



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 15 August 2018

Time: 2.30 pm

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

Councillors are requested to attend the above meeting to transact the following business

Corporate Director for Strategy and Resources

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

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|-----------|---|----------------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTEREST | |
| 3 | MINUTES | 3 - 12 |
| | To agree the minutes of the meeting held 18 July 2018. | |
| 4 | PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER | |
| 4a | 11 - 19 Station Street | 13 - 40 |
| 4b | Site Of Fairham House, Green Lane | 41 - 50 |
| 5 | NOTTINGHAM LOCAL LIST ADOPTION | 51 - 72 |

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS

OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 18 July 2018 from 2.30 pm - 5.04 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Brian Parbutt (Vice Chair)
Councillor Cheryl Barnard
Councillor Graham Chapman
Councillor Azad Choudhry (items 16-22)
Councillor Josh Cook
Councillor Michael Edwards (as substitute)
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Andrew Rule
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Steve Young

Absent

Councillor Rosemary Healy
Councillor Mohammed Saghir
Councillor Linda Woodings
Councillor Cate Woodward (sent substitute)

Colleagues, partners and others in attendance:

James Ashton - Transport Strategy Manager
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Chief Planner
Nigel Turpin - Team Leader, Planning Services
Zena West - Governance Officer
Tamazin Wilson - Solicitor

16 CHANGE OF MEMBERSHIP

RESOLVED to note that Councillor Cate Woodward has replaced Councillor Jackie Morris as a member of Planning Committee.

17 APOLOGIES FOR ABSENCE

Councillor Rosemary Healy – personal
Councillor Mohammed Saghir – leave
Councillor Linda Woodings – leave
Councillor Cate Woodward – personal

18 DECLARATIONS OF INTEREST

Councillors Andrew Rule and Steve Young declared an interest in agenda item 5d – site of 31 Gregory Street, as they are both members of the Trusts and Charities Committee. This interest did not preclude them from discussing, debating, or voting on the item.

Councillor Chris Gibson declared an interest in agenda item 5b – Plumb Centre, Waterway Street West. This interest did not preclude him from discussing, debating or voting on the item.

The items were heard in a different order to that shown on the agenda, in order to accommodate large numbers of citizens attending for certain items.

19 MINUTES

The minutes of the meeting held 20 June 2018 were agreed as a correct record and signed by the Chair.

20 SITE OF 31 GREGORY STREET

Councillor Sarah Piper, Ward Councillor for Dunkirk & Lenton, spoke in opposition to the application, raising the following points:

- (a) surrounding properties are red brick 2 storey houses, and with the exception of the Hospital, there are no buildings nearby which are 4 storeys;
- (b) the developers have stated that there is a lack of apartments in the area. This is not true, there are several apartment blocks nearby already;
- (c) the proposed development will not contribute to a balanced community, and will not attract families – it is very similar to the previously rejected student accommodation block proposed for the site;
- (d) money has been spent developing a green corridor, this development does not contribute to that ambition for the area, there is not enough greenery, trees, shrubs, or outdoor space for families.

Rob Percival, Area Planning Manager, introduced application 18/00700/PFUL3 by Zenith Planning and Design Alison Dudley on behalf of Mr Sajaid Mahmood for the erection of 22 two bed apartments and 1 one bed apartment. The application was brought to Planning Committee because it relates to a major development on a prominent site, and because local Ward Councillors raised objections to the proposed development, as per the update sheet.

Rob Percival gave a presentation to Councillors showing a map of the location, aerial views of the cleared site, visuals and plans of the previously rejected purpose built student accommodation scheme, and visuals and plans of the revised apartment scheme. He highlighted the following points:

- (e) Planning Committee has previously refused permission for a very similar student accommodation scheme on this site. That decision was appealed, but upheld. There was no objection to or consideration of the size, scale or design of the scheme at the appeal, the decision related to the accommodation type in relation to the local area;

- (f) the site is a prominent site on a large junction, with wide road space. A building of appropriate scale is required to fit the site, which due to its size, shape and location is not particularly suited for individual houses. The next best alternative accommodation type for the site is apartments;
- (g) there is a market locally and demand for apartments. Whilst there is nothing stopping students from renting apartments within the building, they are less likely to do so with the two bedroom configuration, and the apartments will not be marketed or targeted specifically to students.

The Committee discussed the proposal and had several questions and comments. Some additional information was also provided:

- (h) some Councillor commented on the proliferation of student accommodation across Nottingham, and the suitability of student accommodation in this particular area, but were reminded that the scheme was no longer a student accommodation block, and any decision should focus on it as presented – as an apartment block;
- (i) the size of the two bed apartments, which would only be able to accommodate a maximum of two students, is larger than a typical student accommodation block would provide and so it would be unusual for students to occupy them. Units with more bedrooms would likely attract large groups of students, and single bedroom units may also attract students, so it is felt that two bedroom units are more likely to attract single professionals, couples, small families and retired people;
- (j) the development does not contain any common rooms or spaces apart from hallways, which also makes it less likely to attract students;
- (k) the colour of the external materials indicated in the drawings is the developers choice, but final discussion regarding materials has yet to take place, and will form part of the conditions. The Committee can express a preference for red brick if they so wish;
- (l) some Councillors felt that the scale was too large, and the height was unsuitable compared to surrounding houses;
- (m) the previous appeal did not find fault with the size, scale or design of the building. As the size, scale and design of the current proposal are very similar, it would be difficult to reject the proposal on these grounds;
- (n) some Councillors disliked the curve at the front of the building, whilst others felt it was quite attractive and helped to soften the effect of the height of the building;
- (o) some Councillors felt that it was a well-designed attractive building, and that 22 apartments would lend itself well to young professionals and couples, whereas some Councillors felt the scheme would still be primarily used by students and so they would be unable to support it;

- (p) Councillors queried the inclusion of any communal spaces, such as a laundry room. Colleagues assured Councillors there would be no common areas of the type which would be present in a student accommodation block, and suggested that approval of the final floorplans be delegated to the Chief Planning Officer in consultation with the Chair and Vice Chair of Planning and a Planning opposition spokesperson, to ensure no such features are included in the final design;
- (q) a suggestion was also made to delegate approval of the primary brick and cladding colour to the Chief Planning Officer in consultation with the Chair and Vice Chair of Planning, and a Planning opposition spokesperson.

RESOLVED to:

- (1) **grant planning permission subject to:**
 - (a) **satisfactory resolution of the Environment Agency's objection to the scheme and subject to no material issues arising from any changes that are necessary to the scheme in this regard;**
 - (b) **prior completion of a Section 106 Planning Obligation which shall include a Public Open Space financial contribution of £20,838 towards infrastructure improvements at Highfields and Priory Park;**
 - (c) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and any additional conditions arising from the requirements of resolution 1a;**
- (2) **delegate authority to the Director of Planning and Regeneration to determine the final details of the conditions;**
- (3) **delegate authority to the Director of Planning and Regeneration to determine the terms of the Planning Obligation;**
- (4) **delegate authority to the Director of Planning and Regeneration , in consultation with the Chair and Vice Chair of Planning Committee, and a Planning Committee opposition spokesperson, to determine the final internal layout ensuring no communal spaces typical of student accommodation are present, and to determine approval of the primary brick and cladding colour of the building;**
- (5) **note that Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:**
 - (a) **necessary to make the development acceptable in planning terms;**
 - (b) **directly related to the development and;**
 - (c) **fairly and reasonably related in scale and kind to the development;**

- (6) **note that Councillors are satisfied that the section 106 obligation sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

Councillor Malcolm Wood asked that his vote against the above item be recorded.

21 PLUMB CENTRE, WATERWAY STREET WEST

Rob Percival, Area Planning Manager, introduced application 18/00819/PFUL3 by RPS on behalf of Southern Grove Traffic Street Ltd for the demolition of existing building and erection of a part 5, part 6, part 10 and part 12 storey building comprising 118 student apartments along with associated access, communal space, landscaping, cycle parking and two Class A1 retail units. The application was brought to Planning Committee because it is a major application on a prominent site where there are important design considerations, and where there has been significant public interest.

Rob Percival gave a presentation to Councillors showing photos of the site from various angles, a map and aerial views of the building and neighbouring vacant land, images of the proposals in context with other developments and indicative proposals in the area, long views of the site, pictures of previous iterations of the design for this site and the current proposed design. He highlighted the following points:

- (a) the development of the entrance to the building is subject to ongoing negotiations, as Planning colleagues do not feel the design is currently strong enough;
- (b) an office development was previously approved for the neighbouring site, but the permission has now lapsed;
- (c) cycle storage facilities, communal spaces, a drop off area, and retail units will be located on the lower ground floor. The first floor contains further communal space, a central communal courtyard with greenery, and apartments. Further floors contain more apartments and green roofs where there are flat roofed elements;
- (d) the site sits within the Southside Regeneration Zone, and fits with the aspirations of that area. It is well located for tram travel, and is of a suitable scale for the large junction on which it sits and to landmark the western end of the Regeneration Zone;
- (e) there is reference within the update sheet to specific details regarding the bin storage area and recycling provision, as well as an additional condition regarding the entrance and the commercial units;
- (f) there has been some objection from residents of the Meadows regarding their views of Nottingham Castle being impeded, however a private view is not something which falls under the protection of the planning process.

There followed some questions and comments from the Committee, and some further information was provided:

- (g) local Ward Councillor Nicola Heaton, of the Bridge Ward, conveyed her opinions via the Committee Chair that she was concerned about the height of the building, the unacceptable impact on views of the Castle from properties in the Meadows, and that the management plan for the building would need a robust complaints procedure;
- (h) a complaints procedure, including contact details for on site management, would be included within the management plan for the building. Environmental Health's assessment suggests there will not be any issues with noise affecting neighbouring residential properties, due to the width of the intervening road and the distance to the nearest residential building;
- (i) some Councillors queried the facilities for dropping off students, the provision of cycle parking, and the viability of the location being away from the City Centre. Alternative access to the building will be available from Traffic Street, with students booking time slots for drops offs and pick-ups, as with other student properties in the City. There will be provision for 220 cycle parking spaces on the lower ground level. The location is considered suitable for student accommodation as it is only four blocks from the nearest tram stop, and the proposed retail units are a possibility rather than a certainty, and will depend upon demand for retail in the area with this and future nearby developments being progressed;
- (j) the Local Plan designated this site as potential mixed use commercial and residential accommodation. There has been a previous office scheme on the adjacent site. The Local Plan makes no mention of the suitable height of buildings. The tall tower section at the western end is intended to give a sense of scale that landmarks the vista at the end of Queens Drive and the point of arrival at the Southside Regeneration Zone / City Centre. The final design of the lower element of the tower section and main entrance are still under negotiation;
- (k) Councillor Chris Gibson moved to defer this item to the next meeting of Planning Committee, pending further design work on the tower element and the entrance. This was seconded and carried.

RESOLVED to defer this item to the next meeting of Planning Committee, to be held on Wednesday 15 August, pending further design work on the tower element and entrance to the building.

22 SITE OF 25 STATION STREET

Rob Percival, Area Planning Manager, introduced application 18/00926/PFUL3 by Lichfields on behalf of Vita Student Nottingham 1 Ltd for the erection of part 6, part 8 and part 9 (plus lower ground floor) storey student accommodation comprising 323 units, provision of ancillary coffee shop, refurbishment and use of former railway arches as space for Class A1, A3 and A5 street traders, landscaping, and improvements to the public realm. The application was brought to Planning

Committee because it relates to a major development on a prominent site where there are important design and heritage considerations.

Rob Percival gave a presentation to Councillors showing a map and aerial view, photos of the previous building to occupy the site, plans and cross-sections for the proposed development, and an artist's impression of the scheme and retail space in the arches. He highlighted the following points:

- (a) heritage considerations for this site are paramount. Late representations were received from Historic England concerning the views of St Mary's Church, however 3D modelling has shown that in the wider context there will not be a significant impact on views from Queen's Walk;
- (b) further conditions and revised recommendations concerning technical elements and the public realm works are included in the update sheet, following representation from the Canal and Rivers Trust.

There followed some further questions and comments from the Committee, and some additional information was provided:

- (c) some Councillors felt that the frontage of the building lacked sufficient decoration, was not interesting, or was not of a sufficient quality for Station Street. Some Councillors proposed that further design work on the frontage could be delegated, whilst some were inclined to vote against the proposal entirely in its current form;
- (d) some Councillors had concerns regarding the impact of the views of St Mary's Church from Queen's Walk, and felt that the 3D modelling did not represent an adequate picture of the possible impact;
- (e) There is room for 40 bin units, with adequate capacity for a large amount of waste and recycling from each resident. The proposed 80 cycle storage spaces, whilst fewer than in other student accommodation schemes, are still policy compliant;
- (f) whilst an objection has been received from the Ministry of Justice regarding overlooking of the Court building on the other side of the canal, there are not a large number of windows on their southern elevation, and no concern has been expressed from adjacent buildings.

RESOLVED to:

(1) grant planning permission, subject to:

(a) prior completion of a section 106 obligation (and if necessary an agreement pursuant to section 111 of the Local Government Act 1972) to secure:

- (i) a student management plan and restrictions on car use;**

was brought to Planning Committee because it is a major application, with Section 106 obligations, which raises important local issues.

Martin Poole gave a presentation to Councillors showing an aerial view and map and the proposed configuration and an artist's impression of the development. He highlighted the following points:

- (a) the site was formerly a furniture showroom with customer car parking and a warehouse;
- (b) the proposed design rises from four storeys to eight storeys on Freeman Street, and a single storey where the site joins residential properties on Watkins Street;
- (c) it is a brick construction, with 301 units of differing configurations, with a main entrance on Huntingdon Street;
- (d) work is ongoing with the Highways Team to plan potential Section 106 improvement works to Great Freeman Street;
- (e) Planning colleagues have worked closely with the developer to change the elevation details on the tower section and provide a break in the building to give a more discrete feel. The proposal falls within the Tall Building Zone defined in the City Centre Urban Design Guide.

