



**ADDITIONAL / TO FOLLOW AGENDA ITEMS**

This is a supplement to the original agenda and includes reports that are additional to the original agenda or which were marked 'to follow'.

**NOTTINGHAM CITY COUNCIL  
PLANNING COMMITTEE**

**Date:** Wednesday, 16 January 2019

**Time:** 2.30 pm

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

**Governance Officer:** Zena West **Direct Dial:** 0115 8764305

**AGENDA**

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WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE**  
**16th January 2019**

**REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

**Site Of Multi Storey Car Park Sovereign House And Factories, Queens Bridge Road**

**1 SUMMARY**

- Application No: 18/02277/POUT for outline planning permission
- Application by: WYG Planning Limited on behalf of Peveril Securities Limited
- Proposal: Hybrid application for office development (Use Class B1) comprising two buildings totalling up to 58,360 sqm (GIA) together with access and public realm improvements. Phase 1 building (full application) of 36,519 sqm (GIA) and phase 2 building (outline application with access, layout and scale to be considered at this stage) of 21,841 sqm (GIA).

The application is brought to Committee as this is a major application which departs from some policies of the Development Plan, is of strategic importance and which is on a prominent site where there are complex design and heritage considerations.

To meet the Council's Performance Targets this application should be determined by 21st February 2019.

**2 RECOMMENDATIONS**

The Committee resolves:

- 1) That the submitted Environmental Statement contains all the information specified in regulation 18(3) or (4), of the Town and Country Planning (Environmental Impact Assessment) Regulations "the 2017 Regulations "as appropriate, and any additional information specified in Schedule 4 to the 2017 Regulations which is relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected. No further information is required.
- 2) That in making the decision on this application, the environmental information, namely the Environmental Statement, any representations made by any body required by the 2017 Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development, has been examined and considered.
- 3) That the reasoned conclusion outlined in this Committee Report, is up to date as it addresses the significant effects of the proposed development on the environment, taking into account the examination referred to above, that are likely to arise as a result of the development and subject to any mitigation measures proposed in terms of flood risk concludes, any significant effects do not amount to major adverse effects that would justify the refusal of the planning application, be

integrated into the decision as to whether planning permission or subsequent consent is to be granted.

4) That appropriate monitoring measures under regulation 26 (1)(d) and (3) of the 2017 Regulations do not need to be imposed given the nature, location and size of the relevant project and its effects on the environment;

5) That Regulation 30(1) of the 2017 Regulations be complied with as soon as reasonably practicable and the Director of Planning and Regeneration be delegated authority to undertake the necessary requirements, namely in relation to paragraphs (a)-(d) therein, in particular making available the necessary information to accompany a decision as set out in regulation 29 (2) of the 2017 Regulations to include a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed.

6) To **GRANT PLANNING PERMISSION** for the reasons set out in this Committee Report, 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 Director of Planning and Regeneration.

### **3 BACKGROUND**

#### **Site and Surroundings**

- 3.1 Sovereign House (now referred to as Unity Square) occupies a triangular site, which is located to the south of the City Centre. It has frontages to Queen's Bridge Road/Sheriffs Way, Burnham Way, and also adjoins the main railway line from which it is separated by the Tinker's Leen watercourse. It sits directly opposite the Grade II\* Nottingham Midland Railway Station and the Station Conservation Area; the application site area takes in part of Sheriffs Way in front of the site, part of which lies within the Conservation Area.
- 3.2 There are a number of other heritage assets in Nottingham city affected by the proposal which include, Nottingham Castle to the north west and St Mary's Church to the north east. The heritage assets also include conservations areas in the wider locality, along with the Station Conservation Area primarily on land to the east of the Site, but which includes a limited parcel of the highway land within the eastern part of the Site.
- 3.3 The site forms a cleared site. It was previously occupied by four buildings, which were constructed in the 1960s. Sovereign House itself was a six-storey office block. To the centre of the site was a seven-storey car park. A two-storey factory building occupied the rear of the site. A former petrol filling station was to the south, fronting Queens Road and Burnham Way. All these buildings were demolished early 2018.
- 3.4 Adjoining the site to the south and west are manufacturing units and warehouses accessed either from Traffic Street or Queen's Bridge Road. On the east side of Sheriffs Way is a further industrial unit, currently vacant, and the former Queens Hotel which is in the process of being renovated. Further to

the south is the Meadows residential area.

## **Planning History**

- 3.5 In August 2007 Committee resolved to grant detailed planning permission for a residential scheme (256 apartments) with ancillary commercial element (ref. 06/01916/PFUL3), although the decision notice was not issued until November 2010 following lengthy S106 negotiations. This scheme was arranged in four blocks that ranged in height from 5 to 12 storeys, with the 12-storey element forming part of the block nearest to the Station.
- 3.6 In January 2010 a 1 year outline permission (ref 09/ /00947/POUT) was granted for a mixed use, office led commercial scheme. In November 2011 planning permission was granted (ref 10/02807/PVAR3) to extend this permission for a further three years, which expired in November 2013.
- 3.7 In June 2014 outline planning permission was granted for a mixed-use scheme of primarily office and hotel uses with other ancillary commercial elements, which has now expired. All matters except access were reserved (ref 14/00674/POUT). The proposal was identical to the outline scheme granted planning permission in 2010 and subsequently in 2011. The detailed schedule of the proposed development was:
- Demolition of the existing buildings;
  - Office development (Class B1(a)) of up to 27,000sq.m;
  - Hotel development (Class C1) of up to 10,000sq.m, or approximately 240 rooms;
  - Leisure space (Class D2), suitable for a gym, of up to 3,500sq.m;
  - Mixed-retail (Class A1) of up to 2000sq.m;
  - Non-residential institution (Class D1). of up to 1,000sq.m;
  - Approximately 190 car parking spaces; and
  - Areas of public realm.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 This is hybrid planning application, meaning one that seeks full planning permission for part of a site and outline planning permission for the remaining part. In this instance the development comprises of two office buildings which are proposed to be constructed in two phases. Full planning submission is sought for the Phase 1 building and outline planning permission for the Phase 2 building, including scale, position on the site and access. Matters of external appearance and landscaping for Phase 2 are reserved for future approval.
- 4.2 Both buildings have been commissioned by the Government Planning Unit and are to accommodate a regional hub for the East Midlands. Phase 1 would be occupied by HM Revenue and Customs (HMRC) and form their Regional Centre. HMRC would in part be re-locating from their current Nottingham site on Castle Meadow Road and from other premises throughout the East Midlands. Phase 2 is to form a Government Regional Strategic Hub, although the identity of potential Government departments who would occupy this is yet to be announced. It is anticipated that total number of staff in Phase 1 would be circa 3,600, of which approximately 2,200 would be re-located from other Government Agency buildings. The design capacity

of Phase 1 could allow up to circa 4,300 people to work in the building. In terms of Phase 2, although the identity of the Government departments is yet to be announced, it is expected that the total number of staff within this building would be in the region of 2,600. The total number of staff once both buildings are operational would therefore be in the region of 6,200 (although the capacity of both buildings could accommodate in excess of 7,000 workers). The development would be delivered over a 4 year build period proposed to start in March 2019.

