.
- 3.6 The site has been subject to a number of applications for planning consent. In 2004 (04/01625/PFUL3) a residential development involving the refurbishment of the existing buildings of 54 and 56 High Pavement and 9 and 10 Short Hill, as well as the cleared site, was submitted but later withdrawn. A revised scheme was submitted in 2006 (06/02043/PFUL3) which was refused in January 2007. The latter scheme was refused on the grounds that the height, mass and layout of the southern/Malin Hill elements of the proposal would obstruct views of the Lace Market and its skyline from the south, and would compete with the tower of St Mary's Church. The scheme was also refused due to the appearance of the Short Hill elevation which involved the introduction of deep balcony openings and a mansard roof which were felt to be detrimental to the Conservation Area. In 2010 an application (10/01498/PFUL3) was received for an office scheme that involved the partial demolition of 56 High Pavement and façade retention of 10 Short Hill, the

refurbishment of 54 and the remaining parts of 56 High Pavement and 9 Short Hill, and the creation of a new building on the cleared part of the site that would adjoin 56 High Pavement and extend into the former site area of 10 Short Hill. The scheme also incorporated basement car parking accessed off Hollow Stone. The Development Control Committee of 21st December 2011 resolved to grant planning permission for this scheme subject to the completion of a s106 agreement. The negotiations relating to this were concluded in July 2014 and a decision was issued 22 July 2014. This permission was never implemented and lapses on 22 July 2017.

- 3.7 If the 2010 scheme had been implemented it would have resulted in the creation of a building of between three and six storeys along Malin Hill and a building of between four and five storeys along Short Hill. The proposal would also have led to the loss of the cave accessed from 56 High Pavement and the boundary wall to the northern side of Malin Hill.
- 3.8 An associated application for listed building consent has also been submitted, under reference 16/02550/LLIS1. Assessment of this application is subject to a separate report.

4 DETAILS OF THE PROPOSAL

- 4.1 The scheme involves the creation of 117 apartments; 8 studios, 43 x one bed units and 66 x two bed units. The apartments would be provided over seven floors (including a basement level) and across five buildings (54 and 56 High Pavement, a new building between 56 High Pavement and 9 Short Hill, 9 Short Hill and a new building along Malin Hill). On the ground floor between the buildings would be a court yard area. In the basement level it is proposed to provide 27 car parking spaces, plant rooms and bin storage facilities. The basement car parking level would be accessed from Hollow Stone.
- 4.2 9 Short Hill would be refurbished, providing residential accommodation over seven floors. The units within number 9 Short Hill would be accessed from steps off Trivett Square and via an entrance from the court yard being created as part of the development. A total of 24 units would be provided within this refurbished building.
- 4.3 The existing warehouse of 10 Short Hill would be demolished, but its front façade would be retained. The façade would be incorporated in a building with 5 floors that would adjoin 56 High Pavement. The fifth floor would be provided within a mansard roof. From the Short Hill/High Pavement side the new building would appear as two buildings with the separate identity of 10 Short Hill defined by its retained façade and mansard roof. 28 units would be provided within this new building. These apartments would be accessed from a communal reception area and from the new court yard.
- 4.4 An existing extension to the rear of 56 High Pavement would be demolished as part of the proposed development. The remainder of number 56 would be retained and refurbished to provide 10 units. The existing entrance off High Pavement would be retained.
- 4.5 54 High Pavement would be refurbished and its existing entrance off High Pavement would also be retained. 10 residential units would be provided within the building, two of which would be accommodated within the roof space making use of roof lights that are currently tiled over.

- 4.6 A new building is proposed to the Malin Hill boundary; this would be of 3, 5 and 7 storeys and contain 43 units. The new building would incorporate the majority of the wall that currently runs alongside Malin Hill. The units would be accessed from the new court yard area.
- 4.7 During negotiations the scheme has been revised to allow retention of the cave that is accessed from 56 High Pavement and a greater proportion of the Malin Hill wall. Alterations have also been made to the schemes elevations to Short Hill and Malin Hill to improve their proportions and appearance. The number and mix of units has also be changed as previously 115 units were proposed in the form of 9 studios, 33 x one bed apartments, 71 x two bed apartments and 2 x three bed apartments.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

175 neighbouring properties along Short Hill, Cliff Street, Stoney Street, Plumptre Square, High Pavement, Malin Hill, Hollow Stones and Pemberton Street as well as within Trivett Square were notified of the proposed development. The application was also been publicised through a press and a site notice. The expiry date for this initial consultation was the 1st December 2016. As a result of this publicity 8 letters of representation were received which raise the following matters:

- Concern over access to the passageway to the side of 54 High Pavement, as a result of a door leading to a set of stairs that lead up to a light well sited between 54 and 54a High pavement. This access could raise privacy and security issues
- Impact on the character and appearance of the Conservation Area and setting of Listed Buildings
- Impact on neighbouring residential amenity due to lack of car parking provision, loss of light, and the cumulative impact of the development on the former Shell garage
- Impact on caves
- No justification for the loss of 10 Short Hill
- Impact of additional traffic in the area
- Increase in air pollution
- Impact on the structural stability of the area as a result of proposed construction works
- Impact of construction works on neighbouring properties
- Loss of privacy and increase in anti-social behaviour. There are current problems with tenants of Trivett Square throwing litter from their windows
- Whether there is need for additional flats in the area

The Civic Society has also objected to the scheme. The development impacts on four listed buildings, the Lace Market Conservation Area and the iconic view of the Lace Market Cliff. The main residential block facing onto Malin Hill is at least one storey too high in relation to the modern Trivett Square Building creating a horizontal wall effect instead of the varied scales and vertical proportions of the Georgian and Victorian listed buildings between which the new build is to be inserted. The height of the main block demonstrably interrupts the view of the medieval tower. The scheme will be seriously detrimental to the character of the Lace Market Conservation Area.

