



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 17 October 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

- | | | |
|----------|--|----------------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTEREST | |
| 3 | MINUTES | 3 - 8 |
| | To agree the minutes of the meeting held on 19 September 2018. | |
| 4 | PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER | |
| a | Site Of Fairham House, Green Lane | 9 - 20 |
| b | 23 High Pavement: | 21 - 54 |
| | i) For Planning Permission | |
| | ii) for Listed Building Consent | |
| c | 117 Morley Avenue | 55 - 66 |
| d | University Hospital Nhs Trust Queens Medical Centre, Derby Road | 67 - 80 |

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 15 August 2018 from 2.30 pm - 3.51 pm

Membership

Present

Councillor Chris Gibson (Chair) (except item 28)
Councillor Brian Parbutt (Vice Chair)
Councillor Graham Chapman
Councillor Michael Edwards (as substitute)
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Andrew Rule
Councillor Mohammed Saghir
Councillor Malcolm Wood
Councillor Linda Woodings
Councillor Cate Woodward
Councillor Steve Young (except item 28)

Absent

Councillor Cheryl Barnard (sent substitute)
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Wendy Smith

Colleagues, partners and others in attendance:

Judith Irwin - Senior Solicitor
Martin Poole - Area Planning Manager
Paul Seddon - Director of Planning and Regeneration
Nigel Turpin - Team Leader, Planning Services
Zena West - Governance Officer

24 APOLOGIES FOR ABSENCE

Councillor Cheryl Barnard – leave
Councillor Azad Choudhry – leave
Councillor Josh Cook – leave
Councillor Wendy Smith – leave

25 DECLARATIONS OF INTEREST

Councillors Chris Gibson and Steve Young declared an interest in agenda item 4b: Site of Fairham House, Green Lane, in that they had publicly campaigned for and supported the original development (under planning reference 16/02648/PFUL3). When the original application had been considered by the Committee in March 2017, Councillor Gibson had addressed the Committee as Ward Councillor then immediately withdrew from the meeting, not participating in the discussion or voting. Councillor Young had been absent from the March 2017 meeting. For consistency, both Councillors left the room during discussion of this item, and did not vote on it.

Councillors Chris Gibson and Malcolm Wood declared an interest in agenda item 5: Nottingham Local List Adoption, as they are both members of the Heritage Panel. This interest did not preclude them from discussing, debating or voting on the item.

26 MINUTES

The minutes of the meeting held 18 July 2018 were agreed as a correct record and signed by the Chair.

27 11 - 19 STATION STREET

Paul Seddon, Director of Planning and Regeneration, introduced application 18/00916/PFUL3 by Franklin Ellis on behalf of Bildurn Properties Ltd for the demolition of existing buildings, and the erection of a five-storey office building with associated undercroft parking, external works, and roof plant area. 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.

Paul Seddon gave a presentation to Councillors showing a map and aerial views of the site, a plan showing the boundary of the proposed development along with land ownership, photos and context of the front and rear of the property, proposed plans, cross sections and elevations, views from Queen's Walk, and CGIs to give an idea of the proposed quality of finish. He highlighted the following points:

- (a) the proposal includes demolition of the existing building, which was originally a hotel but in the late 19th century. The existing building is handsome in parts, but has been much changed and is in a poor condition;
- (b) the site is a sensitive location, in a conservation area, and on one of the first streets visitors to Nottingham may encounter. There is a need for a high quality statement development of Grade A offices, to attract tenants, meet Council objectives, and do justice to the site;
- (c) the proposal involves five floors of office space with a reduced footprint and terrace on the fifth floor, and a lower ground floor which includes parking for 29 cars, cycle storage, and facilities for waste and recycling. The office floors are open plan and have simple access cores;
- (d) the design philosophy was for a strong ground floor featuring support columns which are typical of Nottingham architecture, then red brick to fit in with the conservation area. It involves a simple palette and a contemporary approach whilst managing its visual impact;
- (e) the proposed office block is part of a wider development of the surrounding area, including the previously approved student accommodation block at 25 Station Street, and the conversion of the Gresham Hotel into apartments.