There followed some questions and comments from the Committee, and some further information was provided:

- (f) whilst some Councillors felt that the number of student accommodation units approved recently was excessive, some felt that the policy of larger city centre student blocks had greatly alleviated housing issues within their wards and the surrounding neighbourhoods. There is continued demand for student accommodation blocks, and this particular proposal contains a range of unit configurations, including town houses;
- (g) some Councillors noted that given the height of nearby buildings such as the Victoria Centre, any objection to the height of this development would be unlikely to be upheld;
- (h) a suggestion was made to use a lighter brick to make the building less stark, and some Councillors felt that the frontage on to Freeman Street was attractive but the design of the tower section needs revisiting.

RESOLVED to:

- (1) grant planning permission, subject to:**
 - (a) prior completion of a Section 106 planning obligation to secure:**
 - (i) a public open space contribution of £63,459.83 towards pedestrian and environmental improvements to Great**

WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
15th August 2018

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

11 - 19 Station Street, Nottingham

1 SUMMARY

Application No: 18/00916/PFUL3 for planning permission

Application by: Franklin Ellis on behalf of Bildurn (Properties) Ltd

Proposal: Demolition of existing buildings. Proposed five-storey office building with associated undercroft parking, external works, and roof plant area

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

To meet the Council's Performance Targets this application should be determined by 23rd August 2018

2 RECOMMENDATIONS

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

Power to determine the final details of the conditions to be delegated to the Director of Planning and Regeneration.

3 BACKGROUND

3.1 The site is approximately 0.21ha in area and located to the north side of Station Street. It is currently occupied by 11-19 Station Street which are 3 to 4 storey Victorian buildings. To the western boundary is 3-9 Station Street which is occupied at ground floor by Tesco, whilst to the east is the Hopkinson Building which is a Vintage Antiques and Art Centre. To the rear of the site is a surface car park which is accessed from between the Hopkinson Building and the former Employment Exchange building (this building has now been demolished). The Nottingham Beeston Canal, towpath and grass bank run along the northern boundary of the site. There is a change in levels of about 3m between Station Street and the towpath.

3.2 The site is located within the Station Street Conservation Area, and shares its western boundary with the Canal Conservation Area. The site is also located within Flood Zone 3.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is for a 5 storey building which would provide 5,832 square metres of Grade A office space.
- 4.2 The lower ground floor would provide undercroft car parking which would be accessed between the Hopkinson Building and the student accommodation proposed on the former Employment Exchange site. Plant, cycle stores, shower facilities and bin storage facilities are also proposed on the lower ground floor.
- 4.3 On the ground floor is proposed a reception area, which would be accessed off Station Street. The office building would extend to the grass bank which sits to the south of the canal towpath. Large windows are proposed to the canal side.
- 4.4 The layout of the first to third floors is the same and provides two stair cores, toilet facilities and open plan office space with windows along all four elevations. Within the primary stair core two lifts are proposed. The fourth floor has an outside terrace that overlooks Station Street.
- 4.5 The building would increase in height from south to north. The southern elevation facing onto Station Street would be 4 storeys high and have a maximum height of 17.6m; the rear part of the building would be 5 storeys. Taking into account the plant area to be enclosed and the lift core, the maximum height of the building would be approximately 23.6m (measured from Station Street level).
- 4.6 To the Station Street frontage the building would have curtain wall glazing where it abuts the Tesco building. This curtain wall glazing would extend from ground floor to the fourth floor. The main entrance to the building would be accessed through this glazing and would lead into the main reception area. To the east the Station Street frontage would be built of brick with stone bands between each floor. Floor to ceiling windows are proposed which would be set in an irregular but ordered fenestration pattern. The ground floor would be set back from the street edge and columns are proposed which give the impression of a colonnade. The ground floor beneath the brick element of the building would be largely glazed. Gates are proposed to the side of the Hopkinson Building.
- 4.7 The north elevation facing the canal has been designed to reflect the traditional canal side buildings. To this elevation the building has a simple grid like appearance, having a regular pattern of brick pillars between windows. The ground floor would have larger windows. The building would be provided with deep window reveals.
- 4.8 Further work is being undertaken to amend the Station Street frontage to address the relationship of the curtain wall glazed element to the Tesco building and also to refine the colonnade area to the ground floor.
- 4.9 Access to the undercroft car park would be via a shared vehicular access that jointly serves the proposed building, 23 (Hopkinson) and 11-19 Station Street which is to be located between the new student accommodation and 23 Station Street, where the existing vehicular access to the surface car park is located. A total of 29 car parking spaces would be provided for the building.
- 4.10 The development is also to be party to the delivery of public realm improvements adjacent to the site, principally incorporating part of the canal towpath and provision

of a pedestrian link from Trent Street. This scheme is to be delivered jointly along with the student accommodation approved at 25 Station Street under planning application 18/00926/PFUL3, and the proposed apartment scheme at 109 Carrington Street, under planning application 18/01048/PFUL3. Delivery of these works is proposed to be secured by condition.

- 4.11 The applicants have agreed to work in partnership with the Council to provide local employment and training opportunities during both construction and once the building is operational.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

21 neighbouring properties along Station Street and Carrington Street have been notified in writing of the proposal. The application has also been publicised through press and site notices. As a result of this publicity, 1 letter of representation has been received.

Nottingham Civic Society: Nottingham Civic Society objects strongly to the demolition of Nos.11-19 Station Street, because of the merits of the buildings, recognised in the Council's own adopted Conservation Area Appraisal and Management Plan (2008) as 'unlisted buildings that make a positive contribution to the Station Conservation Area'. The buildings are also on the draft Local List in recognition of their townscape qualities. The applicant's Heritage Advisor has categorised these buildings only as 'Low Significance' seemingly as they are in such poor condition (they have been under the stewardship of the applicant for many years) and because they are smaller than buildings constructed later. The Civic Society considers their significance to be enhanced by the fact that they are older and of smaller scale than neighbouring buildings, representing an earlier phase in the history of the Station environs, as they faced the entrance to the nineteenth-century station which pre-dated the current Edwardian listed complex. There does not seem to have been any attempt to consider refurbishment of the front range of the existing buildings to retain and incorporate them into the new office development on the vacant land behind, which would have helped to mediate an appropriate scale for the new development, more in keeping with the scale of the historic fabric surrounding the site - Hopkinson shop in particular.

Additional consultation letters sent to:

City Ecology: No objection subject to conditions securing an updated bat survey should development not take place within 2 years, a working method statement to ensure integrity of canal banks to protect water voles, a landscaping scheme which enhances biodiversity of the site, and an ecological sensitive lighting scheme.

Highway Authority: No objection subject to conditions relating to the provision of a construction management plan, implementation of the proposed car parking and cycle parking, and securing a travel plan.

Environmental Health and Safer Places: No objections but recommend that the following are secured by condition; a remediation strategy, a noise assessment/sound insulation scheme, and electric charging points. Conditions will also be required to verify that the agreed mitigation measures have been implemented. No heating and power assessment has been sought because the

applicant has indicated that all heating and hot water will be supplied by electric infrastructure and not gas, so there is no requirement for an air quality assessment.

Environment Agency: No objections, subject to a condition requiring the development to be carried out in accordance with the flood risk assessment, the provision of a remediation strategy and details of any piling or other foundation designs that penetrate the ground. The Environment Agency note that there is an oil tank on site, which should be considered as part of any remediation strategy. The Environment Agency have no objection to surface water being discharged into the canal but have requested that a drainage strategy be secured by condition.

Historic England: Historic England note that the site lies in the Station Conservation Area and as such the Station Conservation Area Character Appraisal and Management Plan (2008) is a material consideration in the determination of this application.

Even though the Station Conservation Area centres on the land mark Grade II* Listed Building of the Midland Station, its character and appearance is enhanced by a number of other listed and unlisted buildings which exhibit a range of different architectural styles which create a high quality townscape with a dense urban grain. The area is characterised by buildings that range in height from 3 to 5 storeys.

The site is bounded by Station Street to the south and the canal to the north. To the north of the site is a surfaced car-parking area, 11-19 Station Street are located to the south of the site and front Station Street.

11-19 Station Street currently consists of two distinct buildings (11- 13 Station Street and 15-19). The buildings date from between 1869 and 1882 and are attributed to local architects Truman and Pratt. The buildings are three/four storeys in height, and constructed of brick with stone dressings. They are designed in the classical style. The principal facades include architectural detailing to the upper floors such as decorative cornicing and window surrounds. The rear of the buildings, are plainer in design, architectural features include a brick dentil course, stone window lintels and bay windows which appear to be later additions. The buildings are the earliest in the area and indicate how the area developed. Historic England consider the buildings to be non-designated heritage assets of architectural and historic merit, that have a strong visual presence in the street scene and are prominent buildings making a strong positive contribution to the conservation area. This view concurs with that contained in the Station Conservation Area Appraisal and Management Plan.

The location of the development means that there is the potential for the proposed development to impact on important views of the Church of St Mary (Grade I Listed Building) and the Station Clock Tower from the surrounding area, such as the fine views from the tree lined avenue of Queens Walk which is an important route into the historic core of Nottingham.

There are a number of aspects relating to the proposal that should be considered - the impact of the proposed demolition of the 11-19 Station Street, the impact of the proposed new development on the character and appearance of the conservation area and the impact on the setting of the Midland Station and also St Mary's Church Tower.

The scheme proposes the total demolition of 11-19 Station Street. It is proposed to be replaced with a five-storey office building with under-croft parking.

Historic England consider that the total loss of 11-19 Station Street would be harmful to the character, appearance and significance of the conservation area.

Historic England are not convinced that the supporting information provides sufficient evidence that less harmful options can be secured for the long term future of 11-19 Station Street.

The justification for the proposed demolition of the buildings appears to be one of condition and viability. The condition survey which accompanies the application outlines the condition of the buildings and provides budget costs in Section 7. The report also refers to structural issues in relation to the buildings; however, no structural survey appears to support this application within the appendices.

It is unclear whether the buildings have been openly marketed or sustainable new uses have been explored to secure the buildings optimum viable use. The supporting Heritage Statement discusses optimum viable use and suggests that restoring the buildings back to a level where the buildings could be re-used would cost more than the site would be worth, however, no financial assessment appears to have been provided to support this conclusion. It also suggests that the options for re-use are limited, but no evidence has been provided.

Paragraph 131 of the National Planning Policy Framework highlights the requirement for local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation when determining planning applications. Nottingham City Council therefore needs to be fully satisfied that the information provided within the supporting information, robustly demonstrates that there is not an alternative viable use for these buildings which would secure their long term future and that their proposed demolition has been clearly and convincingly justified.

The proposed replacement building consists of a five-storey office block with under-croft parking (six storey in total). The proposed building is five- storeys in height where its fronts Station Street, the top storey is recessed and glazed. There is a further glazed link which connects to the adjacent building. The remainder of the building is five- storeys with an under-croft and rises to over 23 metres in height. Historic England are concerned by the scale, mass and design of the proposed building where it addresses the canal side. In their view, the current design lacks articulation and definition on the elevations seen from the canal side and Carrington Street Bridge. These elevations could be greatly improved by breaking down the overall massing and incorporating a more varied and interesting fenestration.

No visualisations assessing the views from Queens Walk have been provided to show whether or not the development would be visually intrusive in the important views of the Church of St Mary and the Station Clock Tower. To accord with paragraph 128 of the NPPF 2012, Nottingham City Council needs to be satisfied that the application contains sufficient information enable assessment of these views.

Overall, Historic England's assessment is that the demolition of 11-19 Station Street would cause a high but less than substantial level of harm to the overall

significance of the conservation area. In making its comments Historic England draws attention to the requirements of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and that the historic environment is recognised as one of the 12 core principles of sustainable development in the National Planning Policy Framework (NPPF). Historic England also advises that regard should be given to paragraphs 131, 132, 134, 137 and 138 and also Section 7 of the NPPF- Requiring good design- in particular paragraph 58 and 64 in its decision making.

Canal and River Trust: The application site lies to the south of the Nottingham and Beeston Canal and adjoins the canal towpath. The Canal and River Trust confirm that it is in the process of selling the land within the application site that is currently in their ownership.

The Trust have made comments with regards to the impact of construction and the building on the structural integrity of the canal, and has drawn attention to paragraphs 120-121 of the National Planning Policy Framework and the National Planning Policy Guidance (paragraph 006) in relation to planning and land stability. However they recognise that this matter can be addressed through a suitably worded condition to secure, prior to the commencement of development, a method statement detailing the design and means for creating foundations and any other proposed earthmoving and excavation works required in connection with its construction.

The Trust note that the canal is designated as a Local Wildlife Site and provides a valuable wildlife habitat in this urban location. It also advises that the strip of land on the northern site boundary, approximately 5- 6m deep which slopes down to the adjoining the towpath, contributes positively to the biodiversity value of the canal corridor and should be planted to complement the proposed redevelopment of the site adjacent to the east (which is the subject of a separate planning application). It is recommended that a detailed landscape scheme should be secured by condition, including arrangements for the long-term management and maintenance of this space. The use of native species should be utilised in any proposed landscaping scheme.

Concern has been expressed about the height of a proposed boundary wall. The boundary wall is shown to be constructed some 5- 6m back, at the top of the grassed slope. Although this wall does screen the undercroft car park from the canal and towpath, at around 2.5m in height (and already elevated above towpath level) it would create a hard boundary. It is suggested that a lower wall of no more than 2m in height would be equally effective but less imposing.

The Trust also suggest that there may be scope to provide direct access from the site onto the canal towpath which would encourage future employees at the site to use the towpath as part of their commute to and from work, or recreationally at lunch times etc. Although any new towpath access would require the prior consent of the Trust in the form of a commercial agreement, they would be willing to discuss the potential for including a new pedestrian access here.

It is noted by the Trust that surface water is proposed to discharge to existing sewers, as the applicants consider discharge to the adjacent canal to be problematic. The Trust would nonetheless be willing to discuss the practicalities of discharging to the canal. Any discharges to the canal will require the prior consent of the Trust in the form of a commercial agreement.

The Trust have also requested that an external lighting scheme is secured via a planning condition to ensure that it is ecologically sensitive.

City Archaeologist: The site lies within the City Centre and Nottingham Canal Archaeological Constraint Area, which represents the historic core of the city and the concentration of medieval and post-medieval occupation.

