

WARDS AFFECTED: St Anns

REPORT OF CHIEF PLANNER

43-55 Lower Parliament Street And, 1-7 Glasshouse Street

1 SUMMARY

Application No: 18/00227/PFUL3 for planning permission

Application by: Rayner Davies Architects on behalf of Megaclose Ltd

Proposal: Conversion of Nos. 43-55 Lower Parliament Street to mixed use commercial/student accommodation. Demolition of Nos. 1-7 Glasshouse Street and development of 5 and 6 storey student accommodation building.

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

The applicant has agreed an extension of time for the determination of the application until 15th June 2018, having revised the layout and design of the proposed development.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 (a) prior completion of a Section 106 planning obligation to secure:
 - (i) a public open space contribution of £19,396.36 towards infrastructure improvements to Robin Hood Chase green corridor;
 - (ii) a highways contribution of £10,000 towards improved cycle access along King Edward Street, and
 - (iii) a student management plan, to include restrictions on car use.
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of both the conditions and the section 106 obligation to be delegated to the Chief Planner.
- 2.3 That Committee 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.
- 2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site has frontages to three streets, Lower Parliament Street and Glasshouse Street being the principle and prominent frontages within the street scene, but Clare Street also being to the rear and being a street that has no particular purpose at present. The site is currently occupied by a range of three vacant buildings that front onto Lower Parliament Street and Glasshouse Street: (i) Nos. 43-55 Lower Parliament Street, which was formerly a British Gas showroom shop, being three storeys with a Portland stone façade and a pitched slate roof; (ii) 1, 3, & 3a Glasshouse Street, being three storeys with former ground floor commercial uses and two upper floors, in red brick with dressed stone window surrounds and stone string courses, gables and a plain tiled roof; and (iii) 5 - 7 Glasshouse Street, being three storeys in red brick with detailing, central gable, stone parapet and Roman tiled roof.
- 3.2 Part of the site, 43-55 Lower Parliament Street, falls within the Lace Market Conservation Area. The Conservation Area was extended on 21 March 2017 to include this range, which was considered worthy of inclusion for its landmark quality and for being a good example of its 1920s period. The neighbouring range 31 – 41 Lower Parliament Street (Argos) was also included at this time. It was expected that the extension of the Conservation Area would see the buildings being put to long term sustainable uses that would enhance their appearance and would safeguard the character of the area.
- 3.3 The application site and neighbouring properties remain an allocated site for retail, or mixed use development predominantly for retail uses, having been noted as an opportunity to extend the Victoria Centre (Policy S3).

4 DETAILS OF THE PROPOSAL

- 4.1 The applications proposes the conversion of Nos. 43-55 Lower Parliament Street to mixed use, retaining a commercial ground floor and with three storeys of student accommodation above including the conversion and extension of its roofspace. The second element of the proposal is for the demolition of Nos. 1-7 Glasshouse Street and the redevelopment of this part of the site with 5 and 6 storey student accommodation building, spanning between Glasshouse Street and Clare Street and providing new elevations to those streets.
- 4.2 The entrance to the proposed student accommodation would be off Clare Street, with central stair and lift cores providing access to each floor. A total of 92 studio units would be provided, with 23 studios being within the converted element and 69 studios within the new build element.
- 4.3 The developer has indicated that they will work with the Council's Employment and Skills team in relation to the use of local labour for the construction phase of the development and is prepared to commit to this via the S106 agreement.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

22 – 38(e) Lower Parliament Street
37 – 41 Lower Parliament Street
Pryzm, Lower Parliament Street

9 – 13 Glasshouse Street
3A – 3E King Edward Court, King Edward Street
Carter and Watchorn Ltd., Clare Street

The application has also been advertised by press and site notices.

It is to be noted that a number of the comments received were made in response to the initial application submission and consultation. The application submission has since been substantially revised and a full reconsultation on the application was issued on 18 April 2018. All comments received are included below, with those marked with an asterisk being made in response to the initial application submission and those without relating to the revised submission and/or being a further updated response from that consultee (Nottingham Civic Society).

Any further responses received will be reported by means of an update sheet to the meeting.