There followed a number of questions and comments from the Committee, and some additional information was provided:

- (f) there were strong objections from the Civic Society, and serious concerns from Historic England, who stated that the Committee should be satisfied that there is no viable alternative use for the existing buildings, and a robust case was required. As the site is in a conservation area, any replacement building would need to enhance the area;
- (g) some Councillors felt that the proposed development did not enhance the conservation area, and that the replacement buildings would not do justice to those being lost. There was a general acceptance that it would be difficult to convert the old building to suitable Grade A modern office space, and Planning colleagues explained that “façading” (keeping the façade of an old building whilst replacing the structure behind it) would also not be suitable in this case due to the low ceiling height;
- (h) although the footprint of the building is in line with neighbouring properties, it has the effect of protruding into the street due to the recessed glass section on the lower floor and the glass section to one side. Some Councillors felt that the glass section to one side, the offset brick and glass sections from floor one to five, and the blue brick section to the rear of the building were not attractive;
- (i) the statement from Historic England is included within the report in full, and alludes to concern that the loss of the current building may threaten the status of this area as a conservation area. Planning colleagues did not feel this was an issue, and noted that the development is in line with the development brief for this site set in 2012;
- (j) it was noted that the rear of the site currently operates as a car park, with more than 29 spaces, so the proposed 29 spaces in the new development should not cause any parking issues;
- (k) some Councillors felt that the building would look more attractive if the front elevation facing Station Street emphasised more vertical elements and appeared to be split into smaller units. There was greater decoration to the elevation facing the canal and overall they felt the proposed design was not sufficiently attractive and in harmony with its surroundings for this prominent site;
- (l) some Councillors felt that the scale of the building did not relate well to its smaller neighbours;
- (m) There was concern as to how vehicle movements to and from the site would be managed, given that both Trent Street and Station Street have been pedestrianised;
- (n) there was recognition of the need to provide Grade A office space in this area, and an acceptance that conversion of the existing building would not be successful for a modern high quality office, however Councillors felt that the proposed replacement would not be suitable in its current design, and opted to defer this item pending changes to the architecture and materials.

RESOLVED to defer this item to a future meeting of Planning Committee.

28 SITE OF FAIRHAM HOUSE, GREEN LANE

Further to minute 25: Declarations of Interest, Councillors Chris Gibson and Steve Young left the room for the duration of this item. In the absence of Councillor Chris Gibson, Vice Chair Councillor Brian Parbutt chaired this item.

Martin Poole, Area Planning Manager, introduced application 18/01050/PFUL3 by WYG Planning Limited on behalf of Cedar House Investments Ltd for the change of use of one unit from retail (A1) to Tanning Salon (Sui-Generis). The application was brought to Planning Committee because it generated significant public interest that is contrary to the recommendations of Planning colleagues.

Martin Poole gave a presentation to Councillors showing maps, floorplans and photos of the unit. He highlighted the following points:

- (a) the retail units within the Fairham House site are now largely completed, this request relates to a smaller unit in the centre of a run on the western side of the site. The tanning salon would be the first occupiers, and a change of use would be required from class A1 (retail) to sui generis (no classification);
- (b) 87 representations have been received, 86 of which object to the proposed change of use. The main grounds for objection relate to the number of tanning salons already present in Clifton, the safety of tanning salons, and the aspirations for the retail park to provide shops for items such as shoes and clothing. The retail park is not within the centre of Clifton, and there are no related planning policy protections.

A statement was read from Councillor Josh Cook in his absence:

- (c) further to sending my apologies earlier I felt that it would be appropriate to express my views on the Fairham site which is on the agenda today. Whilst I regrettably cannot attend today I would like to voice my opposition to the tanning salon and for it to be recorded in the minutes of the meeting. This is because I would like to echo the residents statements there are already enough tanning salons in Clifton especially around the Southchurch Drive area, and that an alternative use would be preferable. I also believe that tanning salons are harmful to people's health in the long run and would like to voice that concern as well as I don't believe we should be encouraging this as a Committee if at all possible, and certainly not without adding any caveats or precautionary clauses or measures. For the Chair's information I am not seeking a response from officers.