The Scheme fails to acknowledge the Lace Market Cliff's historic roof scape of

pitched forms; this is disappointing especially when no attempt has been made to terminate the elevations in a definitive manner. The roof top extensions to Short Hill and High Pavement are out of character.

The Civic Society is also concerned about the demolition of 10 Short Hill, and feels that no case has been made to warrant its removal.

With regard to the Civic Society's comments:

- *The reduction on the size of the basement car park has resulted in the omission of the access way that had been proposed to the light well between 54 and 54a High Pavement*
- *Construction of the scheme would be covered by Environmental Legislation, which does place restriction on hours of working. The structural integrity of neighbouring properties would be a civil rather than planning matter*

The other matters raised by neighbouring properties are addressed in the main body of the report.

As a result of the changes made to the scheme the application has been re-publicised through a site notice, press notice and neighbour letters. The response date for this consultation expires on the 14th July 2017. Planning Committee will be updated on any additional representations received.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections to the proposed development subject to conditions securing the submission of an environmental noise assessment, sound insulation scheme and details of any piling required.

Highways: The information submitted with the application shows that the development would generate up to 210 and 220 less two way trips across the weekday morning and evening peaks respectively, than the previously approved office scheme. The reduction in the number of car parking spaces from 36 to 27 is acceptable due to the city centre location of the site. The existing vehicular access from Hollow Stone is approximately 2.5m wide; it is intended that the access would take two-way traffic and as such movement in and out of the access will need to be controlled. The site is also constrained and there is potential for construction works to impact on the local highway network. There are no objections to the proposed development subject to pre-commencement conditions requiring details of the proposed control of two way traffic through the Hollow Stone access and a Construction/Demolition Management Plan. Regulatory conditions have been requested requiring the provision of at least 2 disabled car parking spaces and that car parking spaces are allocated to specific apartments.

Conservation Officer: Initially concerns were raised with regard to the re-configuration of the Listed Buildings, the overall quality of the proposed development and the level of detail submitted as part of the application. Following alterations to the scheme and further information being submitted the proposal will comply with heritage policies relating to Conservation Areas and settings of Listed Buildings. Conditions have been requested requiring details of the materials to be used within the scheme. It is requested that the following should be secured as part of any Listed Building Consent:-

- details of any structural interventions required to existing structures;

- a method statement for the demolition of 10 Short Hill and the safeguarding of the front façade of the building;
- the submission of a Historic Building Record (provided to Level 3 standard).

City Archaeologist: Initially concerns were raised in relation to the impact of the development on caves and Listed Buildings. As a result of changes being made to the scheme the cave to the rear of 56 High Pavement will be retained and no objections are raised to the scheme. It is requested that details of a ground investigation and an archaeological evaluation assessment, together with appropriate recording, be secured through pre-commencement conditions. The site has high archaeological potential; four cave systems are known to exist in the vicinity of the site and it is located within the heart of the Saxon Borough (9th Century) and the later growth of the medieval town. It is also located on key routes from the River Leen. At Halifax Place (100m) east of the site iron age pottery was recorded during excavations.

Historic England: Historic England was consulted on the original scheme and also on the changes that have subsequently been made. These changes include the retention of the cave to the rear of 56 High Pavement, alterations to the layout of the retained listed buildings and provision of an assessment of the impact of the development on heritage assets. The deadline for response to the revised scheme is the 13th July 2017 and Committee will be updated if a second response is received.

With regards to the scheme as originally submitted, Historic England commented as follows:

Historic England objected to the previous office scheme which would have resulted in the loss of a Grade II listed building and one of Nottingham's caves. Whilst noting the change of use and the design of the proposal, it is still considered that the scheme has harmful elements that will impact on designated and non-designated assets.

Justification for the loss of the cave to the south of 56 High Pavement is questioned. In the context of the city's improved public transport system is there an over-riding need for basement car parking in this location. It is also felt that there are likely to be alternative engineering solutions that would safeguard the stability of the cave and to allow for its preservation.

Our advice is given in line with the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance and the Historic Environment Good Practice Guidance in Planning Notes 2-3. As this application affects listed buildings and the Lace Market Conservation Area, the decision-maker must take into account the statutory requirement to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest they possess and the desirability of preserving and enhancing the character and appearance of the Conservation Area.

Overall, Historic England remains very concerned by this proposal. We advise that your authority seek amendments and further information, and that further advice is sought from your Conservation Officer and Archaeological Adviser.

In response to the concerns raised by Historic England, it is considered that the changes made to the scheme address the issues they raise and that the scheme accords with relevant planning policy and statutory requirements.

Victorian Society: The Victorian Society was consulted on the scheme that was originally submitted and also on the changes that have subsequently been made. The deadline for response to the revised scheme is the 13th July 2017 and Committee will be updated if a second response is received.

The Society objected to the scheme as originally submitted, as it failed to adequately respond to and respect particular characteristics of the local built environment. The height of the new build elements would be detrimental to Nottingham's townscape and certain key views, and it would erode the setting of the Grade I listed Church of St Mary.

The alterations to the listed buildings are broadly acceptable, and the number and general configuration of the new blocks is satisfactory. The industrial idiom adopted for the new buildings, if a little bland, does respond to the context of the historic buildings on the site. Their general form and detailing is considered to be acceptable. However, their height and flat unarticulated elevations would present a cliff-like wall of red brick to the south east. We recommend that the new blocks are reduced by two storeys, thereby greatly reducing their negative impact and their intrusive prominence in the townscape.