***Neighbour:** No objection. Query whether development of the rear of 9-11 Glasshouse Street is also now possible.

***Bidwells on behalf of Pryzm Nightclub:** The proposed development site is located 50m west of the nightclub. There are no physical barriers between the two closest points, meaning that the proposed student accommodation would be highly sensitive to noise generated both from within the nightclub and externally, by people queuing to enter and people leaving. Concerned that the size and scale of the nightclub in such close proximity to the proposed development could lead to future complaints from residents of the proposed student flats. Such complaints could lead to restrictions on the use of the nightclub and its opening hours, which in turn could impact the profitability of the nightclub in an already challenging and competitive market. The noise impact assessment undertaken for this application is considered to be insufficient and unrepresentative of the full nature of potential future impacts. It would be unreasonable to allow a noise-sensitive development in such proximity to late night uses, where the potential for future challenge is high. However, should the application be approved, stringent conditions should be imposed to ensure noise levels within rooms meet the required standards.

***City Resident:** Objection. Whilst inward investment is something that should be embraced, these attractive buildings form part of the proud heritage that Nottingham should retain. The site has fallen into neglect solely because they have retained the site from commercial use and development to ensure that the building is converted into low grade accommodation. The city's student population is overserved with studios, creating a severe issue with community balance, and the buildings would be more suited to use as flats for shared or non HMO usage. In order to create a vibrant European city we need to retain the historic character and move couples and families back into the city centre. These period properties are not in any way derelict except financially where the owner wishes to maximise the site for revenue. This site could be easily used as student accommodation with the current facade but not producing the revenue the developers seek.

***City Resident:** Objection. Consider that buildings are of Nottingham historical context. There are far too many student accommodation developments and the location next to a Nottingham club will cause a lot of disturbance and problems for the area.

***City Resident:** Objection. Despair at seeing the building empty for so long, but surely there is a way to preserve the facade of the rear building rather than to continue to destroy and erase Nottingham's rich industrial heritage and some nice Victorian buildings.

***City Resident:** Objection. How much more of Nottingham is going to be turned over to student accommodation? This type of accommodation would be better served in parts of the extended city, as it would bring regeneration to local high streets. Lots of students milling about all over the large road junction will be dangerous.

***City Resident:** Objection to the demolition of Nos 1-7 Glasshouse Street as buildings of Local Interest, both designed by notable local architects. Both premises contribute to the group of twentieth-century buildings which cluster around this main-road junction. They form a coherent and characterful group not only with the former gas showroom adjacent, but also the former Palais night-club and the Newmarket public house across the street. Each of these buildings makes an individual contribution to the quality of the townscape, and together they mark this prominent corner in an appropriately urban manner.

The new-build proposed fails to provide a robust elevation to Glasshouse Street that would acknowledge its main road setting. The proposed elevation appears to have been designed for a campus location, instead of one that is designed to accommodate the urban bustle of passing pedestrians and traffic. The ground floor street-facing elevation would be better occupied by a commercial use which could be outward-looking to give casual surveillance and benefit community safety in the streetscene. The retention of nos.1-7 Glasshouse Street should be investigated to see if they could accommodate a restaurant or similar use, with the new-build inserted to the rear.

Nottingham Civic Society: Objection. Pleased to note that the roofline of the new building in Glasshouse Street corresponds to and respects that of the former gas showroom to its south. However, object strongly to the demolition of the Glasshouse Street shop buildings which: form an attractive feature on the eastern approach to the city centre; are part of the interesting mix of early 20th century and inter-war retail and leisure use buildings adjacent to the Lace Market CA; have attractive details that are demonstrative of skilled workmanship; gives a sense of time and place to this area of the city and sets it in history and interest; have a quirkiness which appeals; are part of the social and economic history of the city which has been in danger of being forgotten; and are by highly regarded local architects were chosen for the work in Glasshouse Street. These buildings also form a group with other interwar structures nearby, notably Pryzm (the former Palais) and should be included in Lace Market Conservation Area.

In comparison the proposed new building adds nothing to the Conservation Area and would detract from the appearance and appeal of this gateway to Nottingham's shopping area.