### **Phase 1 (Block1)**

- 4.3 Block 1 is to a 10 storey office building (with additional lower ground and basement) which would provide 36,519 sqm of floor space (GIA). An eleventh floor would be used for plant. Block 1 would occupy the eastern part of the site fronting Carrington Street. The ground floor would accommodate the main reception area and individual meeting rooms and canteen. External terraces are incorporated on the ground and ninth floor. A covered colonnade is proposed along the northern elevation of the building adjacent to the Tinkers Leen and would provide future access to Block 2. The basement area would accommodate 73 parking spaces, motorcycle spaces and plant. The lower ground area would provide additional plant space, a further 35 parking spaces, 165 cycle spaces, dedicated cycle facilities such as lockers, showers and changing/drying rooms, and bin storage, including recycling and compaction facilities. The upper 9 floors would form office space arranged around a central service core.
- 4.4 Block 1 has a broadly figure of 8 footprint, with the differing angles that this creates animating the form of the building and helping to break its mass. The building is contemporary in its elevational treatment and is characterised by legible top, middle and bottom sections. The base is finished with a masonry/stone cladding system; the middle section comprises extensive glazed openings set within a frame of tapered, bronze, aluminium 'fins', the direction of which alters as they rise up the building, and the leading edge of which are finished in a differing shade of bronze; and the top is finished in a green aluminium cladding system with a serrated edge profile.
- 4.5 The main entrance is located at the north east corner of the building opposite Nottingham Station on Carrington Street. It comprises a double height reception space and is integrated into the open colonnade along the northern boundary of the site that provides future access to Block 2 to the rear. A new plaza is proposed to the front of the building which would include public realm enhancements to the existing wide, paved area between the site and Sheriffs Way, also to be expanded across Carrington Street to link the development with the Station.

### **Phase 2 (Block 2)**

- 4.6 Block 2 was originally to be a building which would provide 25,503 sqm of floor space, with a maximum height of +89.50m Above Ordnance Datum (AOD). This height parameter would provide a 13 storey building (with lower ground and basement). Block 2 would occupy the western part of the site, to the rear of Block 1.
- 4.7 In response to concerns regarding the scale/height of this building, the height parameter has subsequently been reduced by 8m to 81.5m AOD, which equates to the loss of 2 storeys (11 in total). As a consequence, the overall Gross External Area (GEA) for both buildings has been reduced to 58,360 sqm (from 62,022sqm).

- 4.8 Illustrative plans and visuals have been submitted to show the potential form and appearance of Block 2. Following the format of Block 1, the indicative floor plans for Block 2 show a similar arrangement with the basement and lower ground floor being used for parking for cars, motorcycles, cycles (including cycle facilities), bin storage and plant. The ground floor would accommodate the main reception. The remaining part of the ground floor and upper floors would be used as office space.
- 4.9 Similarly it is suggested that the form, massing and architectural treatment for Block 2 would follow the lead set by Block 1, creating a synergy between the two phases.
- 4.10 Vehicular access to the site would be via a new junction from Sheriffs Way to the south eastern corner of the site. A turning head is proposed between the two buildings for service vehicles.
- 4.11 The environmental effects of the proposed development have been examined by means of an Environmental Impact Assessment (EIA), set out within an Environmental Statement (ES). An EIA scoping opinion which defined the content of the ES was obtained from the Local Planning Authority prior to the submission of the planning application. The ES examines the impacts of the proposals under the headings of:
- Cultural Heritage;
  - Townscape and Visual Impact;
  - Flood Risk and Drainage;
  - Cumulative Impact
- 4.12 Local employment and training opportunities will arise from this development and discussions are underway with the applicant to secure the delivery of these opportunities through working with the Council's Employer Hub.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

17 neighbouring properties on the following streets have been notified of the proposal:

Queens Bridge Road  
Traffic Street  
Carrington Street  
Wilford Street  
Arkwright Street  
Crocus Street

The application has also been publicised through the display of a site notice and the publishing of a press notice as being accompanied by an Environmental Statement and additional consultation procedures carried out in line with the EIA Regulations 2017. The development has also been advertised as not confirming with some saved policies of the Local Plan, as discussed elsewhere.

Furthermore the applicant held public consultation events at the Urban Room on Carrington Street and the Meadows Library, both in November 2018.

16 representations have been received from local residents and landowners. Their main concerns are summarised below:

- Concern that the height and bulk of the development is considered to be out of keeping with its immediate environment and would dominate/degrade the Nottingham skyline and local landscape. The Phase 1 building is seen as having little architectural merit and would not enhance the character of the Conservation Area. The building does not sit well in terms of its height and appearance with the listed Station. They do not believe Phase 1 to be the best architectural form that could be designed for the site and that it would not enhance the local skyline views towards Nottingham Castle. The design of Phase 1 is seen as a distraction from the significance of the local buildings and creates harm to the value of the local heritage assets. One resident refers to the design being brutalist and a retrograde step back to the design of office buildings in the 60's.
- The scale of the Phase 2 building (which is in outline only) is considered to be unacceptable. There is concern that it would be more than double the height of the former car park and significantly higher than the previously approved scheme. Insufficient information has been submitted to properly assess its impact. It is considered that the height of Phase 2 should form a reserved matter until such time that further details can be provided.
- Significant money has been spent and valuable conservation work employed in transforming the Station and southern "gateway" to the City Centre. The building is considered to be an uninspiring design which does not enhance or energise this important space. They object on the design and height of the proposal.
- The previous outline planning permission whilst proposing tall buildings showed them to have smaller footprints, genuine public realm and protected sightlines to the Castle. All of which is seen to have contributed towards breaking up its overall impact on the skyline.
- Concern regarding the scale of the proposed development, particularly Phase 2, which would be located approximately 5.5m from the boundary with the neighbouring premises to the south. The owners of the adjacent premises consider that the scale and height of Phase 2 would prejudice the development of their site and would have a detrimental impact on their ability to bring this site forward for development in compliance with saved policy MU3.1 of the Local Plan. They are concerned that no consideration has been given to the impact of the development on adjacent sites.
- Inadequate assessment has been made of the impact of the development on the sunlight/daylight of adjacent sites. There is concern that the scale of Phase 2 would have an overbearing impact on the adjacent site to the south, would result in overlooking and affect their right to light.
- There has been inadequate assessment of wind conditions at pedestrian level surrounding the site. There is concern that the development would result in overspill parking onto adjacent streets.
- The development would provide insufficient parking for a development of this size and would not comply with the City Council's parking standards



- Concern that the development would contribute towards the extension of the harsh line of tall structures currently along Maid Marian Way, through the Canal side area and on through to the Southern Gateway.
- A number of Meadows residents are concerned that the development is one of a number of large tall developments which are creating a barrier of tall buildings between the City Centre and links with the Meadows. In doing so they are concerned that the Meadows community would be further isolated and that views of key buildings within the City Centre are being removed. These views are seen to give the Meadows its character. The development would further undermine the wish of Meadows residents to pursue Conservation Area status for the old Meadows area. Of particular concern is the loss of the view of the dome of the Council House from the southern end of Beauvale Road in the Meadows.
- Alternative development sites such as Biocity and the East side area are considered more appropriate for this scale of development.
- The planning application has been poorly publicised and rushed, not giving time for residents to object. The owner of the adjacent premises have objected on the grounds that no public consultation took place prior to the application being submitted, which sets a dangerous precedent and does not comply the NPPF and Localism Act. This is seen as particularly important given the scale of the development and it being accompanied by an Environmental Statement.
- Concern that the environmental aspirations for the development are not as high as they should for a scheme of this status. In particular they consider that:
  - The building proposes a 22% reduction in carbon emissions from 1990 levels. Given that the current target for 2020 is a 34% reduction in carbon emissions, the proposal will not meet current targets by the time it is built in two year and in energy use terms would be redundant by the end of its 25 year lease.
  - Its deep plan design will reduce its potential to be converted to other uses or have its design changed to a more environmentally friendly one, meaning that it is not as resilient.
  - The deep plan design would minimise the contribution daylighting would make to a low carbon approach. Permanent artificial lighting will be required. The building is also proposed to be permanently air conditioned which could amount to up to 35-45% of the total electrical load of the building. This could be avoided by using radiant cooling, for example.
  - Locations within noisy/polluted environments do not preclude the use of natural ventilation. The use of buffer spaces on external facades to provide acoustic and thermal protection is suggested whilst promoting natural ventilation at appropriate times. The negative aspects of deep plan offices can be alleviated by some form of central natural venting.
  - They consider that a BREAM rating is misleading when it comes to judgements about the energy efficiency and energy use of buildings due to the BREAM system allowing trade-offs between different target categories.
  - Examples of medium/tall office buildings which achieve ambition and resilience are given such as the Lancaster University Library in Coventry.
- Important that the detailed highway layout and traffic arrangements are used to improve the quality of the existing Queen's Bridge Road cycle route (part of the

Southern Cycle Corridor) and not to degrade it. Features should include creating a through cycle route with priority at all junctions, with clear signs and markings, to help reduce the risk of conflict with motor vehicles entering and leaving the proposed development. It should also include measures to reduce the present common practice of many pedestrians choosing to walk in the cycle route.