There followed a number of questions and comments from the Committee, and some additional information was provided:

- (d) it was noted that the Committee cannot make a determination on health grounds, as that is not within their remit, nor are there legislative restrictions on tanning salons for health reasons;

- (e) it was also noted that any future change of use requests would be determined on a case-by-case basis, and if a change of use was granted it would not set a precedent for other retail units within the park;
- (f) In policy terms, the key question was whether the proposed use adversely affected viability or vitality of the town centre. Planning colleagues confirmed that it did not, by reason of its not being located within the town centre and the unit's modest size relative to the retail offer of the town centre.

RESOLVED to grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report.

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

Councillors Chris Gibson and Steve Young returned to the room, and Councillor Chris Gibson resumed his chairing duties.

29 NOTTINGHAM LOCAL LIST ADOPTION

Nigel Turpin, Planning Services Team Leader, presented a report to the Committee setting out a 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. Nottingham City Council's constitution grants Planning Committee a consultative role in this process, before the executive function is referred to a meeting of Executive Board at a later date. The pilot project recently conducted in Basford was successful.

Councillors commented that the list was welcome and would be a great asset to call upon to ensure heritage issues are taken into account. The list will be available publicly on the Nomad GIS mapping system.

RESOLVED to:

- (1) recommend the adoption of a Local List to Executive Board, including the selection criteria and process as detailed within the report;**
- (2) recommend that Article 4 directions be considered in the circumstances indicated in appendix 3 to the report to necessitate planning permission to be required in the case of demolition.**

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WARDS AFFECTED: Clifton South

Item No:

PLANNING COMMITTEE
17th October 2018

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

Fairham House, Green Lane

1 SUMMARY

Application No: 18/01120/PRES4 for reserved matters approval

Application by: Cedar House Investments Ltd

Proposal: Application for approval of reserved matters in relation to the layout, appearance and landscaping for the 24 apartments and associated works approved under planning permission 16/02648/PFUL3

The application is brought to Committee because it relates to the reserved matters of an outline application that was previously considered at Planning Committee.

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

2 RECOMMENDATIONS

GRANT RESERVED MATTERS APPROVAL 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 BACKGROUND & THE SITE

3.1 The site has an area of 0.35ha and sits at the north west corner of the larger Clifton Triangle development site. The site is triangular in shape, bounded by Green Lane to the south west, Langstrath Road to the north east and the rear service area of the adjacent retail development to the south east, recently constructed under permission 16/02648/PFUL3.

3.2 The site consisted of open grassed areas with mature trees to the perimeter. Some trees have been removed in accordance with the tree removal proposals approved by the 16/02648/PFUL3 permission. Subsequent to the planning approval a number of trees in the North West corner of the site have been subject to a Tree Preservation Order.

3.3 During the construction of the retail park, spoil from the site clearance has been used to form a level platform on this part of the site and is currently being used to accommodate the contractor's compound. This material would be re-graded to form a level platform for the residential development, also approved under this previous permission.

- 3.4 Green Lane is a wide street, with generous green verges and tree planting to each side. It is a primary route connecting the surrounding residential areas to the local centre on Southchurch Drive and the A453. Langstrath Road is a secondary route serving housing immediately to the north of the site.
- 3.5 The surrounding built context is mixed. The wider context is predominately one of low-rise sub-urban terraced and semi-detached housing, however the immediate context on the Clifton Triangle site consists of the large commercial units of the retail park (part of the original application), which in turn are an extension of the of the more urban buildings to be found at the adjacent local centre on Southchurch Drive.
- 3.6 The planning approval granted under 16/02648/PFUL3 was a hybrid permission which included outline planning permission for 24 apartments with associated car parking and other works, along with full planning permission (now implemented) for a foodstore (Lidl), four non-retail units and a café/ restaurant, associated parking, alteration to the site access and other works, following the demolition of Fairham House.
- 3.7 The outline approval for the residential building established the number of dwellings, the access, scale and indicative location of the building. Details of layout, appearance and landscaping were reserved for future approval.
- 3.8. The planning permission was subject to numerous planning conditions and a Section 106 Agreement to secure contribution towards off-site open space improvements, education and a commitment to local employment and training.