Additional consultation letters sent to:

Environmental Health: No objection subject to conditions. The site is in a noisy location both in terms of road traffic noise & noise from customers of the nearby night club & other licensed premises. There is also often significant noise from taxis / minicabs collecting people leaving the night club & surrounding premises late at night. The site is also in the Air Quality Management Area. Mechanical ventilation for the residential element of the development will be required to ensure that both adequate indoor air quality & adequate internal noise levels are maintained while providing sufficient ventilation of the development. Recommended noise condition will require post completion / pre-occupation testing on both the Lower Parliament Street & Glasshouse Street façade. Other conditions relating to proposed commercial parts of the development – odour/ventilation, plant, and operating hours, servicing and deliveries also recommended.

Highways: No objection subject to conditions. Requested that funding contributions are secured towards a proposal for a contraflow cycle link along King Edward Street, in close proximity to the application site and that cycle parking provision is increased. Conditions and informatives also recommended including construction management; provision of cycle parking; promotion of sustainable transport; reinstatement of redundant vehicle cross-overs; and traffic management plan for start and finish of academic year.

Drainage: No objections subject to condition. As a brownfield site we expect the new development to reduce surface water by 30% compared to the sites previous use by way of SuDS features, which is recommended as a condition of a consent.

Biodiversity: No objection subject to condition. Note that no evidence of roosting bats was identified, however it does not appear to be possible to rule out the presence of a small or transitional roost from this survey data alone. Advise that this survey is adequate for a brief initial assessment, but that additional surveys should be conducted prior to the start of demolition or renovation works, which could be a condition of consent. The requirement for two house sparrow terraces integrated into the western elevation of buildings at 5-7 Glasshouse Street should also be made a condition of a consent.

Archaeology: No objection subject to condition. The site is within an area of known medieval occupation, albeit immediately outside the medieval town defences, with St John's Hospital (of early 13th century foundation) having been located to the immediate east of the site. A public house known as the Hope and Anchor once stood on the northern side of Lower Parliament Street and is known to have had a rock cellar/cave. The potential for other, currently unknown, caves within the site boundary is considered to be high. A programme of archaeological works should be required as a condition of planning permission.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.

- 6.2 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. 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 contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 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.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 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 Paragraphs 126 to 141 of the NPPF set out the government's approach to conserving and enhancing the historic environment. Of particular relevance to this application, paragraph 131 requires authorities to take into account:
- the desirability of sustaining and enhancing the significance of heritage assets (including conservation areas and listed buildings) and putting them to viable uses consistent with their conservation,
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.7 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

BE12 - Development in Conservation Areas

BE16 - Archaeology

H6 - Student Housing

NE9 - Pollution

R2 - Open Space in New Development

S3 - New Retail Development in the City Centre

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development

Policy 1 - Climate change

Policy 5 - Nottingham City Centre

Policy 10 - Design and Enhancing Local Identity

Policy 11 - The Historic Environment

Policy 17 - Biodiversity

Policy 19 - Developer Contributions

Other Planning Guidance

Nottingham City Centre Urban Design Guide

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Conversion and demolition of existing buildings.
- (ii) Use for student accommodation and amenity of neighbouring occupiers.
- (iii) Scale and design of proposed development and impact on the character and appearance of the Canning Circus Conservation Area

Issue (i) Conversion and demolition and of existing buildings (BE13)

- 7.1 The conversion and reuse of 43-55 Lower Parliament Street is highly desirable as a prominent building within the Lace Market Conservation Area, thereby fulfilling the justification for its recent inclusion within the Conservation Area. This building is to be sympathetically converted, retaining and refurbishing its key features and with alterations being limited to the extension of the roof behind the ridgeline and the introduction of rooflights along a converted roofspace. The commercial use of its ground floor is to be retained and this is welcomed in terms of its on-going allocation as primary shopping frontage.
- 7.2 Whilst 1-7 Glasshouse Street are not included within the Lace Market Conservation Area, the contribution to the street scene of these buildings are to be recognised for their adjacency to the Conservation Area. This adjacency has had a significant influence upon the design of the proposed development with the revised drawings having regard to the scale, grain, and character of these buildings whilst also representing a contemporary approach to development.