- Need to ensure that a high proportion of the space allocated for work place parking includes the provision for safe and secure cycle parking.

Old Meadows Tenants and Residents Association do not have an objection to the presence of the HMRC and government hub in this area. Their concerns relate to the form and largely the height of the development. In summary they consider

- The design of the proposed Phase 1 HMRC office, and in particular the height of the building, is not in keeping with the surrounding landscape. They are opposed to a building of such height on their doorstep and within their views of the City Centre. Similar concerns apply to the second proposed building.
- Chapter 5 'Townscape and Visual Impact Assessment' of the Environmental Statement has broadly assessed the impact on the Meadows. The two 'Verified Views' from the Meadows area are not seen to cover the full extent of the impact on views for the whole of the Meadows and offer no assessment on the impact on the 'Old Meadows'.
- The scale of the proposed building is not considered appropriate for its location and would detract from existing views of landmark buildings from various vantage points in the Old Meadows due to its height, including the Nottingham Council House, and various attractive historic City Centre church buildings that are currently clearly visible from the Old Meadows. In their opinion the obstruction of such views should be classified as being of 'high sensitivity' and the magnitude of change 'great' and defined by the visual impact assessment in the Environmental Statement.
- The development would not respect or enhance the townscape and character of the area or historic views. It would have an irreversible impact on the Meadows community to appreciate long-standing views.
- They believe the Environmental Statement to be negligent of the extensive historical significance of the Old Meadows area, which is in close proximity to the site, despite having been carefully researched by Historic England for the purposes of a proposed application for Conservation Area Status.

The Queens Walk Community Centre/Association, a local community hub in the Meadows area, have received objections to a 13/15 storey building on Unity Square, in front of the train station. They state that many members of the community who attended the consultation event in the Meadows expressed a negative view about the development and feel that it would obstruct the view from the Meadows area towards the City. They consider that residents do not view the development as a positive thing for people living this side of the City. The creation of jobs is welcomed but they are concerned that when the jobs come to an end the Meadows community will be left with a monstrosity to look at all the time. They feel that it will set a precedent for more tall buildings.

Nottinghamshire Branch of Cycling UK have commented that the opportunity should be taken to improve the permeability of the public realm adjacent to the site, which includes a principal cycle route. The highway agreement should encompass improvements to the highway areas immediately to the south of the site, as far as the junction with Waterway Street West.

Nottingham Civic Society have raised strong reservations about the mass and scale of the development. They consider that:

- It would dominate the Station Conservation Area and overwhelm the Grade II\* listed Station itself.
- They feel that there is no guarantee that the Government Office would be the end-user, although this is used by the applicant to justify a development so much larger than the outline permission granted quite recently.
- The desired quantum of office floorspace should be accommodated on a larger site at Queens Bridge Road by extending the current Unity Square site to include land south of Burnham Way, currently occupied by low density warehousing and identified as a possible extension to this site in the Council's 2004 Development Brief. The benefits of proximity to Nottingham's transport hub at the Station would remain the same, but the domineering height could be reduced and the relentless mass of the current scheme could be broken up, creating several separate office buildings with appreciable gaps between them, forming a coherent suite of accommodation for a single user if appropriate but unified by safe and attractive public realm to benefit the streetscene.
- The current scheme threatens the landmark character of the Station Clock Tower, diminishing its prominence and presence in views from Queen's Walk, Carrington Street, Queen's Road and Sheriff's Way, thereby undermining the setting of the Grade II\* listed Station contrary to government guidance and local plan policy.
- The Civic Society disagrees with the applicant's conclusion that the scheme would result in 'negligible harm' to the character of The Station Conservation Area. It considers the design of the Phase 1 office block to be overly assertive, large and bulky, failing to acknowledge the smaller, fine-grained townscape close by represented by the buildings at the apex of Sheriff's Way / Arkwright Street and Queen's Road (the Queen's Hotel and former Nat West Bank). Each of these Victorian / Edwardian buildings are considered to make a positive contribution to the conservation area by addressing its junction location with architecture intended to emphasise its focal siting and each defers to Nottingham Station in scale.
- The architecture of Phase 1 is not considered to address the longer view from the east along Queen's Road to reflect how other buildings in the conservation area celebrate their relative prominence. Because of its large footprint, the building is not well-proportioned and gives the impression of being too large for its site area, and too close to the watercourse, the Tinkers' Leen, along the northern site boundary. The natural vegetation which previously fringed the stream has been lost during the demolition of the Sovereign House office building and subsequent site levelling. Since the colonnaded office footprint of the new building is positioned right up to the edge of the site, there will be no opportunity to soften the stream-edge for the benefit of wildlife and sustainability.

In conclusion the Civic Society considers that the amount of office floorspace proposed in the combined full and outline parts of this application results in development that would be harmful to the listed Station and damaging to the surrounding conservation area.

**Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection. Recommend conditions requiring details of heating and power generation, sound insulation, contamination and remediation.

**Highways:** No objections. The site is located within the City Centre and benefits from good public transport provision, namely bus (including park and ride), tram and rail. There are good local cycle and pedestrian routes, which also link to the public transport network. A Travel Plan should be submitted as part of the application.

A full Transport Assessment will be required at reserved matters stage to include detailed modelling of the access junction. Recommend conditions requiring the submission of details covering a construction method statement, stopping up of redundant pavement, secure parking for 162 cycles, 10 electric vehicular charging points a full Transport Assessment and a Travel Plan.

**Historic England (HE):** Objection. The proposed scheme is a hybrid application for two tall office buildings: a full application for a Phase 1 building (48.7m high) and an outline application for a Phase 2 building (60m high - now reduced to 52m). They state that the site is located close to the historic core of Nottingham city centre and its prominent and highly significant heritage assets, in particular Nottingham Castle. The landmark heritage assets on higher ground signpost the historic city set above the River Trent flood plain and are integral to Nottingham's identity and character. They form a key part of what makes Nottingham an attractive city to work and invest in, as well as to visit.

HE consider the proposed tall buildings would harm the significance of several important heritage assets including Nottingham Castle and the Ducal Palace, St Mary's church, the Council House and Nottingham Station. The proposed scheme would significantly diminish the prominence of the castle and Ducal Palace which is a key part of their significance. The buildings' height and scale would create an intrusive visual presence when seen in views towards the heart of the city obscuring landmark historic buildings or reducing their prominence. The buildings would also diminish the prominence of the station, detracting from its strong presence as the historic gateway into this part of the city centre.

They state that Historic England is investing heavily in the historic environment in Nottingham in partnership with the City Council. HE are also supportive of the City Council and HLF funded major project at Nottingham Castle. These initiatives focus on securing the regeneration of the city centre by playing to its strengths - the fantastic quality of Nottingham's heritage. HE consider that the height of the proposed buildings would erode Nottingham's character and identity and the vital benefits that Nottingham's heritage brings to the city.

HE recognise the clear benefits of Her Majesty's Revenue and Customs (HMRC) occupying the Phase 1 building and that planning permission was previously granted by your authority for a 37.5m building on this site. However they consider that the storey heights of the proposed Phase 1 building are higher than would be expected for high grade office buildings and HE do not consider that they are justified. HE recommend that the storey heights are reduced which would help mitigate some of the harm caused to heritage assets.

They consider that the outline application for Phase 2 building is not justified. Detailed requirements for the amount of office floor space have not been provided. HE acknowledge that additional space might well be part of a public sector hub on this site and would support the principle of further development on the site. However, from discussion with the end user they understand that the potential need for office floor space is substantially below that provided by the proposed Phase 2

building, and is yet to be fully determined. HE therefore consider that a building of this height is clearly not justified.