4 DETAILS OF THE PROPOSAL

- 4.1 The current application is for the approval of outstanding reserved matters for the development relating to the layout, appearance (elevations and material finishes) and the site's landscaping/external works.
- 4.2 Following negotiations, the applicant has submitted revised drawings to address officers' comments seeking to improve the design and appearance of the building.
- 4.3 The scheme consists of 24 x two bed apartments for market rent.
- 4.4 The site layout is similar to that indicated in the outline planning application with the building oriented along and fronting Green Lane, with parking arranged along the south east boundary. The frontage is set back by 3m from the back of pavement, in line with the frontage of the adjacent retail buildings. The building is arranged in two adjoining, mirrored blocks of 12 apartments, 4 per floor, each arranged around a stair core and lobby.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

53 neighbouring properties have been notified in writing of the proposal. The application has also been publicised through site notice. No public representations have been received.

Additional consultation letters sent to:

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 provision of the highway and pedestrian access.

Environmental Health and Safer Places: No objection subject to adherence of the conditions attached to outline planning permission.

Drainage Officer: No objection.

Tree Officer: No objection subject to condition relating to the protection of the existing trees.

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.

Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes where it is needed and that land with permission is developed without delay. Paragraph 91 requires decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, are safe and accessible, and support healthy lifestyles. Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places.

Aligned Core Strategy (September 2014):

Policy 1 – Climate Change

Policy 10 – Design and Enhancing Local Environment

Nottingham Local Plan (November 2005):

NE5 – Trees

NE6 – Trees Protected by TPOs

NE9 - Pollution

T3 – Car, Cycle and Servicing Parking

7 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Layout and appearance
- ii) Landscaping and trees
- iii) Impact on residential amenity
- iv) Highway considerations

Issue (i) Layout and appearance (Policy 10 of the ACS)

- 7.1 The site layout is similar to that indicated in the outline application and responds to site context as described above.
- 7.2 Configured as two adjoining, mirrored blocks, the stair core for each has a prominent glazed frontage to Green Lane, with a double height lobby alongside the staircase. Each core also has a recessed pedestrian entrance at the rear, providing direct access from the car-park. This entrance area additionally provides a discrete space for incoming services and meter enclosures.
- 7.3 The car-parking would be arranged along the south east boundary behind the adjacent retail building and also incorporates disabled parking, cycle storage and a bin store positioned adjacent to the building, linked by a path that runs along the rear of the building. Each of the ground floor apartments is provided with a small, enclosed 'front garden' space. A larger communal garden is provide to the north east of the building, containing the retained trees around the perimeter of the site. This is accessed directly from the apartments' rear entrances and is enclosed with exiting perimeter railings.
- 7.4 The building would be 3 storeys as approved as part of the outline permission, with a height of 9m. In order to reduce the perceived mass of the building, the main elevation is broken down into discrete parts, so that it appears as four large 'houses'. This is achieved by creating a setback in plan and a set-down in the roof-line at the stair cores and by creating a small recess where the two central blocks meet, which accommodates a rainwater downpipe. A similar effect would also be achieved to the rear and sides, where the orientation of the blocks and the recessed entrances again break down the mass of the building.
- 7.5 The apartment layouts are the same at each floor. However in order to avoid a highly repetitive fenestration pattern the window openings are given a different treatment on each floor. This creates an elevation with a distinct base, middle and top, which reinforces the perception of the building being four elements rather than a single block.
- 7.6 There is a vertical emphasis to the openings, complemented by additional detailing such as the protruding bays at first floor and the recessed brickwork with Juliet balconies at second floor. The amended proposals also incorporate more fenestration to the rear elevation, to make it feel less like a secondary aspect of the building. This would also improve its appearance when viewed from the properties on Longstrath Road.
- 7.7 The external elevations are proposed to be constructed predominantly in a single brick finish; a high quality buff brick with a high degree of texture and variation in colour. This would then be complemented by a number of detailed material treatments such as:
- reconstituted stone copings and dental string course detail to the roof parapet
 - recessed brick panels in a darker buff brick with Juliet balconies at 2nd floor level
 - protruding bays at 1st floor formed in bronze anodised aluminium
 - Recessed channel for the central rainwater downpipe