In response to the concerns raised, it is felt that with the changes to the massing and proportions of the development, the issues raised by the Society have been addressed. A development of a lesser number of storeys, particularly at the eastern end, is likely to appear squat and would not sit comfortably with the Trivett Square tower and the other tall buildings further along the Cliff face. The height of the development is therefore considered to be acceptable. Further detailing to the elevations has occurred which is considered to lift the quality of the scheme.

Drainage: No objections to the proposed development providing that the development is completed in accordance with the submitted Sustainable Drainage Statement.

Ecology: A bat survey should be undertaken and measures incorporated into the scheme to enhance the biodiversity of the site.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. Planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise; the NPPF is a material consideration.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to conserve heritage assets in a manner appropriate to their significance.

- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Also of relevance to this application is section 12 of the NPPF that relates to conserving and enhancing the historic environment.

Aligned Core Strategy (September 2014):

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 4: Employment Provision and Economic Development.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 11: The Historic Environment.

Policy 14: Managing Travel Demand.

Policy 17: Biodiversity.

Policy 19: Developer Contributions.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 - Density.

H5 - Affordable Housing.

R2 - Open Space in New Development.

BE9 – Demolition of Listed Buildings.

BE10- Development Around Listed Buildings.

BE11 - Alterations and Extensions to Listed Buildings.

BE12 - Development in Conservation Areas.

BE15 - Archaeology - Caves.

BE16 - Archaeological Constraints.

BE17 - Protection of Archaeological Sites.

NE3 – Conservation of Species.

NE9 - Pollution.

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

Supplementary Planning Guidance:

Affordable Housing Policy and Developers Contributions

Planning Guidance for the Provision of Open Space Within Developments

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of development**
- (ii) Impact on the Lace Market Conservation Area and Listed Buildings**
- (iii) Impact on Archaeology**
- (iv) Density, layout and design considerations**
- (v) Impact on residential amenity**
- (vi) Highway considerations**
- (vii) Planning Obligations**

Issue (i) Principle of development (NPPF, Policies A, 4 and 8 of the Aligned Core Strategy, Policy ST1 of the Local Plan)

- 7.1 The site is not designated or allocated for any specific purpose within the Local Plan. 54 and 56 High Pavement were formerly in use as offices, which ceased at the beginning of 2017. Although Policy 4 of the ACS does promote Nottingham City Centre as the primary location for new offices, the site would equally be compatible for residential purposes and despite having an extant permission for an office scheme, this development has not been brought forward.
- 7.2 The site lies within an area that comprises a mix of uses, including other residential properties. As a result it is felt that residential use of the site is acceptable in principle.
- 7.3 The proposal would provide a welcomed opportunity to enhance the built environment and regenerate the surrounding area. It would support Local Plan policy ST1 and a core principle of the NPPF in bringing back into use previously developed land. Additionally, the development is located in a sustainable location close to local facilities and public transport, and within a short walking distance of the City Centre.

- 7.4 The NPPF, Aligned Core Strategy and Local Plan all support the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. They indicate that local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs. The proposal allows for the creation of 117 units, the majority of which would be 2 bedroomed apartments. Overall it is considered that the proposed range of house types would contribute towards the City Council's strategic objectives to create sustainable balanced communities and a varied mix of housing options.
- 7.5 The proposal therefore accords with the NPPF, Policies A, 4 and 8 of the Aligned Core Strategy, and Policy ST1 of the Local Plan.

Issue (ii) Impact on Listed Buildings and Conservation Area (NPPF, Policy 11 of the Aligned Core Strategy and Policies BE9, BE10, BE11 and BE12 of the Local Plan)

- 7.6 The site is located within a street that comprises a number of grade II listed buildings, a grade II * listed building (The Galleries of Justice) and a grade I listed building (St Mary's Church). These are high-quality heritage assets of the 18th and 19th centuries whose individual significance is greatly enhanced by their group value. The setting of these buildings when viewed from within the Lace Market Conservation is of a largely intact 18th to 19th century streetscape. The site between 54 High Pavement and 10 Short Hill represents a gap in this street scene; historically the frontage to High Pavement would have been completely built up. The present gap and the deterioration of 9 and 10 Short Hill are detrimental to the setting of the adjacent listed buildings and the character and appearance of the Conservation Area. It is considered that the scale, proportions and fenestration of the proposed new building to High Pavement/Short Hill would be sympathetic to the area and as such would enhance the setting of the adjacent listed buildings, as well as the character and appearance of the Conservation Area.
- 7.7 The listed buildings located on the southern side of High Pavement and Short Hill are visible in long views from London Road to the south. This view is an important aspect of the character and appearance of the Lace Market Conservation Area, and it is from this side that its location upon a cliff can be seen. The boundary wall to Malin Hill is a key component of this view, together with the tower of St Mary's Church. The other buildings within this vista add to the interest of the skyline, such as the window detailing to 54 High Pavement, but do not dominate or compete with the tower. The proposed scheme has been amended to ensure that it retains a large proportion of the Malin Hill wall; changes have also been made to the scale and massing of the new build element along this southern edge of the site. The Venetian fan light windows to the rear of 54 High Pavement would still be seen in the same long views over the top of the proposed building that would sit beneath them.
- 7.8 As a result of the changes made to the scheme it is considered that it would enhance the setting of the adjacent listed buildings and the character and appearance of the Conservation Area in this key view.
- 7.9 The development would lead to the loss of 10 Short Hill (although its front façade would remain) and the demolition of late 19th century and 1960s extensions at the rear of 56 High Pavement.