If the height of the Phase 1 building was appreciably reduced and Phase 2 removed from the scheme or significantly reduced in height to avoid harm to the significance of the heritage assets affected HE's concerns would be addressed.

On this basis Historic England objects to the application as currently proposed on heritage grounds. They consider the application does not meet the requirements of the NPPF, in particular paragraphs 127, 130, 189, 192, 193, 194 and 196. They believe that there is a significant opportunity to enhance this part of Nottingham and provide high quality office space for HMRC and other bodies close to the city's transport hub. HE believe Nottingham deserves better than the proposed scheme in such an important location close to the historic heart of the city.

**City Archaeologist:** The archaeological Desk Based Assessment submitted with the application indicates that there is moderate/high potential for archaeological remains of post-medieval date and some potential for remains of earlier date. It concludes there is 'potential for archaeology within the site in some of the less disturbed areas and therefore some archaeological mitigation may be required during development.' It further states that intervention to record any possible evidence would be an appropriate response. An archaeological field evaluation will be required as a condition of planning permission.

**Environment Agency:** No objections in principle, subject to the development being carried out in accordance with the submitted Flood Risk Assessment (FRA) and the following mitigation measures:

- Finished floor levels of the Lower Ground Floors shall be set no lower than 26m above Ordnance Datum (AOD) as stated in table 6.1 of the FRA. This applies to both phases.
- Finished floor levels of the Basement Car Parks are to be set at 23m above Ordnance Datum (AOD) as stated in table 6.1 of the FRA. This applies to both phases.

Conditions relating to contamination and dewatering of the site are recommended.

**Drainage:** No objections, subject to the development being carried out in accordance with the submitted drainage strategy.

**Natural England:** No objections.

**Canal and River Trust:** No comments.

**Network Rail:** No objection in principle to principle but set out a number of detailed requirements which need to be met which primarily relate to detailed construction issues and the need to ensure that the electrification programme is not compromised by the development.

## 6 **RELEVANT POLICIES AND GUIDANCE**

**National Planning Policy Framework (July 2018)**

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.
- 6.2 Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 **Building a strong, competitive economy:** Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.4 **Ensuring the vitality of town centre:** Paragraph 85 sets out the approach to ensuring the vitality of town centres. It recognises town centres as the heart of their communities and advises policies should be pursued to support their viability and vitality. It promotes competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. It identifies is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.
- 6.5 **Promoting Sustainable Transport:** Paragraphs 102-111 stress the need for transport issues to be considered at the earliest stage of plan making and development proposals so that:
- a) the potential impacts of development on transport networks can be addressed;
  - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
  - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
  - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
  - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- Paragraph 108-109 require consideration of the promotion of sustainable transport modes, ensuring that safe and suitable access to the site can be achieved for all users and acceptable mitigation of any significant impacts on the transport network. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 6.6 **Making effective use of land:** Paragraphs 117-123 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.7 **Achieving well- designed places** - Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraph 124 notes that the

creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

**6.8 Meeting the challenge of climate change, flooding and coastal change:**

Paragraph 149 recommends that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 155-165 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test.

**6.9 Conserving and enhancing the natural environment - Paragraphs 170-183** states (amongst other things) that planning decisions should protect, enhance valued landscapes, sites of biodiversity, minimise impacts on, provide net gains for biodiversity and recognise the intrinsic character and beauty of the countryside.

**6.10 Conserving the Historic Environment – Paragraph 190** requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 192 requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 states that where a development proposal will lead to substantial harm to a designated heritage asset permission should ordinarily be refused unless certain specified criteria are met. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

**Nottingham Local Plan (November 2005):**

ST1: Sustainable Communities

MU3/3.1: Southside Regeneration Zone Sites

BE8 :City Skyline and Tall Buildings

BE10: Development within the curtilage or affecting the setting of a listed building

BE12: Development in Conservation Areas

BE17: Archaeology

NE3: Conservation of species

NE9: Pollution

NE10: Water Quality and Flood Protection

NE12: Derelict and Contaminated Land

T3: Car, Cycle and Servicing Parking

**Aligned Core Strategy (ACS) (September 2014):**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 7: Regeneration

Policy 5: Nottingham City Centre

Policy 10 - Design and Enhancing Local Identity

Policy 11 – The Historic Environment



Policy 14 – Managing Travel Demand

Policy 17 – Biodiversity

### **Southside Regeneration Interim Planning Guidance (2003)**

- 6.11 This identifies and provides an overall framework for developments within the Southside Regeneration Zone. It notes the prominence of the application site and promotes its comprehensive redevelopment.

### **Station Conservation Area Character Appraisal and Management Plan (April 2008)**

- 6.12 The site is adjacent to (and partly within) the boundary of the Conservation Area and in this context the Station Conservation Area Character Appraisal and Management Plan is relevant. This notes that the combination of transport corridors has divided the Conservation Area into a series of relatively large and often impenetrable urban blocks that typify the overall character of the Conservation Area. Identifies the Station as the principal building in the Conservation Area. Advises that the Conservation Area offers the potential for higher buildings in the vicinity of the Station subject to a considered analysis on the local context and important views.

### **Nottingham City Centre Urban Design Guide (May 2009)**

- 6.13 This guide provides a physical framework and promotes the highest standard of urban design and architecture for the City Centre within which the site is located. Within this document Sovereign House is situated within an area designated as a “Zone of Reinvention” where the urban form, in so much as it ever existed, is largely beyond repair and a new urban form is proposed. With specific reference to the Southside Regeneration Zone it states that there maybe opportunities within this zone for elements of taller buildings outside the Station Conservation Area but in the vicinity of the Station Hub, recognising the approved schemes (at the time of preparation of the guide) at Sovereign House and Meadows Gateway. The guide contains rules which help to promote good quality design. Relevant to the application are rules requiring that buildings that terminate prominent views should be marked as landmarks in order to create a strong sense of place, historic building styles should be avoided in favour of contemporary designs and whilst there are no preferred materials to be used, the guide stresses that those chosen must be durable and robust.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Land use and regeneration
- (ii) Environmental impacts
- (iii) Design considerations, impact upon the adjacent conservation area, the setting of nearby listed buildings and key views

**(i) Land use and regeneration** (Aligned Core Strategy policies A, 4, 5 and 7, Local Plan saved policies ST1, MU2 and MU3/3.1, and the NPPF)

- 7.1 The site is situated within the strategically important Southside Regeneration Zone (SRZ) which has been promoted for redevelopment through planning since the preparation of the Southside Regeneration Zone Interim Planning Guidance adopted in 2003. The regeneration and revitalisation of the SRZ is a priority and development proposals which improve the attractiveness and use of sites in the Zone will be promoted and encouraged.
- 7.2 Sovereign House is an allocated site for mixed-use development in the saved policies of the Local Plan (2005). For Nottingham, it is a key development site which will contribute to the potential for the area to become a vibrant extension to the City Centre and a gateway into the City from the south, reinforcing the revitalisation of the Meadows, and occupying a significant position adjacent to the Station Hub. The redevelopment of the site has the potential to act as a catalyst for inward investment and the further regeneration of the area.
- 7.3 The proposed development would provide a large scale office development within the city centre. This use is wholly consistent with saved policy MU3.1 of the Local Plan which specifically identifies Sovereign House as a mixed use development site, including use for Class B1 offices. Furthermore, the SRZ is not just of strategic importance to the City but to the Greater Nottingham area, highlighted by the reference to it in policies 4 and 7 of the Aligned Core Strategy. These policies make it very clear that the SRZ is one of the key areas in the City that will provide the primary location for office led mixed used development. Policy 5 of the Aligned Core Strategy further emphasises the importance of developing an economically prosperous City Centre through the development of offices and businesses and supporting related uses such as new hotels, exhibition and conference venues.
- 7.4 Furthermore, the proposed development accords with the emerging/replacement Local Plan (the Land and Planning Policies Document (LAPP)). Policy RE2 of the LAPP identifies the main focus of sites in the Canal Quarter close to the Nottingham Station Hub transport interchange for business and employment. Commentary on the policy confirms such sites to have the potential for transformational development commensurate with the Quarter's City Centre gateway location, and which would build upon the investment in the Nottingham Transport interchange and support the enhancement of existing businesses. PA71 of the LAPP identifies the site for primarily office use, as part of an emerging business quarter, which could also include additional uses such as residential (Class C3), hotel (Class C1), assembly and leisure (Class D2), and non-residential institutions (Class D1). Ancillary uses could also include car parking, small scale retail (Class A1), financial services (Class A2), food and drink (Classes A3, A4, A5) which would be delivered as an integral part of a mixed use scheme. Although the LAPP is not yet capable of being a material planning consideration in its own right, it is at an advanced stage and both follows and maintains the clear policy direction for this site for office development.
- 7.5 Furthermore, the principle of an office led commercial development has been established by the three previous planning permissions for this site, the last being granted consent in June 2014 (14/00674/POUT).
- 7.6 This is a highly important scheme for Nottingham, which will make a significant