Issue (iii) Use and amenities of neighbouring occupiers (Policies H6 and S3, Policy 10 and Building Balanced Communities Supplementary Planning Document)

- 7.2 The application site is located on the fringe of the city centre and adjacent to the Eastside Regeneration Zone, which is encouraged as a location for the provision of purpose built and managed student accommodation in accordance with the Building Balanced Communities Supplementary Planning Document and supported by Policy H6 subject to a review of its merits and consideration to the amenity of neighbouring residents. The application site is conveniently located within a short walking distance of Nottingham Trent University campus (including Confetti) and city centre amenities. Whilst two city resident responses refer to there being far too many student accommodation developments and studios, the demand for student accommodation within the city centre remains high and it is considered that the provision of further good quality purpose-built accommodation will attract students that would otherwise occupy houses of multiple occupation outside of the city centre. The proposed studio accommodation is of a good size, ranging from 19.1sq.m to 37.8sq.m, with the majority averaging around 25sq.m. Accordingly, it is considered that the proposed student accommodation use complies with the Building Balanced Communities Supplementary Planning Document and Policy H6 regarding the location of student accommodation development.
- 7.4 A student management agreement is to be provided as part of the S106 planning obligation. Amongst other aspects, the terms of this agreement aims to ensure that neighbouring occupants are provided with a point of contact for immediate response to any instances of nuisance or disturbances caused by occupiers of the development. The S106 agreement will also aim to ensure that student occupants do not keep or use their cars within the City.
- 7.5 In accordance with Policy H6 and Policy 10, it is therefore considered that the amenity of neighbouring occupiers would not be significantly affected by the proposed development and that appropriate student management measures will be in place to ensure that any instances of nuisance or disturbance will be dealt with.
- 7.6 The retention of a retail use of the ground floor of the proposed development onto Lower Parliament Street is supported in accordance with Policy 5, reinforcing and enhancing the retail offer on this street through the redevelopment of this now longstanding vacant building.

Issue (ii) Scale and design of proposed development and impact on the character and appearance of the Lace Market Conservation Area (Policy BE12 and Policies 10 and 11)

- 7.7 The application site occupies a prominent position at the junction of Lower Parliament Street with Glasshouse Street and along with neighbouring properties remain an allocated site in the Local Plan for retail, or mixed use development predominantly for retail uses, having been noted as an opportunity to extend the Victoria Centre (Policy S3). The City Centre Urban Design Guide has also identified the application site as falling within the 'Zone of Reinvention' where it is expected that a new urban form would emerge.
- 7.8 The former gas showroom building, 43-55 Lower Parliament Street, has been recently designated as an extension to the Lace Market Conservation Area and as such new development must now also respect the character and appearance of the

Conservation Area. The welcome retention and proposed conversion of this building will secure its prominence in the street scene of Lower Parliament Street and on-going contribution to the character of the Conservation Area.

- 7.9 Whilst the consultation responses regarding the architectural merits of the existing buildings on Glasshouse Street are acknowledged, it is the case that these buildings have not been included as part of the recent extension to the Conservation Area and as such are not afforded the level of protection from demolition as applies to the former gas showroom building. The elevation of these buildings onto Glasshouse Street present good examples of local architecture of the period, but are also evidenced to be in a particularly poor condition behind these facades.
- 7.10 The extension and adjacency that this part of the site to the Conservation Area has however had a significant influence on the formation of the new build element of the application proposals, which have been substantially revised during the course of consultation and assessment. The scale of the proposed building now relates directly to the scale of the retained neighbouring gas showroom building, having the same eaves and roof ridge line. The elevation to Glasshouse Street is also broken to reflect the existing plot widths and the design and appearance of each section of the elevation is proposed with a level of modelling and details that are common to each other but also with variation to distinguish their individual design. The tall bay structure of the elevations are provided with a hierarchy of fenestration openings within a series of brick reveals, and the use of a variety of brick bonds and details are also used to provide further texture. Perforated ventilation panels are provided to the side of the glazed openings. A zinc standing seam roof with pitched dormer roof windows are also added as contemporary features that will distinguish the new building from its refurbished neighbour. It is considered that the scale and design of the proposed development onto Glasshouse Street is an appropriate response to the site and its location being both within and adjacent to the Lace Market Conservation Area.
- 7.11 The proposal would also develop the elevation of the site onto Clare Street and as such would significantly enhance the appearance of this underused and virtually redundant cul-de-sac street. The main entrance to the accommodation is proposed off this street, with four storeys of accommodation and dormered roof also providing supervision of the street. The elevation to Clare Street is designed to be similar to that proposed on Glasshouse Street, with deep reveals and other details presenting a good quality elevation to the street and area.
- 7.12 Whilst the proposed fifth storey box element, containing two studios, appears as an anomaly to the design, it is noted that this has been set back significantly within the plan of the proposed development and would not be visible from the surrounding streets or from a significant distance. It is understood the provision of these studio rooms are important to the viability of the proposed development and, on the basis that they would not be visible other than from an elevated position, it is considered that there is insufficient cause to object.
- 7.13 In accordance with the above assessment and subject to conditions, it is considered that the scale and design of the proposed development would be appropriate to the city centre and neighbouring properties, in accordance with Policy BE12 and Policies 10 and 11.