- 7.10 The loss of 10 Short Hill would of course have an adverse impact on the fabric of the building, however the significance of this impact is reduced by a number of factors. The building is in an extremely poor condition which is corroborated by a structural report submitted with the application. The building has also been subject to significant alterations since the Second World War. Its west wall has been rendered and it is supported by brick buttresses. The retention of its façade would serve to maintain the strong Georgian character of this part of the Lace Market, whilst the removal of the rest of the structure would facilitate economic re-use of the site.
- 7.11 The demolition of the 1960s addition to 56 High Pavement is not considered to represent an adverse impact on the historic fabric or special interest of the building. As part of the proposals the 18th Century fabric of the building would be made good and revealed as a result of its demolition. The 19th Century extension to the building is not in itself considered to be of sufficient intrinsic value to warrant its retention and its demolition would have limited impact upon the original Georgian building, as the 19th century extension is essentially a detached structure.
- 7.12 Even though alterations are proposed internally to 54 and 56 High Pavement and to 9 Short Hill, changes have been made to their proposed layouts (particularly with regards to 54 and 56) to ensure that these alterations would preserve the historic fabric and special architectural interest of these buildings.
- 7.13 Having taken account of the evidence available (information submitted as part of the planning application, gathered from site visits and in the form of advice from the City Council's Conservation Officer) it is considered that the impact of the proposal on the setting of the listed buildings in the vicinity of the site, the character and appearance of the Conservation Area and on the listed 9 Short Hill, 54 and 56 High pavement, would result in less than substantial harm. It is also felt that as only later additions to Malin Hill wall would be lost and the majority of its historic fabric would be retained, that the impact of the proposal on this non-designated heritage asset would also be less than substantial. In such circumstances paragraph 134 of the NPPF indicates that such harm should be weighed against public benefits, including securing its optimum viable use. A residential scheme of the type and density proposed is considered to be the optimum viable use for the site. Furthermore, it is felt that bringing forward the redevelopment of this long term derelict site and the visual enhancements that the scheme would bring to the Conservation Area and the setting of the listed buildings, would outweigh this less than substantial harm and preserve or enhance the character of the Conservation Area in accordance with statutory requirements and relevant development plan policies.
- 7.14 The loss of 10 Short Hill, apart from its Georgian façade, would result in substantial harm to the size and prominence of the building to be demolished. Paragraph 133 of the NPPF advises that in such cases local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm. It is considered that the retention of 10 Short Hill would provide a significant barrier to bringing forward the redevelopment of this long term derelict site and that its demolition would remove a building that is detracting from the character and appearance of the Conservation Area and the setting of a number of listed buildings. The proposed scheme also allows the impressive Georgian façade to be retained along High Pavement/Short Hill. In conclusion on this matter, the overall benefits that the scheme would bring are considered to be substantial enough to outweigh the loss of that part of 10

Short Hill which is to be demolished, and the exceptional circumstances for demolition required by Policy BE9 are felt to be met.

- 7.15 The proposal therefore accords with the NPPF, policies BE9, BE10, BE11 and BE12 of the Local Plan and policy 11 of the Aligned Core Strategy.

Issue (iii) Impact on Archaeology (NPPF paragraph 139 to 140 and Policies BE15, BE16 and BE17 of the Local Plan)

- 7.16 Initially the scheme as submitted would have affected the ability to retain the cave that is located to the rear of 56 High Pavement. The alterations made to the elevation along Malin Hill and the reduction in the size of the basement car park have enabled this cave to be preserved. The retention of the majority of the Malin Hill wall would also retain a structure of archaeological significance.
- 7.17 The site is considered to be of high archaeological importance in relation to artefacts that may give insight to the early development of Nottingham. In addition to the cave to the rear of 56 High Pavement, there may be links within the site to other cave systems in the area.
- 7.18 It is considered that the impact on the archaeological interests of the site would be less than substantial and with regards to paragraph 139 and 140 of the NPPF, the proposal would not cause any conflict with the future conservation of such assets. The City Archaeologist has advised that an archaeological evaluation should be carried out and that appropriate recording should occur, which can be secured through conditions.
- 7.19 Through the use of conditions the proposal is capable of complying with policy BE16 of the Local Plan and as a result of the retention of the cave on site and Malin Hill wall, the proposal complies with policies BE15 and BE17 of the Local Plan.

Issue (iv) Density, layout and design considerations (NPPF, Policies 10 and 11 of the Aligned Core Strategy and Policies H2, BE12 and BE11 of the Local Plan)

- 7.20 The NPPF recognises the importance of design in making better places. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in an area.
- 7.21 The application proposes a high density development with a varying number of storeys. The new build proposed along High Pavement/Short Hill will be of similar height to the buildings within the existing streetscape. From the south, the Lace Market Cliff consists of buildings of various heights; Trivett Square that flanks the eastern boundary of the site is one of the tallest at 9 storeys. The proposed scheme is set slightly further up Malin Hill and rises from 6 storeys to 7 storeys, then cascades down to 3 storeys. Amendments have been made to the Malin Hill elevation to ensure that its scale and massing do not dominate or compete with the Trivett Square tower or the tower of St Mary's Church. It is also felt that the changes made to the scheme, together with the use of brick as the primary material, would ensure that the distinctive building grain and cascading, layered characteristics that define this section of the Lace Market Cliff, are retained and enhanced as a result of this development.

- 7.22 The proposed buildings have been laid out to respect existing routes and the proposal introduces a new court yard area that is a typical feature of the Lace Market. Active frontage will be provided to both Short Hill/High Pavement and Malin Hill.
- 7.23 Car parking spaces are shown to form an integral part of the scheme and would make use of the existing basement car parking area associated with the site.
- 7.24 In conclusion, this is felt to be a well-considered scheme in urban design and architectural terms that complies with the aims of the NPPF, policy H2 of the Local Plan and policy 10 of the Aligned Core Strategy. As indicated in the preceding sections the proposal also accords with the aims and objectives of policies relating to heritage assets.