The Heritage Statement accompanying the planning application concludes that Archaeology would be best served in this instance by instigating a watching brief during preparatory works on site. This conclusion is concurred with and as such an archaeological watching brief during groundworks is requested as a condition of planning permission.

Additionally the Heritage Statement demonstrates that the standing buildings have some heritage value which warrants a historic building record, to Historic England Level 2, prior to commencement of redevelopment.

The archaeological watching brief and the historic building recording should be undertaken by a suitably qualified and experienced archaeologist in these fields in accordance with the Standards and guidance of the Chartered Institute for Archaeologists, and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be issued by the City Archaeologist.

Design Review Panel Comments (February 2018)

The site of nos. 11-19 is considered by the Panel to be an ideal site for Grade A Offices. The Panel consider that there is a need for high quality office space within the city and anticipate that this development will help kick-start the market for other schemes. The Panel were pleased that a local architectural practice is delivering it.

The Panel were supportive of the proposal, commending its vision to deliver an impressive scheme that offers a high quality frontage onto Station Street. They did comment that the treatment of and relationship with the canal side should be given equal importance to make for successful developments.

With regards to the demolition of 11-19 Station Street, the Panel advised on the need to recognise the significance of these historic buildings and to justify their loss.

The Panel were comfortable with the proposed scale and massing, agreeing that the brief for Station Street offers illustrative not prescribed heights. The design approach taken for the building with double height ground floors on Station Street, and the stepping up of the rear blocks so the bulk of the massing is concentrated on the canal elevation was welcomed as it ensures that the building will not appear over dominant in the street. Though it was recognised that the prominence of the Hopkinson building would be reduced.

The Panel commended the architectural style taken for the office development, with the Station Street frontage working well and showing considered architecture. The double height windows and deep reveals are welcomed. The Panel were split on the treatment of the link between the office building and nos.3-9 Station Street. Some panel members preferring the original bolder design and

Historic England preferring the latest iteration presented, considering it to be more polite in respect to the historic building and also as the brickwork of the office building would be visible on the return.

The Panel noted that improving the quality of the canal side environment also relies on the incorporation of a successful landscaping strategy to enhance the setting of the canal edge and towpath. Given the strong urban edge along the canal, a hard landscaping scheme with tree planting is considered a more appropriate treatment which will add amenity value.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application.

Paragraph 80 requires that significant weight be placed on the need to support economic growth and productivity. Paragraph 85 requires that decisions support the role that town centres play at the heart of local communities. Paragraph 103 states that significant development should be focused on locations which are or can be made sustainable. Paragraph 118 requires that substantial weight be given to the value of using brownfield land and promoting the development of under-utilised land and buildings. Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraphs 193-202 relate to the consideration that is required regarding a proposed development's impact on the significance of a designated heritage asset, where great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). 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.

Also of relevance is the duty set out at Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be given to preserving or enhancing the character and appearance of conservation areas.

Aligned Core Strategy (September 2014):

Policy A – Presumption in Favour of Sustainable Development
Policy 1 – Climate Change
Policy 4 – Employment Provision and Economic Development
Policy 5 – Nottingham City Centre
Policy 7 – Regeneration
Policy 10 – Design and Enhancing Local Environment
Policy 11 – The Historic Environment
Policy 14 – Managing Travel Demand
Policy 17 – Biodiversity

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities

MU3 – Allocated site within the Southside Regeneration Zone (MU3.6 Station Street)

BE10 – Development affecting the setting of a Listed Building

BE12- Development in Conservation Areas

BE13 – Demolition in Conservation Areas

BE16 – Archaeology

NE2, NE3 and NE4 – Nature Conservation, Conservation of Species, Protection of Conservation Sites

NE9 – Pollution

NE10- Water Quality and Flood Protection

NE12 – Derelict and Contaminated Land

T3 – Car, Cycles and Serving Parking

Supplementary Planning Policy Documents

Southside Regeneration Supplementary Planning Guidance (2003)

Nottingham City Centre Urban Design Guide (2009)

Station Street Development Brief (November 2012)

Station Conservation Area Character Appraisal and Management (2008)

7 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Design Considerations (including Listed Building and Conservation Area Impact)
- (iii) Impact on Neighbouring Amenity
- (iv) Other Matters (Transport, Flooding, Contamination, Archaeology and Public Realm Improvements)

Issue (i) Principle of Development (Policies A, 4, 5, 7 of the ACS; Policies MU3.6 and ST1 of the Local Plan; and the Southside Regeneration Supplementary Planning Guidance 2003)

- 7.1 The application relates to an allocated site within the Southside Regeneration Zone (SRZ) and occupies a prominent location adjacent to Nottingham Station and the NET tramline. The policies relevant to the SRZ seek to encourage comprehensive, mixed use, sustainable developments that promote the Southside as a major location for inward investment, and ensure that new developments are integrated in a comprehensive way to maximise employment and regeneration benefits. Policy 7 of the ACS Identifies the SRZ as a mixed-use business district to be developed with offices, supported by residential development, new hotels and complimentary retail and leisure activity. The proposal meets these requirements and the aspiration of Policy 4 of the ACS to promote the SRZ for office use. The proposal also accords with Policy 5 which seeks the development of office development within the City Centre to support its vitality and viability.

- 7.2 The application site is located on the southern fringe of the City Centre and is ideally located for office development. It is in a highly accessible location opposite the station and with good pedestrian, cycle, bus and tram links to the City Centre.
- 7.3 It is concluded that the principle of the development is acceptable and the proposal accords with the Policies A, 4, 5, 7 of the Aligned Core Strategy, Policies ST1 and MU3.6 of the Local Plan, and the Southside Regeneration Supplementary Planning Guidance 2003.

Issue (ii) Design Considerations (including Listed Building and Conservation Area Impact) (Policies BE10, BE12 and BE13 of the Local Plan; Policies 10 and 11 of the ACS; the City Centre Urban Design Guide; Station Conservation Area Character Appraisal and Management Plan; the Station Street Development Brief)

- 7.4 The proposal involves the demolition of 11-19 Station Street, which are identified within the Station Conservation Area Appraisal and Management Plan as making a positive contribution to the area. The Plan does indicate that the demolition of such buildings can be permitted where justification is provided and the replacement buildings would enhance the character and appearance of the Conservation Area.
- 7.5 The Local Plan states that there is a general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of a Conservation Area. Policy BE13 requires that proposed demolition is considered against a number of criteria, namely the condition of the building and cost of its repair, the adequacy of efforts made to retain the building, and the merits of alternative proposals for the site.
- 7.6 Policy BE13 states that planning permission for development involving demolition or substantial demolition of unlisted buildings which make a positive contribution to the special character of Conservation areas will only be granted in special circumstances. The heritage statement submitted with the application advises that externally the buildings at 11-19 Station Street are much altered from their original form, having been subject to a variety of changes through time. The buildings have been structurally assessed as well. The condition survey undertaken in February 2018 confirmed that internally the buildings have been much altered and that little original detail has been left intact. It also indicates that load bearing walls have been removed. Overall the buildings are in poor condition and unsafe in areas. Dry and wet rot is present, there is cracking in brickwork and stone detailing has failed in areas. The submitted structural report indicates that considerable work is needed to ensure the stability of the building. The heritage statement also considers a number of alternative uses and options for the building, but concludes that redevelopment for office use, which is supported by other policies of the development plan, is the most optimum viable use. It is recognised that the viability of refurbishing these buildings would be challenging; the heritage assessment concludes that restoration to a level where the buildings could be reused in a beneficial manner would cost more than the value of the site. It is also a plausible proposition that the buildings are not capable of being converted and extended to offer the scale and quality of grade A offices that this application proposes, the merits of which are acknowledged elsewhere in this report. The merits of the proposed replacement development in terms of its design and impact on other heritage assets are considered below.
- 7.7 As indicated above, the Conservation Appraisal and Management Plan indicates that demolition of unlisted buildings in the area can be permitted where the

replacement building would enhance their character and appearance. Therefore, there exist special circumstances to consider this application favourably.

- 7.8 The height of the building and its impact on the Hopkinson Building has been raised as a concern by the Civic Society. The Conservation Appraisal and Management Plan suggests that new buildings within the area should be 4-5 storeys in height, but that near the station higher buildings may be acceptable. The proposed building has been designed with a lower element to the Station Street frontage, stepping upwards further back into the site. Its maximum height of 5 storeys would be in line with Conservation Plan and City Centre Urban Design Guide, although it is taller than that indicated in the Station Street Development Brief. The height of the proposed building together with the design approach to scale are considered to be acceptable having regard to the site specific context. It is acknowledged that the scale of the building on the Station Street frontage is noticeably greater than the Hopkinson building, yet the proposed development is also seeking to balance this against the height of the adjacent building occupied by Tescos. Hopkinson is a detached building with sizeable gaps to both sides which are to be retained with both this proposal and the student scheme to the east, planning application (18/00926 /PFUL3). These gaps help to mitigate the step up in scale and allow sufficient breathing space for the Hopkinson building to be read in its own right.
- 7.9 The architectural style of the elevations is felt to be well considered. Although Historic England have raised concerns about the elevation treatment from the canal side, it is felt that this elevation reflects the warehouse aesthetic of traditional canal side buildings.
- 7.10 The Station Street elevation treatment enables the building to sit comfortably next to the Tesco building and the fenestration pattern, whilst irregular in its composition, has the proportions that generally reflect the buildings to the west and the Hopkinson building to the east. It is noted that individual buildings on Station Street vary in scale and proportion and the proposal does likewise. The building would have its own distinct character, yet would sit comfortably within the general character of the Station Street frontage. Overall the development is considered to offer a strong intervention at street level and would significantly enhance the character and appearance of the Station Conservation Area and setting of Nottingham Train Station.
- 7.11 As mentioned above, the height and architectural style of the northern elevation would complement the large warehouse buildings that are found in the Station and Canal Conservation Areas, which include the British Waterways Warehouse Building further to the west. The improvements proposed to the canal directly behind the building would significantly enhance its setting as a non-designated heritage asset that lies within the Station Conservation Area and the adjacent Canal Conservation Area.
- 7.12 Given the location of the building and its relationship with the immediate townscape, its impact on the setting of other listed buildings in the locality (the Railway Station and Goods Offices, Bentinck Hotel, 111 Carrington Street and the British Waterways Building) would be minimal and would be seen only in their periphery, in the context of existing taller buildings such as Loxley House.
- 7.13 Historic England have raised concerns about the potential impact of this proposal on views of the Station dome and St Mary's Church tower when viewed from

Queens Walk. Further work has been carried out to determine the impact; the new building at 11-19 Station Street would just be seen above the Station from Queens Walk but would not interfere with the view of the dome or St Mary's Church tower. Both features remain clear of the development and maintain their legibility and prominence. Looking towards the Station area from other vantage points the building would be seen in the context of the other buildings which line the north western side of Station Street, and would not adversely affect the setting of the Station building.

- 7.14 The information submitted with the application is considered to be sufficient to meet the requirements of paragraphs 189-202 of the NPPF and has considered the significance of the heritage assets and the impact that the development would have on them.
- 7.15 In conclusion, the proposal is considered to make a positive contribution to the streetscape and has been designed taking into account the requirements of policies 10 and 11 of the ACS, policies BE10, BE12 and BE13 of the Local Plan and the NPPF. The impact on heritage assets and non-designated heritage assets is considered to be of less than substantial harm required by paragraph 193 of the NPPF and the benefits of bringing a high quality office scheme forward at this site would outweigh any residual concerns about its impact. The proposal also accords with the duty set out at Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as the proposal would enhance the appearance and character of the Conservation Area.

Issue (iii) Impact on neighbouring amenity (Policy NE9 of the Local Plan and Policy 10 of the ACS)

- 7.16 The commercial mix of uses in the immediate vicinity of the site are considered to be compatible with the proposed scale of the development. The siting of the proposed building and its relationship with neighbouring properties results in it having little or no impact on the amenity of the occupants.
- 7.17 The conditions suggested by Environmental Health and Safer Places would assist in ensuring that the scheme raises no issues in relation to neighbouring properties during its construction and operation.
- 7.18 The Canal and River Trust have raised concerns about the impact of the rear boundary wall on users of the canal towpath. Given the presence and size of the intervening grass slope it is felt that this would be sufficient to offset the impact of the boundary enclosure and its height (even taking into account the difference in ground level between the building and towpath), and is considered to be acceptable. It is understood that the applicant has given consideration to providing access from the building to the towpath, but has decided to not pursue this. In this instance such an access is not considered imperative and its absence would ensure that the grass slope is not diminished in size.
- 7.19 The scheme therefore complies with policy NE9 of the Local Plan and policy 10 of the ACS.

Issue (iv) Other Matters

Transport (Policy T3 of the Local Plan and Policy 14 of the ACS)

- 7.20 The proposal is located within a highly sustainable location, being opposite the Train Station, Station tram stop and within walking distance of a large number of bus stops. The servicing arrangements are considered to be acceptable and Highway colleagues have raised no objections, subject to a number of conditions.
- 7.21 The undercroft parking would have a total of 29 parking spaces consisting of 25 standard bays, 2 disabled bays and 2 reserved spaces, which is a net reduction in spaces currently available on the site. This equates to one parking space per 178sqm of office space, compared to the maximum parking standard of one space per 100sqm. Parking is severely restricted on surrounding streets, with no parking available on Station Street adjacent to the site or Carrington Street. However, the site is in a highly sustainable location and parking is also available in nearby multi-storey car parks.
- 7.22 Highways advise that the applicant would need to ensure that vehicles using the under croft parking have the required access rights to use Station Street and the service road.
- 7.23 A total of 76 cycle parking spaces would be provided within a cycle store as part of the undercroft area, along with shower/changing facilities. This is considered good practice and would be secured by condition.
- 7.24 The Car Parking Management Plan details the Work Place Parking levy and access permits that would be required for vehicles accessing the undercroft car park. The Framework Travel Plan provides an overview of the existing transport options for individuals accessing the site, as well as a draft action plan of the measures proposed for the site. Both are considered to be acceptable.
- 7.25 Due to the site location on Station Street, with restricted access, a Construction Management Plan would be required for the development regarding servicing arrangements during construction.
- 7.26 In this highly sustainable location, with restrictions on car parking on surrounding streets, the travel plan condition suggested by Highways colleagues is not considered to be appropriate in this instance.
- 7.27 Overall the proposal complies with policy T3 of the Local Plan and Policy 14 of the ACS.