contribution towards the regeneration of this part of the City. The scheme would have the potential to raise the profile of Nottingham and act as a catalyst for economic regeneration and growth within the Southern Gateway. It would retain the presence of HMRC within Nottingham and create a new Regional Government Hub for the East Midlands. It would further create significant additional employment opportunities close to the refurbished Station Hub and the new interchange between the train and the tram. The applicant estimates the most significant economic impacts would be:

- The provision of 58,360 sqm of Grade A quality office floorspace in a sustainable location adjoining Nottingham City Centre.
- 6,200 jobs to be accommodated in the Phase 1 and 2 buildings (4,700 full time and 1,500 part time). It is anticipated that total number of staff in Phase 1 would be circa 3,600, of which approximately 2,200 would be re-located from other Government agency buildings. The design capacity of Phase 1 could allow up to circa 4,300 people to work in the building. In terms of Phase 2, although the identity of the Government departments is yet to be announced, it is expected that the total number of staff within this building would be in the region of 2,600. The total number of staff once both buildings are operational would therefore be in the region of 6,200 (although the capacity of both buildings could accommodate in excess of 7,000 workers).
- The gross value added within the economy from the income of the workforce would be circa £178m per annum in the city centre and £196m in the wider region.
- This will add circa £25.2m per annum within the Nottingham Core City Area economy through spending on retail goods, food and drink etc (with the City Centre likely to be the main beneficiary).
- The construction value of the development is £165m. This will generate over 320 direct and 340 indirect jobs per annum. The construction will result in £82.84m of direct Gross Value Added (GVA).
- The proposal involves a 2 phase construction programme spanning a period of 4 years, which will provide opportunities for local training and skills development which will benefit Nottingham and the wider area.
- The development will generate an estimated £2.734m of business rates per annum, which will make a significant contribution to business rate growth in Nottingham.
- The perception of Nottingham City as a location for 'grade A' offices will be enhanced arising from the end user's preference for the Unity Square site and its development in a prominent part of the City close to the station. The knock-on effects in encouraging further investment in Nottingham City as a result of the development of Unity Square are intangible but likely to be highly beneficial.
- The development of the site itself is in a key location within the Southside Regeneration Zone and in the Canal Quarter. The arrival of potential investors into Nottingham by train will establish very quickly the presence of the building and will in the applicant's view act as a catalyst to further investment in the

Southside area which has long been a policy objective of Nottingham City Council.

- The construction of an office development of this scale is highly unusual outside the main cities of London, Birmingham, Manchester etc. A development of this scale will immediately increase the profile of Nottingham from a commercial perspective.
- The principle of locating such a major development in the city of Nottingham should be seen in the context of the overall objective of the Government Estate Strategy which is to save approximately £2.24bn. There will be a contribution to this saving that the Unity Square development will make which is a national economic benefit in the public interest going beyond Nottingham City.

7.7 It is, therefore, considered that the proposed development accords with Policies A, 4, 5 and 7 of the Aligned Core Strategy, the saved Policies ST1, MU3.1 of the Local Plan, the Southside Regeneration Zone Interim Planning Guidance, all of which promote the principles of sustainable office led development and the regeneration of appropriate City Centre sites. The proposal is also compliant with the relevant sections of the NPPF.

**(ii) Environmental impacts** (Aligned Core Strategy policies 1, 10 and 11 of the Aligned Core Strategy, Local Plan saved policies BE10, BE12 and NE10, and the NPPF)

7.8 Due to its size and significance, the application triggered the need for an Environmental Impact Assessment (EIA). The purpose of the EIA is to ensure that the environmental effects of a proposed development are fully considered and any necessary mitigation measures to be provided are identified before a planning application is determined. The EIA is contained within the Environmental Statement (ES) which has been submitted alongside the application. The ES examines the impacts of the proposals under the headings of Cultural Heritage, Townscape and Visual Impact, Flood Risk and Drainage and Cumulative Impact.

7.9 The environmental effects which may arise as a result of the proposed development are addressed throughout the ES and the impacts are identified according to the degree of impact on the environment, ranging from substantial to negligible. The conclusion of the assessment is that the development would not result in significant impact on the environmental effects identified in the ES and is therefore environmentally acceptable. Compliance with the mitigation measures identified in the ES are to be secured through condition.

7.10 The Cultural Heritage chapter includes an assessment of impact on relevant heritage buildings and assets, referred to as a Heritage Impact Assessment. The ES identified one Scheduled Monument, three Grade I listed buildings, five Grade II\* listed buildings, eight Grade II listed buildings, five conservation areas and two non-designated heritage assets. The key Townscape and Heritage assets and areas are identified as:

- The setting of the Station (Grade II\*)
- The setting of Nottingham Castle (Grade I)
- The setting of the Station Conservation Area

- The setting of the Canal Conservation Area
- The setting of the Castle Conservation Area

- 7.11 The Cultural Heritage chapter examines the construction and operational effects of the development, as well as considering the cumulative impact of the development with 11 other schemes, all of which have either been granted planning permission or are being considered at this time. The Assessment concludes that there would be no effects which could be considered as significant on any of the heritage assets identified. Whilst there is some harm identified, in particular to the setting of the Castle, the Castle Museum and Art Gallery, and the Castle Conservation Area, such harm is seen as minor, and in terms of the NPPF, is at the lowest level of less than substantial harm in each case. Furthermore, several areas of heritage benefit have been identified, in particular on the setting of the Midland Station, the Station and Canal Conservation Areas, and the non-designated heritage assets of The Queen's Hotel and the former Bank on Arkwright Street. No mitigation is identified for either of the two phases of the development.
- 7.12 The Townscape and Visual chapter sets out the Townscape and Visual Impact Assessment (TVIA) that has been carried out for the development and assesses its impact on townscape character areas, in addition to the likely impact on a range of short, medium and long views towards the development, identified within a 1.5km study area. In each case, an assessment is provided to ascertain the Sensitivity to Change of each receptor (Low, Moderate, High), the Magnitude of Change (Major, Medium, Small or Negligible), and the degree and nature of effects on Significance during both the construction and operational phases (Beneficial, Adverse, or Neutral).
- 7.13 The viewpoints are:
- View from Trent Bridge
  - View from Arkwright Street
  - View from the Castle upper terrace
  - View from Queens Walk
  - View from the Embankment/ Meadows
  - View from Carrington Street
  - View from Lady Bay Bridge
  - View from Sneinton Windmill
  - View from Beauvale Road in the Meadows
- 7.14 The TVIA chapter concludes that the development would appear as a high-quality contemporary element in a range of these viewpoints, which are located within a local and wider context that includes large scale and contemporary buildings. The effects of the proposed development in the construction phase are between Minor and Moderate adverse, whereas in the operational phase the effects are either Small to Medium in terms of Magnitude of Change. The degree and nature of effects on Significance is assessed as being between Minor Adverse to Moderate Beneficial. Overall, the TVIA considers that the development would offer a high quality contemporary design that has an appropriate scale and massing, as well as providing an elevational treatment with a sensitive material palette that would offer significant benefits to the locality in terms of urban design and landscape.
- 7.15 A more detailed assessment of the impact upon cultural and heritage assets,

townscape, visual impact and key views is contained within paragraphs 7.18 – 7.39 of the report.