- Generous glazed frontages and bronze anodised aluminium canopies to the stair core entrances

7.8 It is considered that the layout of the proposed development would create strong active frontages with good surveillance of both adjacent streets, legible entrances, a sympathetically located car park that does not dominate the site, some private external space for the groundfloor flats and secure, attractive landscaped grounds that accommodate the site's retained trees. Although the proposed scheme is clearly of a more contemporary style than its surroundings, the elevation treatment is based on traditional/classical proportions and detailing, which would allow it to sit comfortably as a balance between the neighbouring retail park and the surrounding suburban housing. The scheme therefore complies with policy 10 of the ACS.

Issue (ii) Landscaping and trees (Policies NE5 and NE6 of the Local Plan and Policy 10 of the ACS)

7.9 There are number of good quality, mature trees on the site which would be retained. In addition there are existing mature trees within the grass verges along either side of Green Lane. These would provide a generous green setting for the building, complemented by the planting scheme for development. Planting would also be used to create a green screen along the south east boundary.

7.10 The grassed areas around the existing trees would be retained as informal amenity space for use by the tenants. Access to this area is provided via steps in the landscaped bank to the rear of the building. Private external spaces are to be created to the frontage of each ground floor apartment. These would be paved areas, with hedge planting to their external edges.

7.11 Overall the amount and type of landscaping is considered to be appropriate to the local context and would help to soften the scheme and provide screening in some instances. A condition is recommended to protect the existing trees within the site. The proposal therefore complies with policy NE5 and NE6 of the Local Plan and policy 10 of the ACS.

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

7.12 There are residential properties surrounding the site. The proposal would not have an adverse impact on the amenities of the occupiers of residential property in terms of loss of light, privacy or overlooking. In regard to outlook, the majority of trees to the north and east boundary would be retained, helping to screen the development. The layout and scale have already been approved at the outline application stage.

7.13 In terms of noise, at the outline application stage, Environmental Health requested that an environmental noise assessment and sound insulation scheme be required by condition. This requirement was added to the outline permission and will need to be discharged in due course. This would safeguard the amenity of the occupants of the existing and proposed residential dwellings. The proposal therefore complies with policy NE9 of the local plan and policy 10 of the ACS.

Issue (iv) Highway considerations (Policy T3 of the Local Plan)

7.14 The outline planning consent established that the development would not have a negative impact upon the surrounding highway network and highway safety.

- 7.15 The proposal would provide a car park of 25 spaces along with two disabled bays, accessed off Green Lane. Given the close proximity to the tram, bus routes and cycle route, the site is located within an accessible location. Therefore, the level of parking proposed is considered acceptable for the development. Implementation of the parking layout, access and surfacing can be secured through a planning condition.
- 7.16 The application also proposes the provision of a cycle store comprising of 12 stands provided within a cycle shelter. This is an acceptable level of provision. This requirement was added to the outline permission and will need to be discharged in due course.
- 7.17 The other conditions requested by the Highway Officer are already part of the original planning permission and do not need to be repeated at the reserve matter stage.
- 7.18 The proposal therefore complies with policy T3 of the Local Plan.

8 SUSTAINABILITY (Policy 1 of the ACS)

- 8.1 The buildings are to incorporate a range of energy reduction techniques including a fabric first approach, high performance glazing, minimising solar gain and making good use of natural daylight.
- 8.2 The applicant states that the proposal would meet the requirements 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 development is therefore capable of complying with policy 1 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: 18/01120/PRES4 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

16 Published documents referred to in compiling this report

National Planning Policy Framework (July 2018)
Aligned Core Strategies (September 2014)
Nottingham Local Plan (November 2005)

Contact Officer:

Mohammad Taufiqul-Islam, Case Officer, Development Management.
Email: mohammad.taufiqul-islam@nottinghamcity.gov.uk. Tel: 0115 8764044



- Notes**
- Application Site (Reserved Matters)
 - Application Site (16/02648_PFUL3)