Issue (v) Residential Amenity (Policy 10 of the Aligned Core Strategy and Policies H2 and NE9 of the Local Plan)

- 7.25 Daylight and sunlight reports have been submitted as part of the application, which assess the impact of the proposal on neighbouring properties. However, such assessments are only an aid and regard also needs to be given to site context, which in this instance comprises the tight urban grain of the Lace Market. Right to Light matters are civil ones and not an issue for consideration as part of the planning process. However planning does assist in safeguarding residential amenity and consideration of the effect on levels of daylight/sunlight and whether a development would have an overbearing or overshadowing impact, do need to be considered. Development proposals also need to ensure that they do not have a materially detrimental impact on other amenity aspects such as privacy and outlook.
- 7.26 The proposed new build element along Short Hill/High Pavement would sit approximately 16.8m opposite 53 Stoney Street, which contains a number of apartments. The building is 6 storeys high and also has accommodation within its roof. The new build would not obstruct views from the four upper floors of number 53, and would not fully extend above the windows to the 3rd floor. There would be an impact on the lower floors of this building in terms of daylight. The windows serving rooms to the corner of 53 Stoney Street with Hollow Stones are likely to experience change in light levels as result of there being no building currently opposite them. Historically though this would not have been the case and the 2010 application that is still extant would have had similar affects as the building now proposed. Additionally, the Lace Market is an area where properties can experience lower light levels due to the scale and tight urban grain of its buildings. In this context the impact on 53 Stoney Street is considered to be acceptable. The separation distance between the buildings would achieve more than the 15m privacy distance which is indicated within paragraph 4.9 of the Urban Design guide as being acceptable.
- 7.27 Buildings along the Malin Hill wall would have some impact upon daylight levels currently experienced within 77-87 Cliff Road (Kings Court) and also 89 to 97 Cliff Road. However historically there would have been a building along this part of Malin Hill and the 2010 application that is still extant would have had similar impacts on these neighbouring buildings. Despite the impact in daylight levels that would be experienced within these properties, it is still considered that within this site context the impact would not be materially detrimental to warrant refusal of the application.

- 7.28 With regards to Trivett Square, Pemberton Street and other properties along Cliff Road, the daylight and sunlight report indicates that there would be no transgressions of standards set in regards to Building Research Establishment guidelines. This is due to the relationship of these properties to the application site and their orientation. As a consequence of this relationship there would also be no adverse impacts in regards to privacy or loss of outlook.
- 7.29 The creation of residential units within 54 High Pavement and 9 Short Hill would impact on neighbouring properties that face onto the passageways that exist to the side and rear of them. The impact in terms of light and outlook would be no different to the current situation and whilst privacy issues would be raised in this context, any reuse of these buildings would cause similar issues. The relationship between properties in these rear passageways would also be no worse than those experienced in other such areas of the Lace Market. In this context the impacts are considered to be acceptable.
- 7.30 Future occupants of the residential units within the development facing onto Short Hill/High Pavement and over Malin Hill would be experience very reasonable levels of residential amenity in terms of light, outlook and privacy. Those units overlooking the court yard area would have privacy distances of less than those expected within the Urban Design Guide, however given the nature of the court yard and its design, privacy distances of 10.5m to 11m are still considered to be acceptable. Residential units overlooking the passageway between 9 and 10 Short Hill and to the side and rear of 54 High Pavement would experience the most compromised amenity levels of the development. However balanced against the fact that such a situation is not dissimilar to other areas in the Lace Market, that the proposal would assist in securing the development of a long term derelict site and would secure the future of three listed buildings, such impacts are considered to be acceptable.
- 7.31 Given the site's location a noise impact assessment would be required together with appropriate noise mitigation measures, matters which can be secured through conditions.
- 7.32 Overall, the proposal's impact upon the amenities of both existing neighbouring and future occupants are considered to be acceptable and the proposal accords with policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

Issue (vi) Highway considerations (Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.33 Highway Colleagues have raised no objection to the proposed development with regards to the level of car parking proposed and the traffic generated by the proposal. It is considered that through the use of the conditions suggested the scheme complies with policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

Issue (vii) Planning obligations (Policy 19 of the Aligned Core Strategy, Policy ST1 and Policy R2 of the Local Plan)

- 7.34 For this development to be policy compliant the expected planning obligations would be:
- a financial contribution towards off-site public open space
 - a financial contribution towards education

- on-site provision of affordable housing

- 7.35 Details on the expected levels of contributions and where these would be directed will be provided in the Committee Update Sheet.
- 7.36 The applicant has submitted a viability appraisal in support of its assertion that the proposed development would not be viable based upon the provision of the full range of S106 developer contributions that the scheme would otherwise be required to meet. The appraisal is currently being reviewed by the District Valuer an update on this independent assessment will be reported in the Committee Update Sheet.
- 7.37 In both cases, it is considered that Section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

Other Matters (Policies 10 and 17 of the Aligned Core Strategy and Policies NE3, NE9 and NE10 of the Local Plan)

- 7.38 Through the use of conditions to secure the provision of a bat survey, noise assessment and sound insulation scheme, the proposals would comply with the ecological requirements of policies NE3 and 17, and also policies 10 and NE9 that safeguard residential amenity with regards to noise. Ensuring that the development is completed in accordance with the drainage strategy would accord with policy NE10 of the Local Plan. With regard to air pollution, colleagues from Environmental Health and Safer Places have raised no objections to the scheme and as such the proposal complies with policy NE9 in this respect.

8. SUSTAINABILITY / BIODIVERSITY

Biodiversity can be enhanced through the use of conditions.