7.16 The Flooding and Drainage chapter examines the likely impacts of the proposed development in terms of flood risk and drainage. It considers a range of elements including flood risk, surface water and groundwater resources and quality, surface water runoff and drainage, and foul water drainage. It concludes that the impacts on these will be reduced or will be negligible with a drainage design which accords with the content of the Flood Risk Assessment and the implementation of the site mitigation measures identified during construction and operation.

7.17 The Cumulative Impact chapter of the ES has considered the following in relation to the other chapters:

Part I: Combination of the environmental impacts from the Scheme.

Part II: Combination of impacts from the Proposed Development along with the cumulative impact sites which are either committed developments or the subject of planning applications which include:

- 17/00845/PVAR3 - Residential development between Crocus Street, Summer Leys and Eugene Street.
- 17/02705/PVAR3 – Student development, Queens House, Queens Road.
- 16/01352/PFUL3 - Residential development, Lace Market Serve, London Road.
- 17/02664/PFUL4 - Nottingham College Hub, Poplam Street.
- 18/0135/POUT – Outline planning application for mixed use development, Island Site.
- 16/02249/PFUL3 – Residential development, Short Hill and High Pavement.

7.18 The Cumulative Impact chapter concludes that the development would not give rise to an unacceptable cumulative impact in terms of cultural heritage, townscape and visual impact, and flood risk and drainage.

7.19 Overall, it is considered that the environmental information provides an adequate basis for understanding the main likely effects of the development on the environment. With appropriate mitigation measures identified in the ES in place, and without prejudice to the consideration of section (iii) below, it is considered that policies 1, 10 and 11 of the Aligned Core Strategy, saved policies BE10, BE12 and NE10 of the Local Plan and the relevant sections of the NPPF are satisfied in this regard.

**(iii) Design Considerations, impact upon the adjacent conservation areas, the setting of nearby listed buildings and key views** (Aligned Core Strategy policies 10 and 11, Local Plan saved policies BE8, BE10 and BE12, and the NPPF)

7.20 The main material planning consideration for the proposed development, as set out by Historic England, concerns the impact of the height and scale of Blocks 1 and 2 and the potential harm which would result on the setting of important heritage assets including Nottingham Castle and the Ducal Palace, St Marys Church, the Council House, Nottingham Station and the Station, Canal and Castle

## Conservation Areas.

- 7.21 The existing site is of poor townscape quality and the proposed development would result in significant change to the area, with the potential for considerable townscape enhancement. The City Centre Urban Design Guide includes the application site within the 'Zone of Reinvention' where the role of development is to create a new urban fabric for that area of the City. However, the site also adjoins the 'Zone of Repair', which includes the Station and adjacent Station Conservation Area, where the priority is to ensure that new buildings respect and repair the historic urban form and integrate with it in terms of their height, massing and configuration. The site is recognised in the City Centre Urban Design Guide as a location with approval for a building taller than the predominant building height in the area.
- 7.22 The NPPF Glossary GPA3 'The setting of a Heritage Asset' states that *"The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*
- 7.23 The setting of Nottingham Station is defined by how the building is appreciated in its local context. Nottingham Station is a relatively low-rise building with a high townscape value created by the architectural flourishes of its Neo-Baroque design and the townscape value of its landmark central clock tower. Its historic setting was created by its association with historic buildings of a similar date and scale within the Station Conservation Area.
- 7.24 The significance of the setting of Nottingham Castle is defined by its commanding topographical position being situated on Castle Rock with far reaching views over the low lying River Trent and towards the Nottinghamshire Wolds. The historic siting of the Castle is fundamental to its purpose in the Medieval period and the understanding of its historical function. Views to and from the Castle are intrinsic to the understanding of this significance. The relationships between the Norman Fortress on Castle Rock, the former Saxon Borough (centred at St Mary's Church) and Old Market Square are also key; however, it is considered that the proposed development does not have a significant impact on these.
- 7.25 Saved policies BE8, BE10 and BE12 of the Local Plan relate to tall buildings and the impact of proposals on Listed Buildings and Conservation Areas. These policies are set out in absolute terms to the effect that if the application results in any form of harm or detriment, then planning permission should be refused. These policies are however now 13 years old and are out of step with the revised NPPF (2018), which sets out the policy direction in terms of the assessment of the impact of development on heritage assets. The new policies of the LAPP have been updated to reflect the policy position of the revised NPPF. Given the absolute terms of the Local Plan policies a recommendation to grant permission in these circumstances forms a 'technical' departure from the Local Plan even though such a recommendation is in accordance with other policies of that Plan, most notably the longstanding allocation of the site for development as part of the SRZ. Officers are of the opinion that given the age of policies BE8, BE10 and BE12, and their inconsistency with national and forthcoming local policy, that greater weight should be given to the policy direction outlined in the revised NPPF. The application is considered on this basis below.

- 7.26 By virtue of the scale and height of Block 1 and the parameters of Block 2, it is recognised that both would have an impact on the setting of the grade II\* Nottingham Station and the Grade I and Scheduled Nottingham Castle. The wider townscape and impact upon the city skyline and key views have been considered in detail in the Townscape Visual Impact Assessment (TVIA) chapter of the Environmental Statement. The TVIA presents the following conclusions regarding the impact of the proposals on the significance of the Station and Castle:
- 7.27 TVIA 5.117 – 5.118: Impact on the area including the station (to the east of the development site) – *“The proposed building heights would be taller than the predominant building height within the immediate area but similar to that of the Jury’s Inn building on the eastern extent of the townscape study area. Redevelopment of the Site would improve the setting of the railway station entrance façade and would further contribute to the enhancement works undertaken by the railway station in recent years. The Proposed Development is assessed as providing a medium magnitude of change to the townscape character to the east of the Site..... Combining the judgement on sensitivity and magnitude of change the effects to the townscape character to the east of the Site as a result of the developed are assessed as moderate adverse during construction and moderate beneficial during operation of the Proposed Development.”*
- 7.28 TVIA 5:119: Impact on the area including Castle Rock (to the north west of the development site) – *“As the Proposed Development will introduce a new built form that breaks the existing horizon line, these effects will likely result in a Minor Adverse (visual impact) during the construction phase as each floor level is built, and Minor Adverse (visual impact) during its operation. A sensitive material palette will help break up the proposed elevations. The degree and effects on the significance is not considered to be significant.”*
- 7.29 The Cultural and Heritage chapter of the ES and its Heritage Impact Assessment also considers the impact of the development during construction and when completed (operational). In terms of construction, acknowledging all effects at this stage would be temporary, a minor adverse effect is identified for the Castle and Ducal Palace (the Museum and Art Gallery). In addition, a moderate negative effect is identified for the Station, the Station and Canal Conservation Areas and a number of Grade II listed buildings within these. Once completed, a minor adverse effect is identified for the Castle and Ducal Palace (Museum and Art Gallery), which would equate to a very low level of less than substantial harm. A moderate positive effect is identified for the Station, the Station and Canal Conservation Areas and a number of Grade II listed buildings within these.
- 7.30 It is acknowledged by officers that Block 1 of the scheme would have a degree of adverse impact on the setting of the Grade II\* listed Station due to the building being of a scale foreign to the historic context to the west of the Station’s Carrington Street frontage. It would make the station subservient in scale to the new development and by doing so has an impact on its setting and its landmark status. The level of impact on the setting of the station is considered to constitute less than substantial harm to its overall significance.
- 7.31 It is further considered by officers that both Blocks 1 and 2 would have a degree of adverse impact on the setting of the Grade I listed Castle by disrupting the relationship between the Castle and the River Trent through its scale and mass, which would be greater than anything else seen on the plain between Castle Rock and the River Trent. The adverse impact on the setting of the Castle is particularly



seen in verified view 1 from the castle and view 5 from the Meadows. It is considered that the level of impact on the setting of the Castle would constitute less than substantial harm to its overall significance.