Flooding (Policy NE10 of the Local Plan)

- 7.28 The flood risk assessment that accompanies the application has been reviewed, and is considered to be acceptable. The recommendations of the assessment can be secured by condition; the proposal therefore complies with policy NE10 of the Local Plan.

Contamination (Policy NE12 of the Local Plan)

- 7.29 The site raises no adverse risk with regards to contamination. Conditions can be used to secure a remediation strategy and to ensure that groundwater is not affected by any contamination. The proposal therefore complies with policy NE12 of the Local Plan.

Land Stability and Surface Water Drainage (Paragraphs 120-121 of the National Planning Policy Framework, the National Planning Policy Guidance (paragraph 006) and Policy NE10 of the Local Plan)

- 7.30 The conditions suggested by the Canal River Trust are considered to be appropriate and would ensure that the development accords with paragraphs 120-121 of the National Planning Policy Framework, the National Planning Policy Guidance (paragraph 006) and policy NE10 of the Local Plan.

Archaeology (Policy BE16 of the Local Plan)

- 7.31 The site has potential for archaeological remains so a watching brief is proposed to be secured by condition. The proposal therefore complies with Policy BE16.

Public Realm Improvements (Policy 10 of the ACS)

- 7.32 The development will hold a large number of occupants, thereby adding considerably to the pedestrian activity surrounding the site and the use of the public realm that includes Station Street and the canal towpath immediately to the north of the site. There is an aspiration for the latter to be enhanced and a link provided to it from Trent Street, thereby increasing its attractiveness and accessibility. The applicant has been in negotiation with the Canal and River Trust in order to facilitate these works, particularly the link from Trent Street. They are therefore proposing to deliver this scheme of public realm improvements jointly with the student accommodation approved at 25 Station Street under planning application 18/00926/PFUL3, which they have a land interest in, and the proposed apartment scheme at 109 Carrington Street, under planning application 18/01048/PFUL3, for which they are also the applicants.
- 7.33 These public realm enhancements are welcomed in accordance with policy 10 of the ACS and are proposed to be secured by condition.

8 SUSTAINABILITY / BIODIVERSITY (Policies NE2, NE3 and NE4 of the Local Plan, and Policies 1 and 17 of the ACS)

The energy statement submitted with the application demonstrates that the proposal would meet Part L2A 2013 of the Building Regulation and that the building has been designed in line with the energy hierarchy, ensuring the building is energy efficient and that its demand for resources are reduced. The biodiversity of the site can be enhanced through the landscaping proposals and mitigation measures relating to protected species are addressed by condition. Through conditions the development is therefore capable of complying with policies NE2, NE3 and NE4 of the Local Plan, and policies 1 and 17 of the ACS.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

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

1. Application No: 18/00916/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P810QOLYGLL00>

16 Published documents referred to in compiling this report

National Planning Policy Framework (March 2012)

Aligned Core Strategies (September 2014)

Nottingham Local Plan (November 2005)

Southside Regeneration Supplementary Planning Guidance (2003)

Nottingham City Centre Urban Design Guide (2009)

Station Street Development Brief (November 2012)

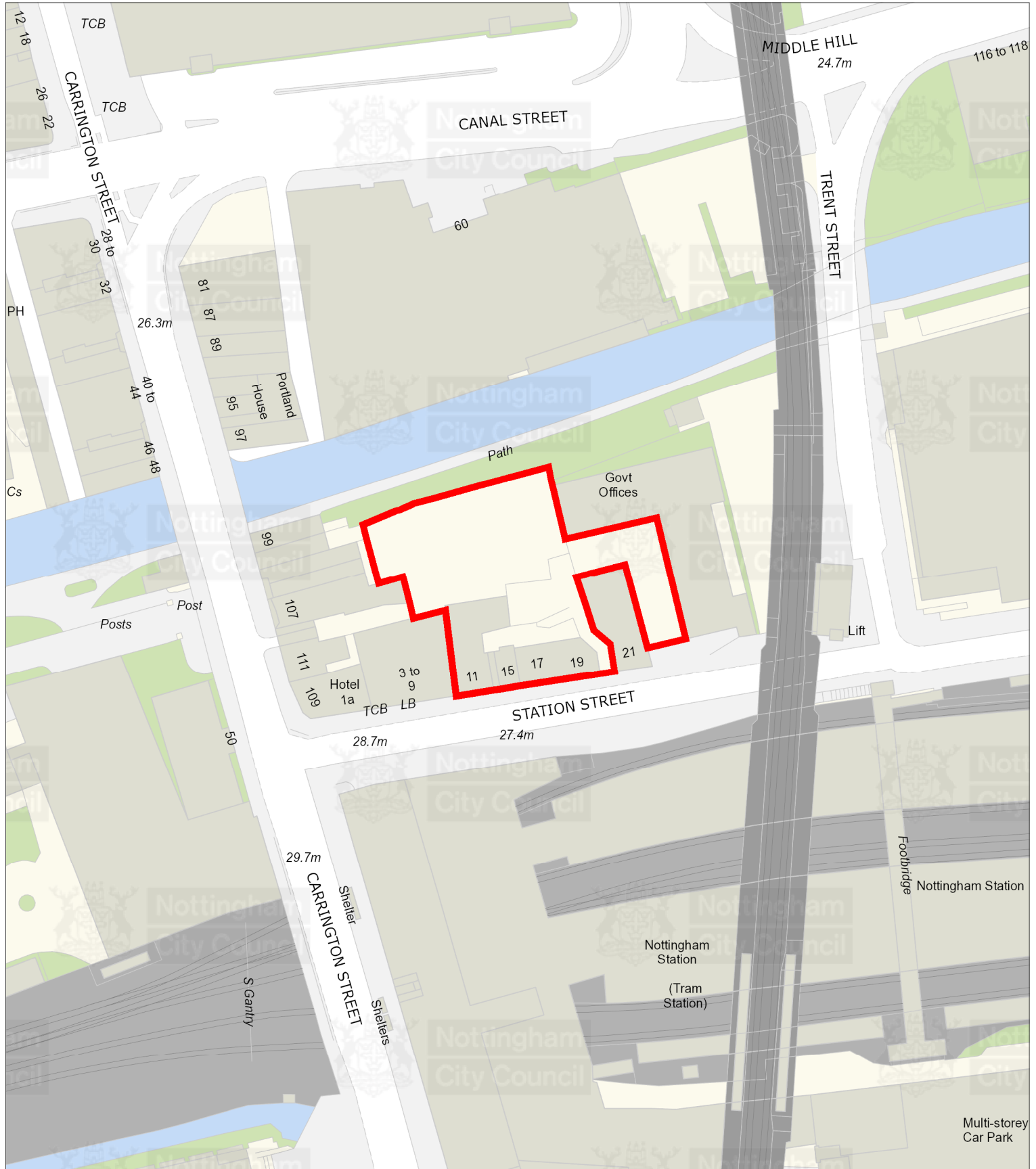
Station Conservation Area Character Appraisal and Management (2008)

Contact Officer:

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NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 18/00916/PFUL3 (PP-06961061)
Your Ref:
Contact: Miss Jenny Cole
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
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NG1 5DU

Date of decision:

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

Application No: 18/00916/PFUL3 (PP-06961061)
Application by: Bildurn (Properties) Ltd
Location: 11 - 19 Station Street, Nottingham, NG2 3AJ
Proposal: Demolition of existing buildings. Proposed five-storey office building with associated undercroft parking, external works, and roof plant area

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

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Pre-commencement conditions

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



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DRAFT ONLY
Not for issue

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Continued...

2. Prior to the commencement of the development (excluding demolition), a Remediation Strategy that has regard to the Pre-Demolition Phase 2 Investigation Report by Geodyne dated 27/09/2017 (ref 37064) includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A supplementary post-demolition site investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) A Remediation Plan as required, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - c) A Verification Plan as required, providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.

3. Development involving the breaking of any ground shall not be commenced unless a programme of archaeological investigation and works, for those parts of the site which are proposed to be excavated below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:
- a) Excavation of areas to be affected by development and the implementation of a watching brief during the course of groundworks for service installation;
 - b) Preservation, in situ, of any remains which, upon archaeological investigation, are found to significantly contribute towards understanding of the historic Nottingham City Centre;
 - c) Arrangements for the recording of archaeological remains and finds during the investigation and for the preparation of a final report;
 - d) Arrangements for the deposition of the material and documentary archive in a registered museum;
 - e) Arrangements of the publication of a summary of the final report in an appropriate journal

The archaeological investigation and works approved under this condition shall be carried out in accordance with the approved programme.'

The archaeological work should be undertaken by a suitably qualified and experienced archaeological contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be issued by the City Archaeologist.

Reason: To ensure that any archaeological remains at the site are appropriately preserved and to accord with policy BE16 of the Local Plan.

4. Development shall not be commenced, including the breaking of any ground or demolition of the buildings, unless a programme for the historic recording of the buildings has first been submitted to and approved in writing by the Local Planning Authority. The programme of historic recording shall include:
- a) Arrangements for the recording of the building and finds during the investigation and for the preparation of a final report;
 - b) Arrangements for the deposition of the material and documentary archive in a registered museum;
 - c) Arrangements of the publication of a summary of the final report in an appropriate journal

The historic recording programme approved under this condition shall be carried out in accordance with the approved details.

The historic recording shall be should be undertaken by a suitably qualified and experienced contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI), and to Historic England Level 2 standard in to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be issued by the City Archaeologist.

Reason: To ensure that the historic recording of the buildings is undertaken prior to their demolition to comply with policy BE13 of the Local Plan.

5. Demolition of 11-19 Station Street shall not take place until a timescale for their demolition has been submitted to and agreed in writing by the Local Planning Authority. The demolition will be undertaken in accordance with the approved details.

Reason: To ensure that an appropriate timetable for redevelopment of the site following demolition of the buildings is agreed to avoid/minimise a period during which the site remains undeveloped which would create a gap site within the conservation area affecting its appearance and character and to comply with Policy BE13 of the Local Plan.

6. Prior to the commencement of development (excluding demolition), details of precautionary measures to protect the canal and its banks during and after construction works shall be submitted to and approved in writing by the Local Planning Authority. The details shall be incorporated into a method statement detailing working practices.

Reason: The site is adjacent to the Canal which may provide foraging area for waterside wildlife, like water voles, to ensure that there are no adverse impacts on local wildlife details of canal and bank protection measures are required to accord with policy 17 ACS and to ensure land stability in regards to the canal bank to accord with paragraphs 120 to 121 of the National Planning Policy Framework and policy NE12 of the Local Plan.

7. Prior to the commencement of development a construction management plan to cover the demolition phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the measures to be taken to reduce noise and disturbance to neighbouring properties; proposed hours of working; the type, size and frequency of vehicles to/from the site; haul routes (if any); staff parking provision; site security; traffic management plans; to enable the safe operation of the NET Tram network; wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the demolition shall take place in accordance with the approved construction management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the demolition of the building has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.

8. Prior to the commencement of development (excluding demolition) a construction management plan to cover the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the measures to be taken to reduce noise and disturbance to neighbouring properties; proposed hours of working; the type, size and frequency of vehicles to/from the site; haul routes (if any); staff parking provision; site security; traffic management plans; to enable the safe operation of the NET Tram network; wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the building shall be constructed in accordance with the approved construction management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the construction of the building has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.

9. Prior to the commencement of development (excluding demolition) a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that surface water runoff from the site has no undue impact on the Canal water levels or water quality to comply with Policy NE10 of the Local Plan.

10. Prior to the commencement of development (excluding demolition) details of any piling, or of any other foundation designs using penetrative methods, shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall demonstrate that there would be no unacceptable risk to ground water. No further piling, or any other foundation designs using penetrative methods shall be utilized unless prior agreed in writing by the Local Planning Authority.

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

Reason: Piling or any other foundation using penetrative methods can result in risks to groundwater supplies it therefore needs to be demonstrated that piling would not result in contamination of groundwater to accord with Policy NE10 of the Local Plan.

11. Prior to the commencement of above ground development, precise details of the materials to be used externally within the development including the construction of a sample panel on site, shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS.

12. Prior to the commencement of above ground development, large scale sections of at least 1:20 shall be submitted to show the placement and position of windows and balconies and the depth of proposed reveals to windows and doorways. The development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with policy 10 of the ACS.

13. Prior to the commencement of above ground development, large scale sections of at least 1:20 shall be submitted to show the placement and position of windows, and the depth of proposed reveals to windows and doorways. The development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with policy 10 of the ACS.

14. Prior to the commencement of above ground development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

Reason: To ensure that the operation of the building causes no adverse noise and disturbance impacts on neighbouring uses or future users of the building to accord with policy NE9 of the Local Plan.

15. Prior to the commencement of above ground development, an electric vehicle charging scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The scheme shall provide for electric vehicle charging points within 5% of parking spaces (to a maximum of 10 electric vehicle charging points). (In accordance with the informative this provision may be phased with 2.5% provision initially and a further 2.5% by agreement). The scheme shall also make provision for anticipated future demand through enabling appropriate cable provision to be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

Reason: To promote sustainable forms of travel to comply with policies A, 1 and 14 of the ACS and paragraph 35 of the National Planning Policy Framework.

Pre-occupation conditions

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

16. Prior to the development being first occupied provision shall be made within the application site for the parking of cycles in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, this facility shall not be used for any purpose other than the parking of cycles.

Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS.

17. Prior to the development being first occupied the site shall be hard surfaced in accordance with details (location and type of surfacing) that have first been submitted to and approved in writing by the Local Planning Authority. Hard surfacing shall be porous or permeable materials. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the proposed use has appropriate surfacing that will not cause surface water runoff to Station Street or adversely affect the areas surface water drainage pattern to accord with policy 10 of the ACS and policy NE10 of the Local Plan.

18. Prior to first occupation of the development a scheme of public realm improvements to part of the stretch of adjacent canal towpath, including a pedestrian/cycle route from Trent Street to the towpath, shall be implemented in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To secure details of public realm improvements to accord with Policies BE7 and R2 of the Local Plan and Policy 10 of the Aligned Core Strategy.