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: Redevelopment of a long term cleared brownfield site with a high quality, sustainable mixed use development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the 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: 16/02249/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OEAZDSLYKH600>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

National Planning Policy Framework (March 2012)

Aligned Core Strategy (September 2014)

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REPORT OF CHIEF PLANNER

9 - 10 Short Hill And 54 - 56 High Pavement, Nottingham

1 SUMMARY

Application No: 16/02250/LLIS1 for Listed Building Consent

Application by: Rg+p Ltd on behalf of Abode Nottingham Ltd

Proposal: 117 apartments with basement car park, comprising change of use of rear of 9 Short Hill (plus additional floor to roof), change of use of 54-56 High Pavement, 5-storey building to Short Hill, 3/5/7-storey building to rear (Malin Hill), demolition of 10 Short Hill (facade retained), demolition of extensions at rear of 56 High Pavement, including internal and external alterations to listed buildings.

The application is brought to Committee because this is a major development 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 19th December 2016, but an extension of time to the 4th September 2017 has been agreed.

2 RECOMMENDATIONS

GRANT CONSENT subject to the conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

3 BACKGROUND

- 3.1 The site incorporates 54 and 56 High Pavement, 9 and 10 Short Hill and an area of land that sits between and behind 56 High Pavement and 10 Short Hill.
- 3.2 The site occupies a prominent position on the Lace Market Cliff and, when viewed from London Road, sits between the tower of St Mary's Church and the tower of the Trivett Square flats. The rear boundary of the site is formed by a brick/sandstone wall that adjoins Malin Hill. From the Lace Market side the site appears as a gap in the street scene flanked by the side elevations of 10 Short Hill and 56 High Pavement (which form part of the application site). The site also forms part of the

setting to Hollow Stone as a result of Short Hill sitting above the street level of Hollow Stone.

- 3.3 The area that forms the gap to Short Hill/High Pavement is being used as a surface car parking area. This car park has an upper and lower level; the lower level is accessed through a tunnel entrance off Hollow Stone and the upper level is accessed off High Pavement.
- 3.4 The existing four buildings on the site are all Grade II listed and fall within the boundary of the Lace Market Conservation Area. Both numbers 54 and 56 High Pavement are three and four storey buildings that were previously in use as offices. 10 Short Hill is a three storey former warehouse building; it partially adjoins 9 Short Hill which is a six storey former warehouse that also has a frontage to Trivett Square. Part of 9 Short Hill is incorporated within the Trivett Square development.
- 3.5 Listed Building consent was granted for the conversion of 54 and 56 High Pavement and 9 Short Hill into offices under 10/01499/LLIS1. This permission also involved the demolition of part of 56 High Pavement and of 10 Short Hill, except for its front façade.
- 3.6 An application for planning consent has also been submitted, under reference 16/02449/PFUL3. Assessment of this application is subject to a separate report.

4 DETAILS OF THE PROPOSAL

This application is for the works required to convert 54 and 56 High Pavement, 9 Short Hill and the rebuilding of 10 Short Hill to provide residential accommodation. As part of the proposal an existing extension to the rear of 56 High Pavement would be demolished and the existing warehouse of 10 Short Hill would be demolished, with the exception of its front façade. A total of 117 units would be provided as part of the scheme, 55 of which would be provided within the 3 retained listed buildings and the replaced 10 Short Hill.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

175 neighbouring properties along Short Hill, Cliff Street, Stoney Street, Plumptre Square, High Pavement, Malin Hill, Hollow Stones and Pemberton Street as well as within Trivett Square were notified of the proposed development. The application has also been publicised through a press and a site notice. The expiry date for this initial consultation was the 1st December 2016. As a result of this publicity eight letters of representation have been received which raise concerns regarding the impact on 10 Short Hill and whether there is sufficient justification to warrant its demolition.

The Nottingham Civic Society has also raised concern about the demolition of 10 Short Hill and feels that no case has been made to warrant its removal.

Additional consultation letters sent to:

Conservation Officer: Initially concerns were raised with regard to the re-configuration of the Listed Buildings, the overall quality of the proposed development and the level of detail submitted as part of the application. Following

alterations to the scheme and further information being submitted the proposal will comply with heritage policies relating to Conservation Areas and settings of Listed Buildings. Conditions have been requested requiring details of the materials to be used within the scheme. It is requested that the following should be secured as part of any Listed Building Consent:- details of any structural interventions required to existing structures; a method statement for the demolition of 10 Short Hill and the safeguarding of the front façade of the building; the submission of a Historic Building Record (provided to Level 3 standard).

City Archaeologist: Initially concerns were raised in relation to the impact of the development on caves and Listed Buildings. As a result of changes being made to the scheme the cave to the rear of 56 High Pavement will be retained and no objections are raised to the scheme. It is requested that details of a ground investigation and an archaeological evaluation assessment, together with appropriate recording, be secured through pre-commencement conditions. The site has high archaeological potential; four cave systems are known to exist in the vicinity of the site and it is located within the heart of the Saxon Borough (9th Century) and the later growth of the medieval town. It is also located on key routes from the River Leen. At Halifax Place (100m) east of the site iron age pottery was recorded during excavations.

Historic England: Historic England was consulted on the original scheme and also on the changes that have subsequently been made. These changes include the retention of the cave to the rear of 56 High Pavement, alterations to the layout of the retained listed buildings and provision of an assessment of the impact of the development on heritage assets. The deadline for response to the revised scheme is the 13th July 2017 and Committee will be updated if a second response is received.

With regards to the scheme as originally submitted, Historic England commented as follows:

Historic England objected to the previous office scheme which would have resulted in the loss of a Grade II listed building and one of Nottingham's caves. Whilst noting the change of use and the design of the proposal, it is still considered that the scheme has harmful elements that will impact on designated and non-designated assets.

Justification for the loss of the cave to the south of 56 High Pavement is questioned. In the context of the city's improved public transport system is there an over-riding need for basement car parking in this location. It is also felt that there are likely to be alternative engineering solutions that would safeguard the stability of the cave and to allow for its preservation.