- 7.32 The objection by Historic England (HE) regarding the impact of the development on the significance of the Grade II\* listed railway station, the character of the surrounding conservation areas and the skyline of Nottingham City Centre with views towards its highly graded heritage assets, are noted. HE confirm that this impact would result in a high level of less than substantial harm in NPPF terms.
- 7.33 Para 196 of the NPPF advises that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Therefore, any consideration of the proposal should weigh harm identified to the setting of Nottingham Station and Nottingham Castle against the public benefits derived from the proposals.
- 7.34 It is also important to note the requirements of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This places a duty to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring. (Additionally, section 72(1) of the Act states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any building or land in a conservation area. As noted in paragraph 3.1, the site includes part of Sheriffs Way which falls within the Station Conservation Area, to facilitate public realm improvements associated with the development. It is clear that for the purposes of this part of the Act, the enhanced public realm would constitute a significant enhancement to the Conservation Area).
- 7.35 In the case of this proposal there are clearly significant public benefits to be derived from a scheme that would deliver considerable economic and regeneration benefits, as detailed in para 7.6. It would also see the delivery of what is generally regarded as the most important site within the SRZ. Due to its proximity and relationship with the Station, the site of the former Sovereign House has long been identified as the site capable of accommodating the largest scale development within the SRZ, that maximises the potential of the Station as the primary entrance point to the City in sustainable transport terms, and flag posts this key transport interchange at the heart of a new business district. The site has a long history of previous permissions for large scale residential and mixed use developments that have failed to be delivered. The current proposal of Grade A offices, for a specified end user, offers the most desirable use for the site in spatial planning terms, whilst additionally offering the scale of development and building typology (in terms appearance, materials and design quality) that is the most appropriate to anchor this key regeneration zone and business district for the City. This area has been designated as a Zone of Reinvention that is need of transformation, where development of greater density and scale is appropriate. Whilst there are clearly sensitivities in terms of the proposed development's impact upon heritage assets, its positive impact in townscape terms must also be recognised.

- 7.36 In this context the Station Conservation Area Character Appraisal and Management Plan recognises that whilst the preservation and enhancement of the Conservation Area's historic environment is important, its location within the SRZ and proximity to the Meadows also offers the opportunity to promote regeneration and development initiatives.
- 7.37 HE have stated that if the height of the Block 1 was appreciably reduced and Block 2 removed from the scheme, or significantly reduced in height to avoid harm to the significance of the heritage assets affected, their concerns would be addressed. In response the applicants have stated that the implications of doing so would render any scheme on the site for office development unviable and in their opinion would not reflect the critical issues of viability and deliverability which have been central to the bringing forward this application for the specified end users. They have also emphasised that the scheme is only viable as a development proposition in its entirety.
- 7.38 The scale and height of both buildings has been driven by the strategic office requirements in the East Midlands region for HMRC (Block 1) and the other Government departments who will occupy the site as part of a strategic East Midlands hub (Block 2). Over the last three years the Government has considered in detail the suitability of various sites in Nottingham to accommodate its requirements (for HMRC and others) and indeed whether the requirements should be met in Nottingham as opposed to other locations in the East Midlands. HMRC and its property advisors have been integrally involved in the design process for Block 1 and the parameters submitted for Block 2, over a three year period.
- 7.39 Block 1 is a bespoke building that caters for HMRC's exact requirements. The 3m floor to ceiling height is a requirement of HMRC and the institutional funder of the scheme, Legal & General, as is the size of the floor plates. This floor to ceiling height is not excessive for a building of this size and relatively standard for grade A office accommodation. Each individual floor has been signed off by HMRC and designed to meet their precise requirements in relation to staff needs, security, sustainability, parking etc. The number of parking spaces is generated by the institutional funder to ensure the long term letability of the building. The quality of design and internal fit out have also been driven by the end user, reflecting the prestige nature of the building and occupier.
- 7.40 It is considered that Block 1 is a high quality Grade A office building which has been designed to meet the very specific brief of its end user, including their significant security requirements.
- 7.41 The building has a broadly figure of 8 footprint, with the differing angles that this creates animating the form of the building and helping to break its mass. The scale and mass of the building are further broken down with top, middle and bottom sections. The base is finished with a masonry/stone cladding system; the middle section comprises extensive glazed openings set within a frame of tapered, bronze, aluminium 'fins', the direction of which alters as they rise up the building, and the leading edge of which are finished in a differing shade of bronze; and the top is finished in a green aluminium cladding system with a serrated edge profile.
- 7.42 The approach to the elevational treatment has been to create a strong structural grid that frames the large glazed openings with 'fins' that create both depth and, as

they alter direction in a horizontal pattern, use the play of light to create a more dynamic appearance. There is also a focus on high quality materials comprising curtain wall glazing, anodised aluminium cladding and masonry/stone.

- 7.43 The main entrance is designed as a focal point at the north east corner of the building, opposite Nottingham Station, comprises a double height reception space and is integrated into the open colonnade along the northern boundary of the site that provides future access to Block 2 to the rear. A new plaza is also proposed to the front of the building which would include public realm enhancements to the existing wide, paved area between the site and Sheriffs Way, also to be expanded across Carrington Street to link the development with the Station.
- 7.44 In response to concerns raised by HE the height parameters for Block 2 have been reduced by 8m, which equates to approximately two floors. Whilst this have been welcomed by HE they still consider that Block 2 should either be removed from the scheme or significantly reduced in height.
- 7.45 The applicant's state that the desire to remove building 2 (or significantly reduce it) would simply result in an unviable development which they would not pursue. It would result in neither HMRC nor other Government departments operating from the site, accommodation for whom would then need to be reviewed in terms of alternative sites in Nottingham or indeed elsewhere. The floorspace parameters for building 2, ie. a minimum of 150,000 sq.ft NIA, up to 200,000 sq.ft NIA, remain a contractual requirement of the Secretary of State for Homes and Communities.
- 7.46 In conclusion, it is considered that the economic, regeneration and townscape benefits of the scheme for Nottingham, as set out in paragraphs 7.6 and 7.35, represent a significant level public benefit that can justifiably be weighed against the development's 'less than substantial harm', as set out in Paragraph 196 of the NPPF, and the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The site is a longstanding allocation within the development plan for transformational office led development, the delivery of which in itself constitutes a wider public benefit, particularly given the failure of previous planning permissions to be delivered. It is also considered that any residual impacts of the development on the designated heritage assets referred to in this report would not significantly or demonstrably outweigh the public benefits of the proposed development, when assessed against the policies of the development plan and NPPF as a whole.
- 7.47 The proposed development is therefore considered to be in accordance with policies 10 and 11 of the Aligned Core Strategy and Saved policy BE8 of the Local Plan. Government Guidance on determining planning applications advises that "*the National Planning Policy Framework does not remove the requirement to determine the application in accordance with the development plan unless there are other material considerations that indicate otherwise*" and the NPPF itself is such a material consideration. The same guidance also advises that "*conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework*". On this basis and as indicated above, it is felt that the NPPF should be afforded more weight than Saved policies BE10, BE12, and BE14 of the Local Plan, especially when balanced against the benefits of this development and the site's longstanding allocation for office led development.