19. Prior to the development being first occupied a landscaping scheme for the area of land that forms a slope to the canal, including details to enhance biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the type, height, species and location of the proposed trees and shrubs, along with arrangements for the management and maintenance of this area.

Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS.

20. Prior to the development being first occupied the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that site is remediated appropriately in line with the approved remediation strategy to accord with policy NE12 of the Local Plan.

21. Prior to the development being first occupied, verification shall be submitted to and approved in writing by the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures, have been implemented.

Reason: To ensure that approved mitigation measures schemes to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.

22. Prior to the development being first occupied an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and shall demonstrate that it is ecologically sensitive.

Reason: To ensure that there is no adverse impact on local wildlife, such as bats to accord with policy 17 of the Local Plan.

Regulatory/ongoing conditions

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

23. Should the building hereby approved heating and power requirements be met through any other means other than electricity, then the building shall not be brought into use until an alternative heating and power system has been installed and verified as operating in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

The details to be submitted include an assessment of the heating and power generating proposals for the development, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:

- (i) Air quality impact assessment
- (ii) Stack height calculation
- (iii) Abatement techniques and mitigation of potential impacts

Reason: To ensure that the heating requirements of the building do not adversely affect air quality to accord with policy NE9 of the Local Plan.

24. Servicing arrangements (including waste collection and the permitted servicing hours) shall only be undertaken in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the development.

Reason: To ensure that the servicing requirements of the proposed development do not adversely affect the highway to accord with policy 10 of the ACS.

25. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Elliott Wood Partnership Ltd (Ref: 2160181 - Revision: P2) dated May 2018 and the following mitigation measures detailed within the FRA:

- (i) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- (ii) Finished floor levels (FFL) for the ground floor office space to be set no lower than 27.50mAOD as stipulated within sections 6.4 and 8.1 of the FRA.
- (iii) Lower ground floor to comprise only 'less vulnerable' uses (car parking, cycle store, refuse store, WCs, showers and associated lifts and stairwells) as stipulated within section 8.2 of the FRA.
- (iv) Flood resilient design measures to be incorporated where possible in to the final construction as stipulated within section 8.2 and 8.3 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future users to accord with policy NE10 of the Local Plan.

26. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. Any remediation strategy approved as a result of any unidentified contamination being found shall be implemented as approved.

Reason: To ensure protection of controlled waters to accord with policy NE10 of the Local Plan.

27. Any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the ACS.

28. If the development is not commenced within 2 years from the date of the decision, then prior to the development taking place a bat survey together with an assessment and proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved details to a timetable that has been prior agreed.

Reason: To ensure that wildlife in the area is appropriately safeguarded and to comply with policy 17 of the ACS.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other

documents comprising the application as validated by the council on 24 May 2018.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

Construction and Dust Management Plan

This covers access to the site and minimisation of dust. However the hours of construction have not been set out explicitly. The acceptable hours for demolition or construction work (including deliveries to and from the site) are detailed below; -

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0900-1300)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (email: pollution.control@nottinghamcity.gov.uk). The Plan should be amended accordingly.

Furthermore the site investigation indicated that piled foundation would be required for the development and recommend that CFA piling would be the most suitable method. The Management Plan should therefore be amended to include details of any piling or other foundation designs using penetrative methods demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers, as piling often give rise to complaints.

Contaminated Land, Ground Gas and Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- i) Cut and fill operations on site
- ii) How trees retained on site will be dealt with
- iii) How gas precautions including any radon gas precautions will be validated
- iv) Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Noise Management Plan

The applicant must adhere to the agreed Noise Management Plan while the premises remain operational and regularly review the Noise Management Plan. Any amendments which may have an impact on noise sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders.

Contamination

Waste on Site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:
The Position statement on the Definition of Waste: Development Industry Code of Practice and;
The Environmental regulations page on GOV.UK

Flooding

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

5. i: The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

ii: It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

iii: The applicant is advised that the site is adjacent to the NET tram line.. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method during construction. To get authorisation the applicant must request a NET Work Request Form which can be obtained from NET by telephoning 0115 942 7777, or by writing to: Infrastructure Manager NET Depot Wilkinson Street Nottingham NG7 7NW.

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

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

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

RIGHTS OF APPEAL

Application No: 18/00916/PFUL3 (PP-06961061)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue

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WARDS AFFECTED: Clifton South

Item No:

**PLANNING COMMITTEE
15 August 2018**

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Site Of Fairham House, Green Lane

1 SUMMARY

Application No: 18/01050/PFUL3 for planning permission

Application by: WYG Planning Limited on behalf of Cedar House Investments Ltd

Proposal: Change Of Use Of One Unit From Retail (A1) to Tanning Salon
(Sui-Generis)

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 31 August 2018.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions 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 SITE & BACKGROUND

- 3.1 The application relates to part of the Fairham House site which is triangular in shape and is bounded by Green Lane to the south west and Langstrath Road which runs along the east and north boundaries of the site.
- 3.2 There are residential properties surrounding the Fairham House site, on the opposite sides of Green Lane and Langstrath Road. These dwellings are two storey and a mix of terraced and semi-detached properties. The site is in close proximity to the Clifton District Centre which starts to the south east of the site, beyond a pair of semi-detached properties on Green Lane.
- 3.3 A hybrid planning permission (reference 16/02648/PFUL3) was granted on 19/04/2017 for 24 apartments with associated car park and other works (outline); a food store, 4 non-food retail units and a cafe/restaurant with associated car park, alteration to the site access and other works (full), following demolition of Fairham House. The planning permission was implemented.
- 3.4 A non-material amendment application 18/01125/PNMA was also approved on 25/06/2018. This covered external alterations that enabled the applicant to create

an additional A1 unit (from 4 to 5) in the block located to the north-west side of the site.

4 DETAILS OF THE PROPOSAL

Planning permission is sought for the change of use of one unit from Retail (A1) to Tanning Salon (Sui- Generis). As mentioned early the proposed unit has already been approved as part of an amendment to the original scheme, to operate as a separate unit.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Neighbouring properties have been notified in writing of the proposal. The application has also been publicised through site notices. As a result of this publicity, 87 representations have been received, 86 of which raise objection to this proposal. The objections are summarised as follows:

- There is no need for a further tanning salon in Clifton, there are already plenty of salons that offer this service
- There are health risks that come with tanning. It doesn't need to be encouraged
- Local residents require shops, as the development originally intended e.g. for clothes and shoes, both for adults and children. They are a large community and have to travel into the city centre to buy such products.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections but recommend that the following are secured by condition: environmental noise assessment, hours of operation and deliveries.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

The NPPF advises that there is a presumption in favour of sustainable development and approving development proposals that accord with an up-to-date development plan without delay. Of particular relevance to this application are sections 6 (Building a stronger competitive economy) and 7 (Ensuring the vitality of town centres).

Nottingham Local Plan (November 2005):

S6 – Non-retail uses

NE9 – Pollution

Aligned Core Strategy (September 2014):

Policy 4: Employment Provision and Economic Development - aims to strengthen and diversify the local economy.

Policy 6: Role of Town and Local Centres - aims to maintain and enhance the vitality and viability of all centres.

Policy 10: Design and Enhancing Local Identity - new development should be designed to: create an attractive, safe, inclusive and healthy environment.

7 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development;
- ii) Design and impact on the street scene;
- iii) Impact on residential amenity;
- iv) Impact on Highways & Parking

Issue (i) Principle of the Development (Policies 4 & 6 of the ACS; Policy S6 of the Local Plan)

- 7.1 The principle of the development as a retail site has already been established by permission 16/02648/PFUL3. The floorspace that this planning application relates to already has extant planning permission for A1 use.
- 7.2 The current proposal is for a tanning salon which is another use appropriate to and commonly found in district and local centres. There are no restrictions within the current planning permission relating to the type of A1 retailing that can be carried out from this floorspace, for example, there is no requirement to sell items such as clothes or shoes. Other types of businesses which could operate from the unit without further permission include hairdressers, dry cleaners, travel agents and undertakers, all of which fall within the A1 use class. Whilst there may be a local desire to see clothes shops on the Green Lane site, tenants can only be selected from those expressing an interest in the site. The applicant has employed specialist retail property agents FHP and JLL to attract retailers to the development, who advise that the major retailers in the clothing and footwear sector do not have a requirement for Clifton. Notwithstanding, B&M, who have committed to taking a large unit on the site, would sell clothing and footwear as part of their comparison goods offer.
- 7.3 The consultation responses have raised the issue that there are already plenty of tanning salons offering the service and no need for a further tanning salon in Clifton. It should be noted that competition is not a material planning consideration and there is no other tanning salon within this new retail park.
- 7.4 Although classified as a Sui generis use (i.e. one that does not fall within any of the use classes), a tanning salon clearly has similarities to a number of retail uses that would fall within the A1 (retail) use class, such as hairdressers.
- 7.5 Policy S6 of the Local Plan and policy 6 of the ACS seek to protect the vitality and viability of shopping centres. This new retail park is not within the defined District Centre of Clifton but constitutes a recent and significant expansion of its retail offer. The proposal relates to the smallest unit in the park, in a parade of 5 units and alongside the other two larger units. As currently approved all are A1 use with the exception of one A3 use in the parade of smaller units. The proposal would not

therefore have a significant impact on the predominance of A1 units, in accordance with the aforementioned policies.

- 7.6 Clearly it is desirable to find tenants for these units in a challenging retail market, rather than seeing longer term vacant units which would not enhance the vitality of this new retail park. An occupied unit would also bring jobs in accordance with ACS policy 4.
- 7.7 Considering the above issues, the proposed change of use to tanning salon is acceptable in principle and accords with policies 4 and 6 of the ACS and S6 of the Local Plan.

Issue (ii) Design and Impact on the Streetscene (Policy 10 of the ACS)

- 7.8 The proposed unit has already been approved as an amendment to the original scheme and is entirely compatible with the parade within which it sits. Moreover, having the building in an active use would be to the benefit to this retail park and the wider area.
- 7.9 The proposed tanning salon would be the smallest unit within this retail park would not have any adverse impact on the street scene. The proposal is considered to be of an appropriate scale and design and complies with policy 10 of the ACS.

Issue (iii) Impact on neighbouring amenity (Policy NE9 of the Local Plan and Policy 10 of the ACS)

- 7.10 There are residential properties surrounding the site. The original application for the retail park development assessed its impact on the local residents and concluded that their amenities would not be significantly affected in terms of vehicular and pedestrian movements, general noise and disturbance, loss of light, privacy or an overbearing impact. The proposed change of use to tanning salon would not alter the previous assessment of impact on the amenities of the local residents.
- 7.11 The applicant has not proposed any alteration to the proposed hours of operation that the entire site is subject to. It is therefore considered that the opening hours and associated activities of the proposed tanning salon would not differ from a retail use, nor would the proposed use create such level of activity that would result in a detrimental impact on the amenities of nearby residential properties.
- 7.12 In terms of the noise, the Environmental Health Officer has requested an environmental noise assessment and sound insulation scheme which could be secured through conditions. Subject to these conditions, the proposal therefore complies with policy NE9 of the Local Plan and policy 10 of the ACS.

Issue (iv) Impact on Highways & Parking (Policy 10 of the ACS)

- 7.13 All vehicular traffic would access the application site from Green Lane, which would be the same as the existing arrangement for the entire site. The site is in a sustainable location and well-designed public access routes are in place for the wider site. Therefore this application for the change of use from retail to tanning salon is acceptable from a highways perspective.

Other Issues

- 7.14 Local residents have raised concern about the perceived dangers of tanning salons. The operation of tanning salons is controlled through separate legislation and this matter is not a material planning consideration that can have a bearing on the decision-making process for this application.

8 FINANCIAL IMPLICATIONS

No financial implication.

9 LEGAL IMPLICATIONS

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

10 EQUALITY AND DIVERSITY IMPLICATIONS

None.

11 RISK MANAGEMENT ISSUES

None.

12 STRATEGIC PRIORITIES

None.

13 CRIME AND DISORDER ACT IMPLICATIONS

None.

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

1. Application No: 18/01050/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

15 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Nottingham City Aligned Core Strategy adopted September 2014

Contact Officer:

Mohammad Taufiqul-Islam, Case Officer, Development Management.

Email: Mohammad.Taufiqul-Islam@nottinghamcity.gov.uk. Telephone: 0115 8764044

NOMAD printed map



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0 0.03 0.06 km



Key



City Boundary

Description

No description provided



My Ref: 18/01050/PFUL3 (PP-06708705)
Your Ref:
Contact: Mr Mohammad Taufiqul-Islam
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

WYG Planning Limited
FAO: Sophie Drury
Rowe House
10 East Parade
Harrogate
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HG1 5LT

Date of decision:

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

Application No: 18/01050/PFUL3 (PP-06708705)
Application by: Cedar House Investments Ltd
Location: Site Of Fairham House, Green Lane, Nottingham
Proposal: Change Of Use Of One Unit From Retail (A1) to Tanning Salon (Sui-Generis)

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

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)



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Not for issue

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Continued...

2. The development shall not be occupied until an environmental noise assessment and sound insulation scheme have been submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development as a whole and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

Reason: To safeguard the health and residential amenity of the occupants of the existing and proposed residential accommodation to comply with Policy NE9 of the Nottingham Local Plan.

3. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development, including any mitigation measures, have been implemented prior to occupation of the development.

Reason: To safeguard the health and residential amenity of the occupants of the existing and proposed residential accommodation to comply with Policy NE9 of the Nottingham Local Plan.

4. The development shall not be occupied until the cycle shelters approved under permission 16/02648/PFUL3 have been provided.

Reason: In the interests of highway safety and to promote sustainable modes of transport in accordance with Policy 10 of the Aligned Core Strategy.

5. The development shall not be occupied until the hard landscaped areas of the retail park have been completed in accordance with the details approved under permission 16/02648/PFUL3.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

6. Prior to the first occupation of the development, the management plan that covers litter and security for the retail park, approved under permission 16/02648/PFUL3, shall be implemented and fully operational.