PLANNING ISSUE

Date
06.06.18

Scale
1: 1000 @ A1

Revision
/

Drawing No.
01-010

Drawing Title
Location Plan

Project
Clifton Triangle_Residential

Studio 10
Ayr Street Workshops
Ayr Street
Nottingham
NG7 4FX

Telephone
0115 911 0734
mail@
lettswheeler.com

LettsWheelerArchitects
www.lettswheeler.com

My Ref: 18/01120/PRES4 (PP-07026025)
Your Ref:
Contact: Mr Mohammad Taufiqul-Islam
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Letts Wheeler Architects
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Studio 10 Ayr Street Workshops
Ayr Street
Nottingham
NG7 4FX

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR APPROVAL OF RESERVED MATTERS**

Application No: 18/01120/PRES4 (PP-07026025)
Application by: Cedar House Investments Ltd
Location: Site Of Fairham House , Green Lane, Nottingham
Proposal: Application for approval of reserved matters in relation to the layout, appearance and landscaping for the 24 apartments and associated works approved under planning permission 16/02648/PFUL3

Nottingham City Council as Local Planning Authority hereby **APPROVES** the reserved matters described in the above application subject to the following conditions:-

Pre-commencement conditions

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

1. The tree protection measures detailed in the approved Arboricultural Method Statement and in the tree protection plan (drawing ref: RFM-XX-00-DR-L-0002) shall be put in place prior to the commencement of any work on site including demolition, vehicle movement and ground preparation. The protection is to be retained for the duration of all site works including hard surface installation.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

2. The development shall not be commenced until details of the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

Pre-occupation conditions

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



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Not for issue

Continued...

3. The development shall not be brought into use until the highway access and associated pedestrian crossing onto Green Lane have been provided as shown for indicative purposes only on the approved drawing 01-011 Rev B dated 06.06.18. The access shall have a gradient not exceeding 1 in 20 for the first 5m from the rear of the highway boundary, in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy T3 of the Local Plan and Policy 10 and 14 of the Aligned Core Strategy.

4. The residential element of the development permitted by planning permission 16/02648/PFUL3 shall not be brought into use until the car park and bin store have been provided, in accordance with the approved drawing 01-011 Rev B dated 06.06.18.

Reason: In the interests of visual amenity highway safety in accordance with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
- Drawing reference 01-012 revision C, received 25 September 2018
 - Drawing reference 01-013 revision C, received 25 September 2018
 - Drawing reference 01-014 revision C, received 25 September 2018
 - Drawing reference 01-016 revision A, received 25 September 2018
 - Drawing reference 01-018 revision A, received 25 September 2018
 - Drawing reference 01-019 revision A, received 27 September 2018
 - Drawing reference 01-020 revision B, received 27 September 2018
 - Drawing reference RFM-XX-00-DR-L-0002 dated 15 June 2018

Reason: To determine the scope of this permission.

Informatives

1. 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.

2. 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.

3. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

4. 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.

5. 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: 18/01120/PRES4 (PP-07026025)

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/pcs.

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.

WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE
17th October 2018**

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

23 High Pavement, Nottingham

1 SUMMARY

Application No: 18/00225/PFUL3 for planning permission

Application by: Globe Consultants Ltd on behalf of First Provincial Properties Ltd

Proposal: Change of use to mixed use development comprising retail (A1), restaurant with ancillary bar (Class A3/A4), office and meeting space with ancillary cafe/bar (Class B1) and 3 serviced apartments (Class C3), a single storey and first floor rear extension and associated works

The application is brought to Committee given the important heritage and land use considerations.

To meet the Council's Performance Targets this application should be determined by 31st October, for which an extension of time has been agreed.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the Police Architectural Liaison Officer raising no further community safety issues relating to material planning considerations and the 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 Director of Planning and Regeneration.

3 BACKGROUND

3.1 23 High Pavement is located on the north side of the street opposite the Shire Hall. The application site is bounded to the west by a gap site which is currently used for contract car parking and to the east by the Grade II listed Cock and Hoop public house. To the north is an area of land which is at a higher level than High Pavement and also used for contract car parking, beyond which is the Halifax Place residential accommodation. Due north of the rear of 25 High Pavement is a residential property known as the Lace Makers House. The site is located within the Lace Market Conservation Area.