## Other Considerations

- 7.48 **Flood Risk and Drainage** (Aligned Core Strategy policy 1 and Local Plan saved policy NE10): The Environment Agency is satisfied with the submitted Flood Risk Assessment (FRA) and the conclusions of the Flood Risk and Drainage chapter of the ES. They recommend a condition that requires the development to conform with the recommendations of the FRA and the agreed finished levels of development. Given that the basement parking levels will be below the 1 in 100 year plus climate change flood event level, the EA recommend that the development include resilient measures to ensure the structural integrity of the buildings during a flood event. The FRA also indicates that the basement level would be below current ground water levels and as result the site is likely to require de-watering during construction and in the long term. This would require an abstraction licence from the EA but a condition is also proposed to address this matter.
- 7.49 Surface water run-off from the site is proposed to be attenuated to provide a 30% betterment on the sites existing flow rates. Resulting surface water drainage is to be directed towards the Tinkers Leen as existing. Both the EA and Drainage team consider this to be acceptable. Details of the final surface water drainage scheme, to include sustainable drainage measures, would be secured by condition.
- 7.50 On this basis it is considered that the development accords with policy 1 of the Aligned Core Strategy and saved policy NE10 of the Local Plan.
- 7.51 **Transport Impacts** (Aligned Core Strategy policy 14 and Local Plan saved policy T3): The application site is at a highly accessible location immediately to the south of the City Centre that reduces the need to travel by car. The application proposes a dedicated parking and servicing zone for both buildings at basement and lower ground level. This provides separation between pedestrian and vehicular movement. Approximately 108 car parking spaces would be provided for Block 1 and a potential 30 spaces for Block 2. Parking standards within the Local Plan would require a higher level of parking for office development. However, given that the site is within a highly sustainable location, being positioned immediately adjacent to Nottingham Railway Station, its associated tram stop and multiple bus services that operate along Carrington Street, Highways consider the under provision of parking associated with the development to be acceptable. Block 1 would provide 162 cycle parking bays together with shower, changing and locker facilities. As Block 2 is in outline the final level of cycle provision is not known but it is expected to reflect that of Phase 1. Cycle provision and facilities for both buildings would be secured by condition.
- 7.52 A new vehicular and service access for the development is proposed from the south east corner of the site the service road alongside Sheriffs Way. The proposal would involve removal of the existing taxi rank to the front of the site. The space to the front of the site along Sheriffs Way is part of the strategic cycle route linking the City Centre to the Meadows, Clifton and West Bridgford. The development incorporates enhancements to this area of public realm and on Carrington Street, to link the development to the Station, which would incorporate this cycle route. This is welcomed and would be secured by condition. The improvement of this area of public realm would be developed in conjunction with Highways, including the Cycling and Roadspace Transformation Team.
- 7.53 The development is therefore considered to accord with Policy 14 of the Aligned Core Strategy and saved Policy T3 of the Local Plan.

- 7.54 **Impact on adjacent businesses (Policy 10 of the Aligned Core Strategy):** The development has been assessed in terms of its existing context and its relationship with adjacent businesses, and it concluded that it would not result in an adverse impact. No formal proposals or planning application have been received for the redevelopment of the adjacent site, which is a commercial property that wraps around the Vat and Fiddle Public House on Queens Bridge Road. The site consists of a two storey building with associated parking/storage areas. The existing building (containing no windows) runs along the southern boundary of the development site, opposite approximately the position of Block 2. Block 2 would be set back from the boundary of the site and as such would raise no party wall issues. It is also located to the north of this adjacent site. The submitted sunpath analysis and wind microclimate report have demonstrated that the development would not have a significant impact on sunlight and window conditions for this and other adjacent premises.
- 7.55 **Archaeology** (Aligned Core Strategy policy 11 and Local Plan saved policy BE17): The submitted archaeology assessment has identified that part of the site has the potential to contain archaeological remains. The Council's Archaeologist has requested a scheme for archaeological evaluation, which can be secured by condition.
- 7.56 **Contamination** (Local Plan saved policies NE9 and NE12): Whilst not objecting to the development, Environmental Health and Safer Places have raised a number of issues which can be satisfactorily dealt with by condition, relating to ground contamination and gaseous emissions, sound insulation and extraction systems. Policies NE9 and NE12 are therefore satisfied.
- 7.57 The requirements of Network Rail will be forwarded to the applicant to ensure that their operational requirements are not compromised by the development. The suggestion made by Network Rail that this scheme make a financial contribution to the upgrading the Station is not considered necessary bearing in mind that it has only recently been significantly refurbished.

## **8. SUSTAINABILITY / BIODIVERSITY**

### **Sustainability**

- 8.1 Firstly it is noted that the scheme would make efficient use of previously developed land and provide excellent accessibility to jobs, facilities and public transport links.
- 8.2 The first stage energy hierarchy for the buildings is proposed to provide a package of 'lean' passive energy efficiency measures such as improving the buildings fabric efficiency, passive solar gain and solar control, air tightness and day lighting considerations. A second stage of the hierarchy proposes a package of 'clean' measures with respect of the efficiency of fixed building services systems and heat recovery. The third stage proposes a range of renewable technologies including photovoltaic panels.
- 8.3 There is a commitment to achieve a target rating of BREEAM excellent for the scheme. Predicted carbon emissions including the above would lead to a 22%

betterment on Building Regulations Part L.

- 8.4 It is proposed that these sustainable commitments form planning conditions of a consent to accord with policy BE4.

### **Biodiversity**

- 8.5 The ecology survey submitted with the application demonstrates that the proposal would not have a detrimental impact on flora or fauna of value on or near the development site. The development shows a set back from the Tinker's Leen at basement and lower ground floor levels which may provide some scope for planting but at this stage it is not possible to be specific about what could be achieved to enhance the ecological value of the Tinker's Leen. The proposal does suggest potential ecological enhancements to maximise the value of the site, including the use of native species in the landscaping scheme, bat and bird boxes on the north side facing the Tinker's Leen, and the inclusion of green or brown roofs on the buildings. Further details of enhancements are to be secured by condition. Overall, it is considered that policies BE5 and NE3 are satisfied.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement, however the Committee in exercise of its planning functions should note the general statutory duties regarding conservation areas and listed buildings as stated in sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Conservation Area Duty**

The duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Building Act 1990") is a general overarching statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance, with respect to any building or land in a conservation area, in exercise of planning functions. The Committee must have regard to this duty in consideration of the application in so far as the Station Conservation Area is concerned as although it is primarily on land to the east of the site, the site includes a limited parcel of highway land which is within the conservation area. There is no need to have regard to the duty in relation to any Conservation Area falling outside the Site.

### **Listed Buildings Duty**

As the development affects a number of listed buildings or their settings the Committee must have special regard to the desirability, in the exercise of its planning functions, to preserving such buildings or their setting or any features of special architectural or historical interest which they possess. The Committee in making its decision must have regard to 'the overarching duty' imposed by s66 (1) which requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings, including Grade II, even if the harm would be 'less than substantial'. However, the duty does not create a bar to the

granting of planning permission and an irrebuttable presumption is not created. It can be outweighed by material considerations powerful enough to do so.

Environmental Impact Assessment Determination Decision Publication.

Aside from the main EIA consideration addressed within this report, on determination of the application, Regulation 30 (1) of the 2017 Regulations must be complied with as soon as reasonably practicable thereafter which requires; the Secretary of State and consultation bodies to be informed of the decision in writing; the decision to be advertised and a statement made available for inspection complying with paragraphs (d) (i) – (iii) of Regulation 30(1) of the 2017 Regulations.

Should further legal considerations arise these will be addressed at the meeting.

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

The proposal addresses the following corporate themes:

- World Class Nottingham, by delivering a major office development adjacent to Nottingham Station/NET tram Hub
- Working Nottingham, by securing a significant number of employment opportunities
- Neighbourhood Nottingham, by the physical enhancement of the local environment.

## **14 CRIME AND DISORDER ACT IMPLICATIONS**

Improved surveillance and community safety.

## **15 VALUE FOR MONEY**

None.

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

1. Application No: 18/02277/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHIB1XLY00L00>

## **17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005) Aligned Core Strategy (2018)  
Nottingham City Centre Urban Design Guide (May 2009) Southside Regeneration Interim Planning

Guidance  
Station Conservation Area Character Appraisal and Management Plan

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# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided

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