Reason: To ensure that the appearance of the development is satisfactory, and to safeguard residential amenity to comply with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

7. The development hereby permitted shall not be open to customers outside the hours of 8am to 11pm Monday to Saturday, and 10am to 11pm on Sundays and Bank Holidays.

Reason: To safeguard the health and residential amenity of the occupants of nearby property to comply with Policy NE9 of the Nottingham Local Plan.

8. The development hereby permitted shall not allow deliveries outside the hours of 7am to 7pm



on any day.

Reason: To safeguard the health and residential amenity of the occupants of nearby property to comply with Policy NE9 of the Nottingham Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 29 May 2018.

Reason: To determine the scope of this permission.

Informatives

1. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

2. The tanning salon hereby permitted is part of the wider retail site permitted under 16/02648/PFUL3 permission. The applicant is required to comply with all the planning conditions attached with this original planning permission.

3. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

4. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the officer's delegated report, enclosed herewith and forming part of this decision.

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

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

RIGHTS OF APPEAL

Application No: 18/01050/PFUL3 (PP-06708705)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



Safer, cleaner, ambitious
Nottingham
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DRAFT ONLY

Not for issue

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WARDS AFFECTED: All

Item No:

PLANNING COMMITTEE
18th July 2018

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Nottingham Local List Adoption

Proposed Adoption of a Local List of Heritage Assets and Application in some cases of Article 4 Directions

1 SUMMARY

This report sets out the proposal for the adoption of a Local List of Heritage Assets in Nottingham and a mechanism for due consideration of applications for demolition of some historic buildings on the list through Article 4 Directions. Although these are Executive functions and will be referred to Executive Board in due course the Constitution permits Planning Committee to have a consultative role in the process.

2 RECOMMENDATIONS

That Planning Committee:

- 2.1 Recommend the adoption of a Local List to Executive Board including the attached criteria and selection process (appendix 1)
- 2.2 Recommend that Article 4 directions be considered in the circumstances indicated in appendix 3 to necessitate planning permission to be required in the case of demolition

3 BACKGROUND

- 3.1 Many of the city's most historically significant heritage assets are protected by national designations, with others being afforded higher levels of protection due to their location in Conservation Areas. However, many more significant buildings, historic landscapes and archaeological remains are not formally recognised resulting in, their actual and potential contribution and importance often being overlooked and unrecognised. The Nottingham City Aligned Core Strategy (Policy 11); the draft Nottingham City Land and Planning Policies Document (paragraph 4.130) and the Nottingham Heritage Strategy make reference to the Council creating a local list of non-designated heritage assets to ensure that their conservation and use remains a key part of the city's heritage which prevails for the benefit of future generations
- 3.2 Local Lists highlight key heritage assets in the townscape, which are cherished by communities. Such assets highlight the city's history, providing an instinctive link to the past and a giving us a sense of future direction by raising awareness of our origins. Local Lists differ from national designations as they draw attention to assets that are special because they are locally significant.
- 3.3 Research suggests that around 60% of local authorities in England now have Local

Lists. Nottingham has an established and detailed Local List, developed by the Nottingham Civic Society from an earlier list produced by the Council some years ago. However, the list is not formally adopted and can be afforded no weight in decision-making. Improving the list so that it is fit for purpose and formally adopted would enable the city to care for its valued assets and put them to best use as Nottingham grows.

- 3.4 The Nottingham Local Plan and the Heritage Strategy contain actions to adopt criteria for selection of heritage assets to be included in the Nottingham Local List. The Local List could then be used through the Local Plan as part of the evidence-base for planning and development as well as ensuring due process in decisions about the future of heritage assets and having a robust process for the justification of decisions on appeal.

4 CONSULTATION AND OBSERVATIONS OF OTHER OFFICERS

- 4.1 The proposed Local List Criteria and Selection Process has been written by officers from the Heritage and Urban Design Team in collaboration with the City Archaeologist and colleagues in Planning and Planning Policy Teams and having regard to the advice in Historic England's Advice Note 7: Local Heritage Listing. It has also been developed in consultation with the Nottingham Civic Society, the Nottingham Heritage Panel, Historic England, and the University of Nottingham.

- 4.2 The initial Local List criteria were the subject of an earlier report to this Committee following which they were subject to a 6 week public consultation period ending 7th January 2017. This enabled members of the public to input into the formation of the Local List Criteria and Selection Process and the proposals have been revised following this process (proposed criteria and selection process in appendix 1 and consultation report in appendix 2). The consultation was sent to the Nottingham and Long Eaton Topper; to all National and Local Amenity Societies; through the NCC consultation team and the Nottingham Heritage Partnership. From the consultation, 98% (80 people) thought that NCC should hold a Local List and 95% (77 people) felt that Article 4 Directions should be used in the case of demolition.

- 4.3 The process of applying the criteria of the Local List and using Article 4 Directions has been tested through a pilot project in Basford delivered by a PhD researcher funded by the University of York and Historic England.

5 RELEVANT POLICIES AND GUIDANCE

- 5.1 The following policies and guidance are directly relevant to the designation of Locally Listed Heritage Assets:
- National Planning Policy Framework (2012): Section 12. Conserving and enhancing the historic environment and the National Planning Policy Guidance (2014 onwards) on Non-Designated Heritage Assets
 - The Town and Country Planning (General Permitted Development) (England) Order 2015
 - Nottingham City Aligned Core Strategy (part 1 Local Plan) Policy 11 paragraph 3.11.8 (adopted September 2014); the Nottingham City Land and Planning Policies Document (part 2 Local Plan) Policy HE1 paragraph 4.130 (Publication Version January 2016) and the Nottingham Heritage Strategy (Published March 2015)
 - Historic England Advice Note 7: Local Heritage Listing (Published May 2016)

6 APPRAISAL

- 6.1 Paragraph 135 of the National Planning Policy Framework 2012 requires the Planning Authority to take the impact of development on non-designated heritage assets into account when determining planning applications.
- 6.2 Based on this paragraph, some councils have adopted a list of non-designated Heritage Assets, which has added weight to their decisions on appeal. Having adopted criteria for a Local List of Heritage Assets based on publically scrutinised and rigorous selection criteria provides a more robust basis for assessing planning decisions as well as identifying heritage issues at the earliest possible stage in the planning process.
- 6.3 The National Planning Policy Guidance States, *“Local lists incorporated into Local Plans can be a positive way for the local planning authority to identify non-designated heritage assets against consistent criteria so as to improve the predictability of the potential for sustainable development”*.
- 6.4 The National Planning Policy Guidance goes on to say, *“When considering development proposals, local planning authorities should establish if any potential non-designated heritage asset meets the definition in the National Planning Policy Framework at an early stage in the process. Ideally, in the case of buildings, their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.”*
- 6.5 The Examination Draft Nottingham City Land and Planning Policies Document states, *“The Council will produce and maintain a list of non-designated heritage assets and set out the criteria for their identification.”* Furthermore, it states, *“In addition to nationally recognised assets, the City also includes a large number of buildings, archaeological sites, monuments, gardens and spaces of local and regional importance. These non-designated heritage assets are not afforded any additional statutory protection, but they are material considerations in the planning process and receive the full weight of both local and national planning policies. Therefore, where development affects a non-designated heritage asset or would result in its demolition or loss, a balanced judgement on the acceptability of the proposal will be made, having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 6.6 The proposed Local List Criteria and Selection Process consider this policy guidance and is further based on the best practice advice contained in *Historic England Advice Note 7: Local Heritage Listing*.
- 6.7 Even where a non-designated Heritage Asset is placed on a Local List it is generally afforded no higher level of protection in planning terms than any other property (unless it is situated in a conservation area). In particular, the demolition of a non-designated Heritage Asset would normally be permitted under the prior notification process...
- 6.8 Historic England Advice Note 7 on Local Heritage Listing recommends, *“Where changes do not require planning permission, an authority may consider whether the exercise of permitted development rights would undermine the aims for locally listed heritage assets. In cases where it would, authorities may consider the use of an Article 4 Direction (in tandem with the local listing process) to ensure any permitted development is given due consideration.”* Some authorities (such as Leicester City

Council) have imposed Article 4 directions taking away these permitted development rights for Locally Listed Heritage Assets.

- 6.9 The public consultation on the Local List gave a clear steer (95%) that NCC should impose Article 4 Directions in the case of demolition of a Locally Listed Heritage Asset. The imposition of Article 4 Directions in the case of Local Lists has been explored nationally and forms the basis for recommending which Local Heritage Assets (that currently have Permitted Development rights for demolition by Prior Notification) should have Article 4 Directions placed on them to require planning permission to be gained in the case of demolition. This would equalise protection of Locally Listed historic buildings with buildings within Conservation Areas.
- 6.10 The process to add an asset to the Local List would run in parallel with the process for making an Article 4 Direction with a 6-week consultation period with two public notices, a notice in a Local Newspaper and consultation with Local Stakeholders, such as ward councillors, businesses and heritage organisations. Following the consultation period, final approval to add to the list would be made by the Portfolio Holder. Officers would address any objections or appeals prior to final approval to add to the Local List.

7 FINANCIAL IMPLICATIONS

- 7.1 There are small resource implications for the administration of the selection process for the Local List, which can be met within existing budgets and staff resources.

8 LEGAL IMPLICATIONS.

- 8.1 Whilst the adoption of a Local List process and Article 4 Directions are Executive functions the Constitution gives this Committee a consultative role on such matters.
- 8.2 The proposals appear consistent with relevant National and Local Planning Policy and Guidance and whilst not carrying the weight of a Supplementary Planning Document the placing of assets on the local list will still amount to a material planning consideration in determining planning applications thereby affording such assets an additional layer of protection.
- 8.3 Once on the local list there is no formal right of challenge other than potentially by judicial review or challenging any planning decision where the relevant asset has formed a material planning consideration. Where it is determined that an Article 4 Direction is also required a separate statutory procedure has to be followed which may mean that there is a delay between an asset being placed on the Local List and any relevant Article 4 Direction being confirmed and taking effect (unless special circumstances exist necessitating the Direction to take effect immediately) .

9 EQUALITY AND DIVERSITY IMPLICATIONS

The Local List will provide opportunities for citizens from all communities to make applications to add entries to the Local List. The criteria includes a means of recognising diverse heritage within Nottingham and the contribution that all communities have made to the history of the city.

10 RISK MANAGEMENT ISSUES

None.

11 STRATEGIC PRIORITIES

- 11.1 The adoption of Local List Criteria and Selection Process was identified as a task to be delivered in the Nottingham City Land and Planning Policies Document (part 2 Local Plan) and the Nottingham Heritage Strategy.

12 CRIME AND DISORDER ACT IMPLICATIONS

None arising from this report.

13 VALUE FOR MONEY

- 13.1 The proposal would enable better-informed planning decisions to be made regarding Non-Designated Heritage Assets and give a process for the robust justification of decisions. It would also enable greater appreciation and engagement with heritage throughout the city.

14 HEALTH INEQUALITIES IMPLICATIONS

None arising from this report.

15 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

Appendix 1 – Proposed Local List Criteria and Selection Process
Appendix 2 – Local List Criteria and Selection Process Consultation Report
Appendix 3 – Flowchart of recommendations for cases to use Article 4 Directions in the case of demolition

16 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT:

Nottingham Heritage Strategy (Published March 2015)
Historic England Advice Note 7: Local Heritage Listing (Published May 2016)
National Planning Policy Framework and Guidance (2012)
Nottingham City Aligned Core Strategy (part 1 Local Plan) (adopted September 2014) and the Nottingham City Land and Planning Policies Document (part 2 Local Plan) (Publication Version January 2016)

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Appendix 1 - Proposed Local List Criteria and Selection Process

Nottingham Local List Criteria and Selection Process

Criteria for the Designation of Locally Listed Heritage Assets in Nottingham

The Local List should be a tangible reflection of the characteristics and history of Nottingham. Therefore, nominations for the list will be assessed against the criteria listed below. Elements of historical association will require evidence within the fabric of the building or heritage asset to meet the criteria of the list. Heritage assets must as a minimum have a local significance in order to be included on the list and for their inclusion to be regarded as a material planning consideration. The impact of development on locally listed assets will be part of the balancing exercise in the determination of planning applications (National Planning Policy Framework paragraph 135). All buildings that meet the criteria of national listing should be included in the National Heritage List of England if Historic England are aware of the building. However, designation of archaeological remains and designed landscapes at a national level only represents a sample of nationally important heritage assets and therefore some heritage assets included in the Local List may also be of national importance. The Local List is compiled through applications rather than a systematic survey and is not exhaustive. If a heritage asset is not included in, the list it does not mean it is ineligible for inclusion or that it cannot be afforded some level of protection under general planning policy.