3.2 23 High Pavement is a Grade II* listed building known as County House. The property has a long and complex history and has overtime been the subject of significant change and extension. Originally it was a Georgian town house. However, in the early 19th century it was sold to the magistrates for conversion to

the Judges' Lodging and the notable dining room block at first floor on the east side of the building was added. In the early 20th century it became County Council offices and in 1930 the two storey east wing was added, followed by the addition of single storey offices to this block in 1949. The building was vacated by the County Council in 1992 and since that time has been unused. It is included on the Listed Buildings at Risk register due to its poor state and neglect.

- 3.2 The building is three storeys in height and comprises of three main elements; the front range facing High Pavement and, at the rear addressing an internal courtyard, are the west wing and the east wing.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission was originally sought for the change of use from vacant offices to a mixed use development comprising a restaurant (A3), bar (A4), private members club (Sui Generis), and 3 serviced apartments (C3). At that time the final location of the proposed mix of uses was not set and four potential layout options were put forward as part of the planning submission.
- 4.2 In light of concerns from officers, local residents and the Police Architectural Liaison Advisor (PALO), the planning application has been through two rounds of revision. The final proposal which members are now being asked to consider is for the change of use to a mixed use development comprising:
- retail (A1) and restaurant with ancillary bar (Class A3/A4) on the ground and rear section of the first floor
 - office and meeting space with ancillary cafe/bar (Class B1) on the remaining part of the first floor
 - 3 serviced apartments (Class C3) on the second floor
- 4.3 The applicant, in amending the proposal and providing further clarification on the mix of uses proposed, has clearly defined which parts of the building these uses would occupy. The proposed floor plans and mix of uses now reflect the general requirements of the potential end users, with whom negotiations are at an advanced stage. Regarding the proposed restaurant use, the lounge/ bar areas would be located in the rooms fronting High Pavement.
- 4.4 The remaining area of the first floor would operate as an office/workspace hub for businesses and professionals working in or visiting Nottingham. The hub would be served by its own café/bar area which would be accessible to clients using the office facilities only. The office/workspace hub is a business model offering shared work space, bookable meeting rooms, a library, break out spaces, printers and an ancillary café/bar. It would be used solely by private members.
- 4.5 A single storey extension is proposed to the rear west elevation of the building to form a ground floor glass link corridor, with external first floor terrace above A first floor extension to form a small first floor glass lobby is also proposed.
- 4.6 A complementary Listed Building application for external and internal works associated with the change of use is to be considered in the following report (ref: 18/00226/LLIS1). The proposals involve significant repair of the existing building and restoration of key features.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

66 Neighbouring properties on the following streets have been notified of the proposal:

Halifax Place
High Pavement
St Marys Gate
Sampsons Yard
Enterprise Way

The application has also been publicised through the display of a site notice and the publishing of a press notice.

Five comments have been received from local residents who live to the rear of the site, in and around Halifax Place. One letter has been written on behalf of 8 residents of Halifax Place. These comments were received in relation to the original planning submission.

Residents support the restoration of what is seen to be one of Nottingham's most beautiful buildings and an important part of the City's heritage. They consider that its restoration should be sympathetic and fully in line with the requirements of Historic England and Nottingham Civic Society. Residents are against any intrusive alterations to the building and consider it detrimental to move any staircase or divide the former Judges Dining Room. (*These matters are being considered as part of the Listed Building application.*)

The original proposal is seen by local residents to principally be a drinking establishment (Class A4), with some residential accommodation attached. Residents feel that High Pavement is already characterised by a series of bars and licensed premises which cause night time noise and disruption for those living in the Lace Market, particularly in the Halifax Place area behind the County House building. Issues regarding the exacerbation of community safety and anti-social behaviour are also raised.

Residents raise concerns that use of the rear, enclosed courtyard of the County House for social and entertainment purposes would add considerably to the noise problems that currently exist. Licensed premises on High Pavement are alleged by residents to exceed their licences by extending evening socialising into the rear alleyways or onto their terraces. These problems are seen to be compounded by the whole area being a natural amphitheatre, which amplifies noise disruption levels and reduces the quality of life. There are also concerns that this development would increase the number of people trying to access St Marys Gate through Halifax Place and adjacent car parks, resulting in further noise problems.