Other Matters (Policies BE16, NE9, R2, T3 and Policies 15 and 19)

Archaeology

- 7.14 The City Archaeologist has no objection subject to a planning condition requiring archaeological watching brief for investigative groundworks and archaeological supervision including preservation in situ or recording in the event that any caves are discovered during groundworks. Subject to this condition it is considered that the proposed development accords with Policy BE16.

Noise

- 7.15 Environmental Health advises that they have no objection and acknowledge the information sent on behalf of Pryzm Nightclub concerning the noise assessment that has been undertaken to date. It is recognised that the site is in a noisy location both in terms of traffic and activities associated with the evening economy. Environmental Health are, however, satisfied that planning conditions are able to ensure that post completion/pre-occupation testing on the facades of the development are able to ensure that the noise and air quality aspects of the location of the proposed development are able to be managed under proposed planning conditions. In accordance with Policy NE9, conditions relating to environmental noise assessment and sound insulation; air quality assessment and commercial noise/odour extraction/ventilation plant have therefore been included in the draft planning permission that is attached to this report.

S106 – Improved Cycle Access/Open Space/Student Management

- 7.16 Highways have no objection to the proposed development in accordance with Policy T3, subject to a S106 highways contribution of £10,000 towards improved cycle access along King Edward Street to encourage journeys by non-private car modes in accordance with Policy 19 and with appropriate planning conditions that have been included in the draft planning permission that is attached to this report. An obligation within the S106 agreement will also aim to ensure that student occupants do not keep or use their cars within the City. This has become a successful deterrent to student car use and is common to all major student accommodation developments within and around the City Centre. A student management scheme is also to be provided within the S106.
- 7.17 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG the Section 106 planning obligation would also secure a financial contribution of £19,396.36 towards infrastructure improvements to Robin Hood Chase green corridor. These contributions would not exceed the permissible number according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.
- 7.18 Accordingly, it is considered that the proposed development accords with Policies BE16, NE9, R2, T3 and Policy 19.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)

- 8.1 The city centre location of the application site is inherently sustainable with good access to local services and public transport, with the prospect of improved cycle access under the S106 planning obligation. The applicant advises that the building fabric will be highly insulated and airtight in accordance with the current Building Regulations.

- 8.2 The Biodiversity Officer has confirmed that the submitted bat survey is satisfactory and advises that the building should be demolished out of bird breeding season.
- 8.3 It is therefore considered that the proposed development accords with Policies 1 and 17.

9 FINANCIAL IMPLICATIONS

A financial contribution of £19,396.36 has been negotiated towards infrastructure improvements to Robin Hood Chase green corridor in accordance with the Open Space Supplementary Planning Guidance. A financial contribution of £10,000 has been negotiated towards improved cycle access along King Edward Street in accordance with Policy 15.

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

Securing training and employment for Nottingham 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: 18/00227/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P3KBHELYIPD00>
2. Highways
3. Environmental Health
4. City Archaeologist
5. Biodiversity, 26.2.18
6. Drainage
7. Nottingham Civic Society
8. Bidwells on behalf of Pryzm Nightclub
9. Neighbour, 27.2.18
10. City Resident, 12.2.18

11. City Resident, 12.2.18
13. City Resident, 15.2.18
14. City Resident, 16.2.18
15. City Resident, 2.3.18
16. Nottingham Civic Society, 18.4.18
17. Nottingham Civic Society, 4.5.18

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
Building Balanced Communities Supplementary Planning Document
Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance
Nottingham City Centre Urban Design Guide

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