In the following –HER means Historic Environment Record and UAD means Urban Archaeological Database

Criterion	Description
Age criteria for buildings and structures	<ul style="list-style-type: none"> • Pre-1840 likely to be nationally listed if not will normally be included in the Local List • 1840-1914 – Likely to be of traditional construction and, while other criteria of selection need to be met, heritage within this timeframe is likely to provide evidence of the development of Nottingham from a medieval to modern city. Greater selectivity will be necessary from this period to today as mass production and availability of materials led to more standardisation of buildings. • 1914-1960 – for heritage within this category there will be a high level of selectivity and assets will be selected that either represent innovation; high quality design or aesthetic value or reflect important historic or communal associations • Post-1960 – The highest level of selectivity will be used for this group where the asset will demonstrably contribute to the heritage of the city to be included in the list
Rarity	Appropriate for all assets, as judged against local characteristics. Is the building or monument type either a local rarity or uniquely characteristic of the heritage of Nottingham? Selection will be made based on protecting rare heritage types as well as representing the typical or common place. Guidance on the relative rarity of heritage assets is given below with advice on how to judge good examples of each.
Heritage Asset Type	<p>The following heritage asset types play an important role in understanding the heritage of Nottingham:</p> <ul style="list-style-type: none"> • Agricultural – surviving examples of pre-enclosure

heritage assets that have been subsumed in the city – all are likely to be good candidates for local listing

- Commemorative – high quality monuments that show a high level of craftsmanship or artistry will be good candidates for local listing especially if associated with a known artist. This category includes:
 - Public Art and Sculpture by leading artists or of communal value
 - Good quality Funerary Monuments
 - Civic Monuments and Statuary
 - War Memorials – are likely to be good candidates for local listing as they represent the role the people of Nottingham in events on a world stage
- Commercial – Within this category, there will be a high level of selectivity in terms of the survival of fabric and aesthetic quality.
 - Banks and Offices
 - Shops, department stores, markets and auction houses
 - Good quality historic public houses (is it on the CAMRA historic pubs list?), Inns and Hotels
 - Tea houses, temperance bars and social clubs
- Cultural and Entertainment – this category will need to demonstrate a high aesthetic quality and substantial original fabric of the building in order to be listed.
 - Libraries and reading rooms
 - Museums and Art Galleries
 - Assembly Rooms and Music Halls
 - Concert Halls, music venues, Theatres and Cinemas
 - Dance Halls, Villages Halls and institutes
- Surviving vernacular houses, usually dating to the pre-enclosure period, are likely to be at least of local significance due to their local rarity. Complete cave dwellings are likely to be of local if not national importance (see caves).
- Town Houses – there are many examples of town houses on the national heritage list within the Nottingham City Council area. Those houses before the mid Victorian period that do not meet the national criteria are likely to be good candidates for local listing.
- Workers Housing and textile workers housing – good examples of groups of workers housing might be better served by conservation area status. For individual buildings and small groups that reflect good historic examples local listing might be a good management tool. Frame-work knitters and lace maker’s dwellings are likely to be locally significant if they are not recognised by national listing.
- Suburban and Country Houses – well-designed examples with high aesthetic value will make good candidates for local listing; especially if there is a historical association with important Nottingham figures such as local industrialists. This type of housing includes:

- Villas
- Halls (e.g. Clifton, Basford and Wollaton)
- Suburban housing
- Clergy Housing
- Modernist Housing – individual houses are a relative rarity in the city so good examples might meet the criteria for local listing. There are significant numbers of 20th century housing typical of the era so a very high level of judgement will be used in the selection of Local List candidates. There are good examples of wartime housing, which might be of local significance (see prefabricated buildings below).
- Education – the city is well served with good education board schools from the 1870s. There are also good examples of earlier schools such as the Town Mission Ragged School of 1858 and the Old Grammar School at Bulwell of 1667. The two universities and a number of higher education establishments contain good historic buildings. Good candidates for local listing will include early schools and well-designed historic education buildings from all periods. Buildings within this category include:
 - Board Schools and other school
 - University and Higher Education establishments
 - Halls of Residence – the universities have several high quality halls of residence that were either purpose built, such as Florence Boot Hall or were reused residential properties, such as High Stewart Hall (formerly Lenton Hall). Those historic halls of residence that are not nationally recognised are good candidates for the Local List.
- Health and Welfare – there are some high quality undesignated health and welfare buildings in the city. Good examples would make excellent candidates for the Local List. This category includes:
 - Hospitals and Asylums –Victorian institutions within the city that are not nationally listed are likely to make good candidates for the Local List. There are the potential for archaeological remains of earlier foundations, such as the medieval hospital of St John. Remains of medieval hospitals are likely to be of national significance and will be managed through the Archaeological Constraint Areas and be added to the HER and UAD.
 - Almshouses – standing almshouses survive from the Victorian and Edwardian period with many being nationally listed. Good examples of almshouses are likely to be excellent candidates for local listing.
 - Workhouses and Children’s Homes – such as Basford Union Workhouse
 - Dispensaries
- Industrial – the main industries in the city of Nottingham during the post-medieval and modern periods were lace,

bicycles and tobacco. While national listing protects some heritage, assets relating to these industries many fall below the criteria while adding greatly to the story of Nottingham. These would therefore meet the criteria of local listing:

- Lace and stocking Manufacturing, finishing (bleach works) and warehousing buildings
- Buildings associated with Viyella manufacturing
- Boots buildings – including diversified industry such as the print works
- Heritage assets relating to the tobacco industry
- Fabric relating to Raleigh Bicycle manufacture
- Heritage Assets relating to the leather and tanning industry
- Breweries and Maltings
- Mining/Quarrying
- Warehouses – including rail warehouses
- Heritage Assets relating to motorcycles and the early motor industry.
- Early Industry – archaeological remains of early industry are likely to make good candidates for local listing, such as mining from the 16th century
- Any remains of the Nottingham alabaster industry will be protected by local listing if not by national designation
- Heritage assets relating to pottery, tile and brick production
- Law and Civic – Civic buildings tend to represent the highest quality of design and planning and therefore are often included within the National Heritage List. Historic examples that do not meet the criteria of national listing are likely to be of local significance in terms of the history of the civic development of the city. Examples include:
 - Town Halls and government buildings
 - Law courts, police stations and prisons
 - Fire stations
 - Political Clubs and Institutions, such as the Mechanics Institute
- Military – there is a high potential of military remains of different periods throughout the city. Elements that survive well are likely to be locally listable. This might include:
 - Pre-Norman Conquest (Late Saxon) defensive ditch - archaeological traces of the defensive ditch are at least of local significance
 - Medieval Town Wall – archaeological traces of the town walls are at least of local significance. There is only one short length of in situ town wall and this is already scheduled. Further remains are unlikely to survive; however, theoretically some remains of wall could exist
 - Medieval (post Norman Conquest) town ditch – archaeological traces of the defensive ditch are at least of local significance
 - Civil War remains – any remains are of local if not

national significance

- 20th century defences – such as pill boxes, airfields, anti-aircraft batteries, bombing decoys or bunkers/shelters
- Prisoner of War locations and camps and army training grounds – there are at least two known locations within the city where prisoners of war were detained. If there is surviving fabric of these historical events, they may be worth of local listing in their own right or would add to the case for local listing with other factors.
- Places of Worship or religious sites – Good examples of historic places of worship of all different denominations and faiths can be eligible for local listing. This includes buildings that have been reused as faith buildings such as houses, which have been converted to mosques. There are potential archaeological remains in the city of medieval religious foundations such as at the scheduled Lenton Priory or the site of the Carmelite Friary off Friar Lane as well as smaller scale sites such as the scheduled Lenton Hermitage. Any traces will be of national significance and will be protected through Archaeological Constraint Areas.
- Burial or funerary sites without religious affiliation – there is at least one medieval site and there are also known Bronze Age and Roman sites within the city
- Sports and Recreation –
 - Swimming Baths
 - Early or well-designed historic Indoor sporting venues such as billiard halls, lads or girls clubs, skittle alleys, gymnasias, drill halls and sports centres
 - Good quality historic outdoor sporting venues – including pavilions, grandstands, and sports grounds
- Street Furniture – good examples will be grouped with other heritage assets to meet the criteria for designation unless of exceptional quality. This category can include street surfaces and steps, lighting, boundary markers, signposts, bus shelters, drinking fountains, pumps, letterboxes and telephone kiosks.
- Transport – surviving infrastructure and buildings can be locally listable such as:
 - Rail viaducts and trackbeds
 - Suburban Railways
 - Canal and river structures
 - Bridges
 - Train warehouses
 - Car parks and showrooms
 - Bus and tram depots and sheds
- Utilities and Communication – historic examples of the following heritage assets could be added to the Local List:
 - Power generation or distribution site
 - Wells, waterworks, pumping stations, water towers

	<p>and reservoirs.</p> <ul style="list-style-type: none"> ○ Communications structures – good quality historic post offices and telegraph exchanges ● Prefabricated buildings, such as the ‘Crane House’ in the Middleton Boulevard Conservation Area – need to evaluate whether they would benefit from extra protection through being locally listed. There are also a group of Tarran bungalows on Beechdale Road. With local listing, selectivity will be used in designation to protect key buildings that add to the understanding of the whole or that retain original fabric. ● Caves – these have been cut into the soft sandstone below the city centre for centuries for different purposes from hermitages, to pub cellars and even malt kilns, tanneries and catacombs. The caves have now been extensively mapped and a Supplementary Planning Document is being prepared for their management. Individual local listing of the caves would help to flag up their presence in the planning process and ensure the impact of development on the caves is understood and considered within the determination of planning applications. ● Prehistoric Nottingham – There is a high potential that prehistoric remains survive, particularly in areas close to the River Trent. Excavations have shown the presence of Bronze Age and Iron Age settlements in Clifton, Wilford and Broxtowe. These remains are likely to be regionally if not nationally important and if they are not designated, they will be included in the Local List. ● Roman Nottingham – considering the plentiful prehistoric evidence in the Trent Valley there is a paucity of Roman evidence within Nottingham. Any remains of Roman date will be added to the Local List if not nationally designated. ● Saxon and Medieval Nottingham – There is a high potential that remains of the Saxon borough sited around the Lace Market and the Norman Town focussed at the castle survive beneath the city centre. These have the potential to contain information about everyday life in the city for more than 1000 years. Outside the centre, there is the potential for remains to survive of smaller settlements around the city such as at Basford, Bulwell, Sneinton, Wilford and around the Lenton Priory site. Any significant remains are likely to be of national importance and therefore will be managed through the Archaeological Constraint Areas by the City Archaeologist. These will be added to the HER and UAD.
<p>Architectural or Artistic value</p>	<p>The intrinsic design value of an asset relating to local styles, materials or any other distinctive local characteristics, for example:</p> <ul style="list-style-type: none"> ● Use of Bulwell Stone or Derbyshire Gritstone in a good quality building ● High quality use of architectural ceramics ● Good examples of brick buildings using brick detailing – needs additional selection criteria

	<ul style="list-style-type: none"> • Fine examples of architectural styles, such as neo-gothic, Art Deco, or eclectic • High quality of craftsmanship or design
Group value	Groupings of assets with a clear visual, design or historic relationship, such as the group of heritage assets around Wellington Circus or the Civic area around the Guild Hall. Consideration needs to be made whether there are enough assets for a conservation area and whether that would be a better means of managing them.
Documentation	The significance of a local heritage asset of any kind may be enhanced by a significant contemporary or historic written record
Historic association	<p>The significance of a local heritage asset of any kind may be enhanced by a significant historical association of local or national note, including links to important local figures, such as;</p> <ul style="list-style-type: none"> • Buildings designed by Nottingham architects T.C. Hine, Watson Fothergill, Cecil Howitt, GT Hine, AM Bromley, Gilbert Smith Doughty, Brewill and Baily, Arthur Marshall • Architects that designed any buildings of Special Interest recognised on the National Heritage List for England • Key figures in the history of Nottingham such as Jesse and Florence Boot, Albert Ball, William and Catherine Booth, or Mary Potter • Examples of philanthropy within the city • Heritage Assets associated with Literary or artistic figures such as Lord Byron, DH Lawrence, Alan Stillitoe (?), Laura Knight • Heritage Assets associated with rebellion or social reform within the city, such as Luddite disturbances, Chartist riots and the Suffragette and Women's movement <p>Selectivity will be taken with heritage assets designated for historical association, there will be a link between the historical events/figures and existing fabric. Historical association without a link to existing fabric can be recognised by other means, such as a blue plaque scheme</p>
Archaeological interest	Heritage assets can be locally designated on the grounds of archaeological interest if the evidence base is sufficiently compelling and if a distinct area can be identified. In Nottingham, there is a high potential for important archaeological remains, which are not protected through national designation including caves cut into the rock (see above) to a range of buried deposits potentially from as early as the Bronze Age detailing everyday life in the city. Extensive remains of medieval date within the area of the Saxon and Norman city are likely to be of national importance. Specific heritage asset types are dealt with above and consideration must be made of whether local listing is an appropriate management tool or whether remains will be managed through Archaeological Constraint Areas alongside recording on the HER and UAD. There are some sites within the Nottingham City Council area that contains high palaeoenvironmental potential, which could be locally protected within the Local List.
Designed landscapes and Open Spaces	This includes gardens, grounds and other planned open spaces, such as town squares, that are not on the national register of Parks and Gardens but do have historic significance. Some

started life as the grounds of private houses while others include public parks and cemeteries. Even hospital landscapes and industrial sites such as pumping stations can be included, because they have skilfully planned surroundings reflecting the landscaping fashions of their day. The emphasis of the Register is on 'designed' landscapes, rather than on planting or botanical importance. Nottingham has an interesting and strong assemblage of different design landscapes emphasising the planning of green spaces in the later development of the town and later city. Designed landscapes that are characteristic of Nottingham include:

- Allotments and detached town gardens – Nottingham has the largest area of detached town gardens (St Ann's Allotments) and two (St Ann's Allotments and Bagthorpe Gardens) of the five designated areas of detached town gardens in the country. Detached town gardens were plots of land at the edge of the town rented out to artisans and the skilled working class, such as lace makers, for use as ornamental and productive gardens. This is a nationally rare landscape type, which is likely to be recognised by inclusion on the register of parks and gardens. In addition to these nationally designated landscapes, there are historic allotments within the city. A candidate for local listing would need good survival of historic layout, boundary features.
- Gardens/Grounds of villas and country houses – where there is the survival of layout, boundaries, structures and planting consideration for local listing will be given.
- Victorian/Edwardian Suburbs – with circuses and squares – such as the Park Estate or Wellington Circus. Good candidates for local listing will have surviving layout and boundaries with a preference for original planting schemes.
- 20th century Garden Suburbs – for example Clifton South where the layout still survives with good tree planting to increase public amenity. A high level of judgement will be needed to select those elements that are characteristic of the whole and survive intact.
- Public Parks and gardens including structures – such as the Arboretum, Highfields Park or the Castle Bailey. A discussion regarding the most appropriate management tool might be appropriate as the three examples are already nationally designated.
- Public Walks – Nottingham has a number of public walks created immediately after the Enclosure Act of 1845. These are not unique; however, Nottingham is unusual having a planned set of walks including Robin Hood Chase, Corporation Oaks, the walk around Bellevue Reservoir, Elm Avenue and Queen's Walk.
- Cemeteries and Gardens of Remembrance – including designated sites such as Rock Cemetery (grade II* registered) and the General Cemetery (grade II registered) or locally significant places such as the Jewish Burial Ground on North Sherwood Street. Other examples