Our advice is given in line with the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance and the Historic Environment Good Practice Guidance in Planning Notes 2-3. As this application affects listed buildings and the Lace Market Conservation Area, the decision-maker must take into account the statutory requirement to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest they possess and the desirability of preserving and enhancing the character and appearance of the Conservation Area.

Overall, Historic England remains very concerned by this proposal. We advise that

your authority seek amendments and further information, and that further advice is sought from your Conservation Officer and Archaeological Adviser.

In response to the concerns raised by Historic England, it is considered that the changes made to the scheme address the issues they raise and that the scheme accords with relevant planning policy and statutory requirements.

Victorian Society: The Victorian Society was consulted on the scheme that was originally submitted and also on the changes that have subsequently been made. The deadline for response to the revised scheme is the 13th July 2017 and Committee will be updated if a second response is received.

The Society objected to the scheme as originally submitted, as it failed to adequately respond to and respect particular characteristics of the local built environment. The height of the new build elements would be detrimental to Nottingham's townscape and certain key views, and it would erode the setting of the Grade I listed Church of St Mary.

The alterations to the listed buildings are broadly acceptable, and the number and general configuration of the new blocks is satisfactory. The industrial idiom adopted for the new buildings, if a little bland, does respond to the context of the historic buildings on the site. Their general form and detailing is considered to be acceptable. However, their height and flat unarticulated elevations would present a cliff-like wall of red brick to the south east. We recommend that the new blocks are reduced by two storeys, thereby greatly reducing their negative impact and their intrusive prominence in the townscape.

In response to the concerns raised, it is felt that with the changes to the massing and proportions of the development, the issues raised by the Society have been addressed. A development of a lesser number of storeys, particularly at the eastern end, is likely to appear squat and would not sit comfortably with the Trivett Square tower and the other tall buildings further along the Cliff face. The height of the development is therefore considered to be acceptable. Further detailing to the elevations has occurred which is considered to lift the quality of the scheme.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. Planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise; the NPPF is a material consideration.
- 6.2 Of particular relevance to this application is section 12 of the NPPF that relates to conserving and enhancing the historic environment. Paragraphs 128 to 134 set out the approach that local planning authorities should take to determining applications that affect listed buildings. The key principles involve establishing the significance of the impact, the harm that would be caused, and then assessing whether this harm would be sufficiently outweighed by other material considerations.

Aligned Core Strategy (September 2014):

Policy 11: The Historic Environment.

Nottingham Local Plan (November 2005):

BE9 – Demolition of Listed Buildings

BE10- Development Around Listed Buildings

BE11 – Alterations and Extensions to Listed Buildings

7. APPRAISAL OF PROPOSED DEVELOPMENT

Impact on the historic fabric and special architectural interest of Listed Buildings (NPPF, Policy 11 of the Aligned Core Strategy and Policies BE9, BE10 and BE11 of the Local Plan)

- 7.1 The development would lead to the loss of 10 Short Hill (although its front façade would remain) and the demolition of late 19th century and 1960s extensions at the rear of 56 High Pavement.
- 7.2 The loss of 10 Short Hill would of course have an adverse impact on the fabric of the building, however the significance of this impact is reduced by a number of factors. The building is in an extremely poor condition which is corroborated by a structural report submitted with the application. The building has also been subject to significant alterations since the Second World War. Its west wall has been rendered and it is supported by brick buttresses. The retention of its façade would serve to maintain the strong Georgian character of this part of the Lace Market, whilst the removal of the rest of the structure would facilitate economic re-use of the site.
- 7.3 The demolition of the 1960s addition to 56 High Pavement is not considered to represent an adverse impact on the historic fabric or special interest of the building. As part of the proposals the 18th Century fabric of the building would be made good and revealed as a result of its demolition. The 19th Century extension to the building is not in itself considered to be of sufficient intrinsic value to warrant its retention and its demolition would have limited impact upon the original Georgian building, as the 19th century extension is essentially a detached structure.
- 7.4 Even though alterations are proposed internally to 54 and 56 High Pavement and to 9 Short Hill, changes have been made to their proposed layouts (particularly with regards to 54 and 56) to ensure that these alterations would preserve the historic fabric and special architectural interest of these buildings.
- 7.5 Having taken account of the evidence available (information submitted as part of the planning application, gathered from site visits and in the form of advice from the City Council's Conservation Officer) it is considered that the impact of the proposal on the listed 9 Short Hill, 54 and 56 High Pavement, would result in less than substantial harm. In such circumstances paragraph 134 of the NPPF indicates that such harm should be weighed against public benefits, including securing its optimum viable use. A residential scheme of the type and density proposed is considered to be the optimum viable use for the site. Furthermore, it is felt that bringing forward the redevelopment of this long term derelict site and the visual enhancements that the scheme would bring to the listed buildings, would outweigh

this less than substantial harm in accordance with statutory requirements and relevant development plan policies.

- 7.6 The loss of 10 Short Hill, apart from its Georgian façade, would result in substantial harm to the size and prominence of the building to be demolished. Paragraph 133 of the NPPF advises that in such cases local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm. It is considered that the retention of 10 Short Hill would provide a significant barrier to bringing forward the redevelopment of this long term derelict site and that its demolition would remove a building that is detracting from the character and appearance of the Conservation Area and the setting of a number of listed buildings. The proposed scheme also allows the impressive Georgian façade to be retained along High Pavement/Short Hill. In conclusion on this matter, the overall benefits that the scheme would bring are considered to be substantial enough to outweigh the loss of that part of 10 Short Hill which is to be demolished, and the exceptional circumstances for demolition required by Policy BE9 are felt to be met.
- 7.7 The proposal therefore accords with the NPPF, policies BE9, BE10 and BE11 of the Local Plan and policy 11 of the Aligned Core Strategy.