	<p>include St Mary's Garden, which was a Cholera Burial Ground and intra-mural burial grounds at Mount Street and Barker Gate. Good candidates for local listing will have surviving boundaries, layout and landscaping, planting, monuments and buildings.</p> <ul style="list-style-type: none"> • Institutional landscapes – such as University Park or King Edwards Park, Sinton (the site of the County Lunatic Asylum). Surviving elements will normally include boundaries, layout, landscaping, and structures.
Landmark status	<p>An asset with strong communal or historical associations, or because it has especially striking aesthetic value, may be singled out as a landmark within the local scene. This might include a historic building that ends the view down a street or a church or institutional building.</p>
Social and communal value	<p>Relating to places perceived as a source of local identity, distinctiveness, social interaction and coherence; often residing in intangible aspects of heritage contributing to the “collective memory” of a place. This can include public places such as swimming baths, schools, pubs or parks; or historic places associated with influential figures in the city. Allied to this is the importance of the asset to the story of Nottingham or parts of Nottingham. Within this category assets representing the following might represent good candidates for local listing:</p> <ul style="list-style-type: none"> • Heritage assets that relate to Black And Minority Ethnic (BME) communities within the city • War memorials • Community facilities such as schools, swimming pools and public houses (see above) • Buildings that reflect discrete communities in the city such as LGBTQ buildings <p>This can add to the significance of a building but will relate to the fabric of heritage assets for this to be a defining criteria of selection.</p>

Selection Process for Local Listing

1. Online Application Process – seeking:
 - **Statement of significance:** *identifying the significance of the asset in the local context*
 - **Location details:** *Ordnance Survey (OS) grid references and street address*
 - **Administrative information:** *may include Parish, District and County details*
 - **Photographs:** *visual recording of the asset from the public realm, concentrating on significant elements*

The Local List database populated from the application form will fulfil the data requirements of the Historic Environment Record so that it can be incorporated directly.
2. Application risk assessed to determine whether it needs to be assessed as a matter of urgency by the Selection Panel or whether it can be considered at the next quarterly meeting of the Panel
3. Selection Panel comprising of City Council Heritage Officers, Nottingham Civic Society and Community Heritage Representative assesses the application against the selection criteria for the Local List with the possible need of a site visit to assess significance as well as assessment of the requirement of an article 4 direction.

4. 28 Day Consultation - Owner and Applicant informed of selection process and implications of local listing through guidance. Consultation with local stakeholders, such as ward councillors, businesses and heritage organisations and publication of notices.
5. Application and results of consultation and referred to Portfolio Holder to determine whether the Asset be included in the Local List or rejected and if Article 4 Direction should be made. If included in the List the Asset will be add to the HER and GIS (Geographical Information System) layers on Nottingham Insight Mapping.
6. Applicant and owner informed of decision and reasons for designation or rejection.
7. If Article 4 Direction required the relevant Direction will be made, notified, published and confirmed in accordance with the procedure in Schedule 3 of the Town and Country Planning (General Development Procedure)(England) Order 2015
8. Annual review of the Local List to assess whether any assets should be delisted with removal of article 4 directions.

Appendix 2 - Local List Criteria and Selection Process Consultation Summary Report

This report was generated on 10/01/17 following 6 weeks public consultation regarding proposed Local List, Criteria and Selection Process. Overall, 83 respondents completed this questionnaire.

Do you think Nottingham City Council should hold a Local List?

Response	Number	%
Yes	80	98
No	2	2

Please explain your response to the question

Consultation Response Themes	NCC RESPONSE
A local list would help to recognise local peoples' heritage - To identify and acknowledge hidden gems in the City	
Good for learning and tourism - Sell Nottingham to the world	
It would present a barrier to development.	<ul style="list-style-type: none"> • In cases of demolition the future development of the site would be subject to planning permission therefore including the proposed demolition in the planning application can enable due consideration at the start rather than end of the planning process • Mediate issues that might come forward later where the development could be controversial • The heritage of Nottingham is key to Placemaking and creating a place that people chose to live in or visit boosting the local economy as demonstrated in the Nottingham Heritage Strategy, Heritage Counts and HLF reports.
Listed building regime already exists. What additional benefits does a local list bring (and costs)?	<ul style="list-style-type: none"> • Listed Buildings selection processes do not include what is of Local importance as they are a designation of national importance. This means a great number of locally significant buildings that add greatly to the city's character and history remain unrecognised and have no safeguard.
Nottingham's heritage is very important. Once lost, historic buildings are lost forever.	
We have some great spaces/ buildings/	

<p>monuments which should be preserved for the people of Nottingham as they have a significance beyond the national criteria</p> <p>To protect local character - Great cities need to have a clear identity</p>	
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Do you think Nottingham City Council should require owners to apply for planning permission for the demolition of Locally Listed Buildings or structures outside conservation areas?

Response	Number	%
Yes	77	95
No	4	5

Please explain your response to the question

Consultation Response Themes	NCC RESPONSE
This is a key protection to avoid the summary demolition of buildings	
Future growth and prosperity depend on the socio-political environment being agile and responsive to change. The list would have to be properly managed so people / buyers/owners are made aware of this prior to the property purchase	<ul style="list-style-type: none"> • In the vast majority of cases planning permission is required as part of comprehensive redevelopment of a site • By requiring planning permission, the balancing exercise between public benefits can be considered at the start of the planning process rather than applications causing controversy for applicants and decision-makers at the end of the planning process. • The process of selection and adoption would be rigorous, open and subject to consultation with owners. • Protection for Locally Listed Heritage Assets would be equalised with that inside conservation areas
It is important that proper consideration is made.	
We need to take more care of local buildings and features that are important to local people	
There isn't that much point in having a local list if it doesn't involve some extra protection for the buildings concerned.	
It offers at least some protection to buildings of merit that happen to be outside of conservation areas.	
Yes, but only after the need has been expressed to the owner.	There would be a robust selection process and consultation period with

Do you have any comments regarding the Local List Selection Criteria?

Consultation Response Themes	NCC RESPONSE AND CHANGES TO CRITERIA
There are 14 men mentioned and only one woman as historical figures, association with whom would add significance.	This has been reviewed and a more equal balance is included
Geographical criteria are too broad and age criteria should be shifted forward	<ul style="list-style-type: none"> • The geographical scope is an example within the criteria and very local historic significance does apply. • The age criteria are based on the tried and tested criteria that Historic England use for designation, which enables a period of time to gain a historic perspective on significance. • there are other factors that enable selection of younger buildings
You need to include parks and public open spaces	Designed Landscape criteria includes open spaces for clarity
Historic and significance views should be included so that any changes to these can be considered	<ul style="list-style-type: none"> • Within the planning process significant views cannot be protected through a Local List • In practice, views are managed through documents such as the Urban Design Guide and within individual applications to protect the setting of Listed Buildings and Conservation Areas, which do have weight within the planning process.
Economic, social and sustainability issues must be balanced against desire to protect	<ul style="list-style-type: none"> • The only additional burden would be the requirement to apply for planning permission, which is required for the wholesale redevelopment of a site already. • Without a Local List buildings can be lost without assurance that there are public benefits on the site that outweigh that loss. • For owners, it should give certainty and enable consideration of heritage issues early in the process.
Seems a well thought out list of criteria but it will still be open to how it is interpreted.	<ul style="list-style-type: none"> • Within the planning process, all decisions have to be weighed up between harm and public benefits.

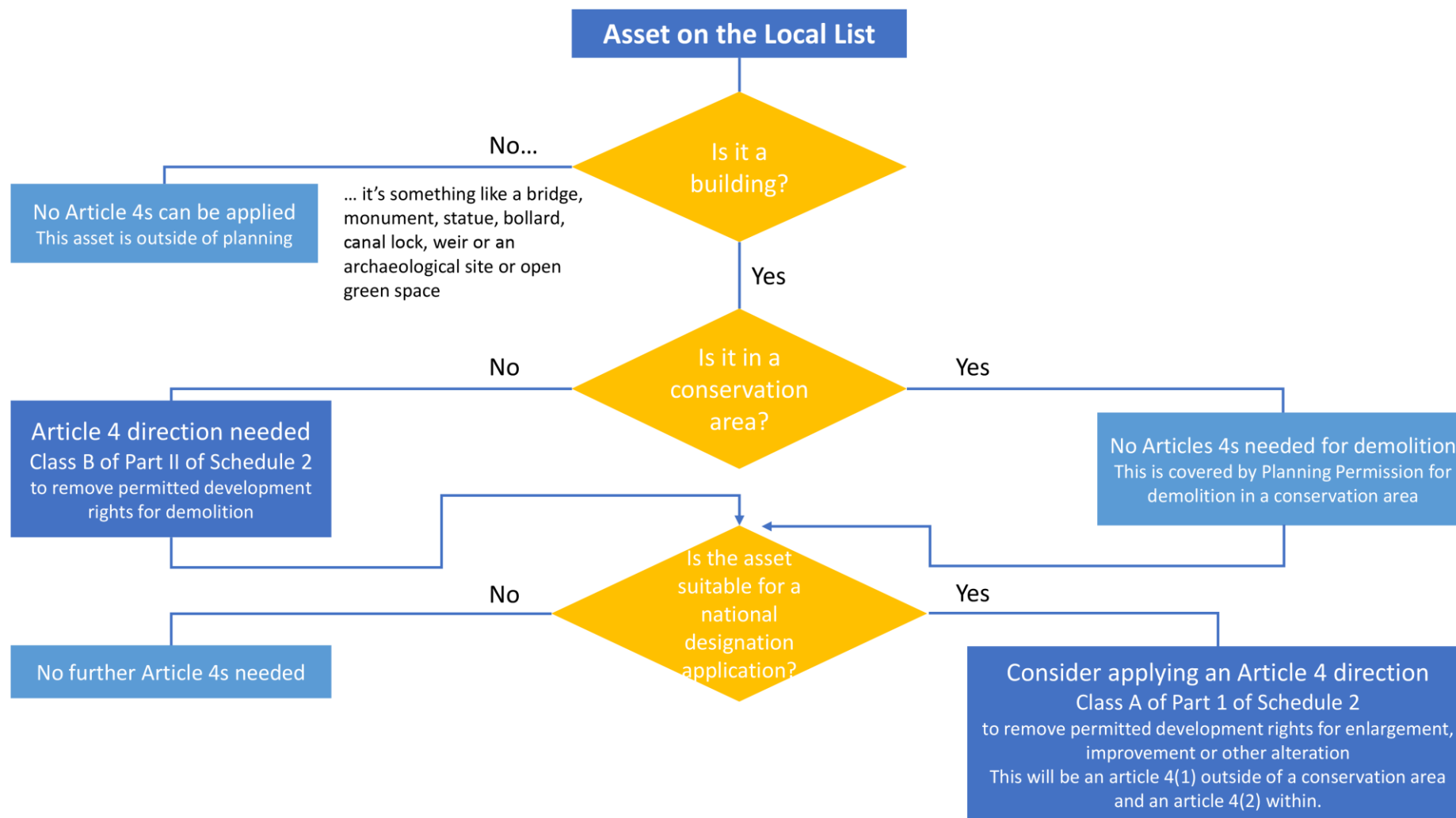
	<ul style="list-style-type: none"> • There will be occasions where the public benefits derived by a scheme will outweigh the harm of the loss of a Locally Listed Heritage Asset. • However, the presence of the Local List will enable each case to be carefully considered and heritage value to be part of the balancing exercise.
I feel trees could be included, especially those planted at a specific time or place, or trees over a certain age.	<ul style="list-style-type: none"> • Trees are certainly an important part of the historic environment as reflected in the designed landscapes and open spaces part of the criteria. • Individual trees can already have a greater level of protection through Tree Preservation Orders.
my only concern is that the criteria seems to put a lot of emphasis on physical nature and much less on cultural significance	There are criteria for recognising historic association and if there is no remaining fabric the cultural significance might be better recognised through a blue plaque.
Historic transport infrastructure should be included as a category, such as GCR of Nottm Suburban Railway remains, old tram works etc., trackbeds	This has been included in the final criteria

Do you have any comments about the selection and application process for the Local List?

Consultation Response Themes	NCC RESPONSE AND CHANGES TO THE SELECTION AND APPLICATION PROCESS
There is no appeals process? Listing would have significant impact on building owners, rejection impacts the applicant. The process for challenging decisions needs setting out	There is a consultation process when candidates are selected where people can raise objections to listing or the imposition of an Article 4 Direction.
Should include local non-council experts and community representatives? How would conflicts of interest be avoided?	<ul style="list-style-type: none"> • The panel would be made up of members of NCC's Heritage and Urban Design team, the City Archaeologist, Nottingham Civic Society and Community Representatives including local businesses. • We are keen to maintain the independence of the panel and to reflect different communities. • There would be a Terms of Reference for the Selection Panel as well as a Conflicts of Interest process.

<p>Wishes and sentiments need to be weighed up against economic, social and sustainable realities</p>	
<p>Application is too difficult</p>	<p>NCC are creating the framework for the formal process; however, aligned with this we would like to have dissemination and enhancement of the Local List in an easily understandable way through community groups such as the Nottingham Heritage Partnership and the Nottingham Civic Society.</p>
<p>Who will maintain the list and take decisions on inclusion? Will this remain with Nottingham civic society or become local authority duty?</p>	<p>The adopted list would need to be maintained by NCC as a framework; however, we would like the enhancement of the list to be taken up by heritage groups from all communities.</p>
<p>Possibly nomination by anyone but acceptance by a panel or a regular list of suggestions online or in local library for people to vote on</p>	<p>There would be a consultation period for all of the candidates, which can be put in Local Libraries and would be sent to local stakeholders. The panel would meet on a quarterly basis to consider applications</p>
<p>It is not clear how the selection criteria is to be consistently applied, or how many of the criterion an asset should be expected to meet before it is added to the list.</p>	<ul style="list-style-type: none"> • The criteria has been tested through a pilot project in Basford and is based on selection principles developed by Historic England over decades. • There will necessarily be subjective judgements and the selection panel will have to set the bar for Local Listing. • Having a panel representing different heritage communities should help develop consistency in the application of the list. • Completeness is an important factor, which is inherent in whether something is a good example of type.

Appendix 3 – Flowchart of recommendations for cases to use Article 4 Directions in the case of demolition



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