8. SUSTAINABILITY / BIODIVERSITY

The report prepared for application 17/02249/PFUL3 assesses the impact of the proposal with regards to sustainability and biodiversity.

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: Redevelopment of a long term cleared brownfield site with a high quality, sustainable mixed use development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the 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: 16/02250/LLIS1 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OEAZE4LYKH700>

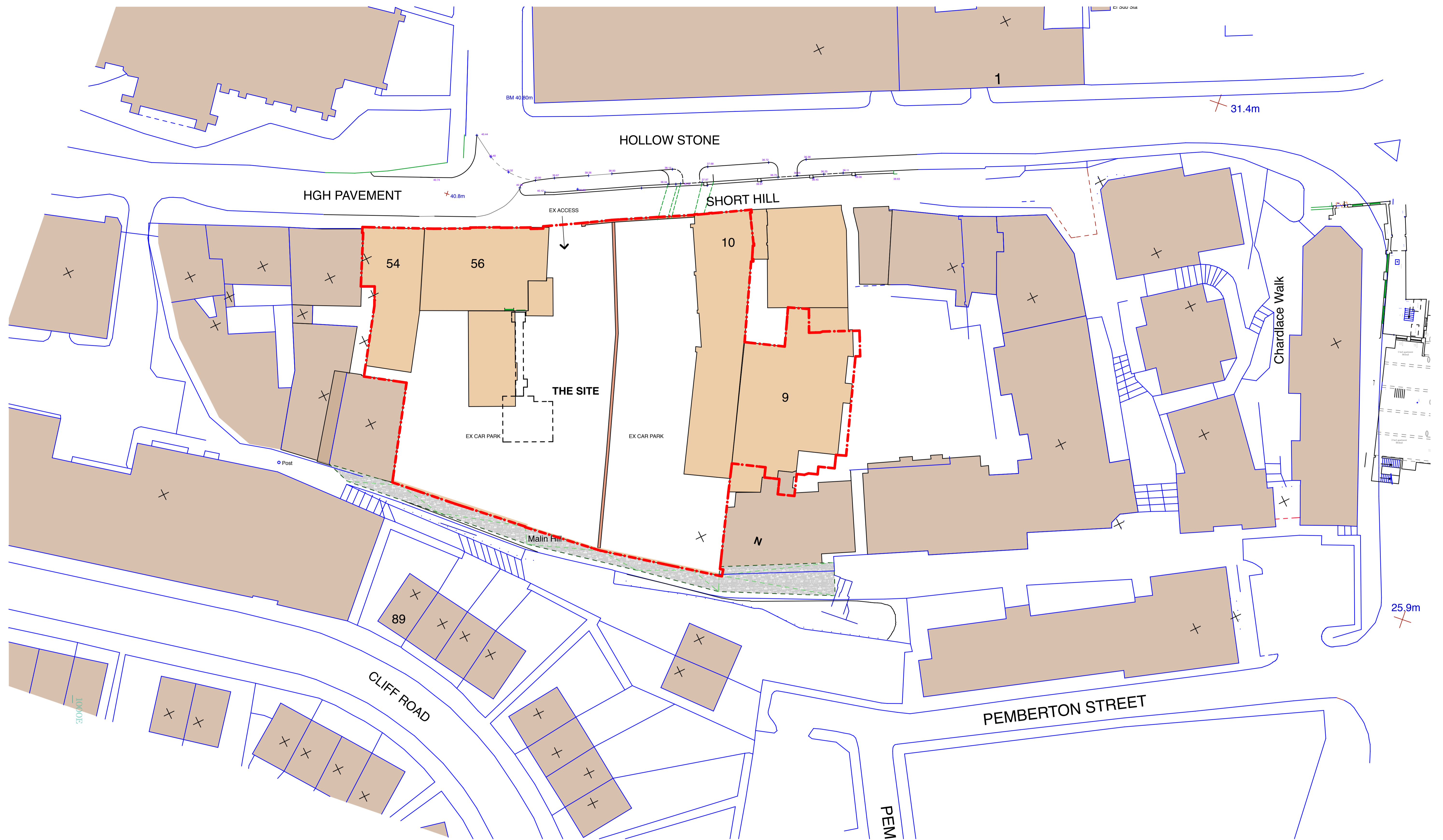
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

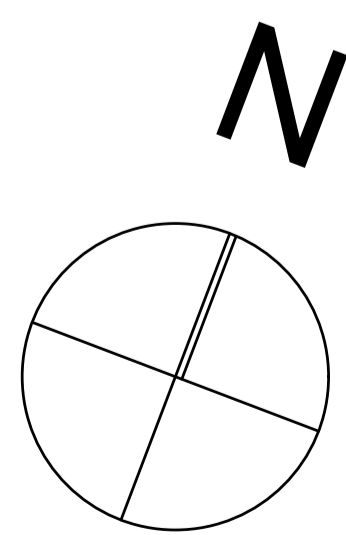
Contact Officer:

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New location plan



PLANNING APPLICATION

architecture / interiors / landscape

project: 54-56 High Pavement, 9-10 Short Hill, The Lace Market

St. Mary's Hall • 17 Barker Gate • The Lace Market • Nottingham • NG1 1JU
Tel +44 (0)115 941 5555 • Fax • +44 (0)115 950 0995 • Email • info@maber.co.uk

drawing: Site Location Plan

Also at Derby and Leicester

maber.co.uk

scale: 1:500 @ A3

date:

dwg. no. 2636-P-01



do not scale from this drawing • dimensions and levels to be checked on site by the contractor • all dimensions in millimetres unless otherwise noted • all levels in metres unless otherwise noted
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