The use of the courtyard of the County House is seen by residents to be an additional amphitheatre for noise, due to it being set at a much lower level to Halifax Place at the rear. The courtyard is proposed to be used as an external drinking and socialising area, linking the restaurant and the bar at the other side. Residents are concerned that this use would be extended to weddings, parties and private celebrations to make the premises viable. They are concerned that for those living next door it would become a noise nightmare.

The same argument would apply to the use of the outdoor terrace on the first floor (though noise problems here could be overcome if the space was developed as a closed extension of the existing building).

Mention is made by residents about long running noise disruption from the former BZR club on St Mary's Gate and concerns about the Council's difficulties in dealing with ongoing noise issues from such premises when granted planning permission.

Finally, residents question whether the Lace Market needs further drinking establishments at the expense of reinforcing its cultural heritage. They consider that this runs counters to the City's second objective for the Lace Market; namely making it a safe and attractive place to live. Residents consider a restaurant (not bar), residential or heritage centre use would suit the building better. Planning permission has previously been granted for its use as a hotel. Residents feel that the lack of a 5-star hotel in the City is a real drawback, and they consider that that this would still make a great deal of sense.

One immediate neighbour has stated that the rear boundary with their property and emergency access arrangements is incorrect. They state that the rear gateway as shown on plan cannot serve as a potential fire exit and the location of proposed brick planters are not within the applicants ownership (*this has now been rectified*).

In summary local residents concerns in relation to the original planning submission are as follows:

- Support for County House being brought back to its former glory but residents would prefer it to be have a civic use to reflect its historic location within the Lace Market Conservation Area.
- Objection to its principal use as a Class A4 drinking establishment.
- Residents state that High Pavement is already characterised by a series of bars and licensed premises which cause night time noise and disruption for those living in the Lace Market. The proposed use would in their opinion exacerbate noise, disturbance and issues of anti-social behaviour.
- The use of external areas in what is seen as an enclosed 'amphitheatre' would add considerably to the noise problems that currently exist.
- Query over the proposed rear boundary of the site.

Residents were re-consulted on a first set of revised plans and three further letters of objection were received, including a petition from residents of Halifax Place with 10 signatures. The letters largely repeat the concerns of local residents set out above regarding noise, general disturbance and anti-social behaviour. They consider the proposal to be a disappointing scheme which lacks vision and creative decision making. Residents re-emphasise their wish for the building to be brought back into a dignified civic use.

The final scheme is currently out to re-consultation and further representations received will be reported in the Update Sheet.

Nottingham Civic Society welcomes the proposals for reuse and repair/alteration of this rapidly deteriorating key Grade II listed building in the Lace Market Conservation Area. They consider alterations proposed in the rear courtyard to be acceptable in principle, in return for the restoration of this important Listed Building at Risk. The Civic Society would like to ensure that every opportunity is taken to

record and recover archaeological deposits from the courtyard, given the sensitivity of the site at the heart of the Saxon 'Lace Market' settlement. The Civic Society supports the application, subject to the Conservation Officer being satisfied.

Additional consultation letters sent to:

Police Architectural Liaison Officer (PALO): The PALO expressed concerns regarding the originally proposed scheme. The area in which these premises are located are within the City Centre Saturation Zone for Licencing. The Lace Market offers two faces to the City; by day the area is busy with shoppers and visitors but at night, especially at weekends, it becomes one of the City's main Night Time Economy areas with high levels of crime & disorder. The reason for the Saturation Zone is to address the cumulative impact of premises licensed to sell alcohol to help reduce the high levels of crime & disorder.

The Police would not like to see large bar areas and would be likely to object to any such proposal. The use as a restaurant with attached bar maybe acceptable, but further information would be required. Their other concern is with the private members club, which appears to occupy the majority of the first floor. Other than the title of Private Members Club, no other information is known, ie. will members be vetted, proposed and accepted; what facilities and privileges will members have; what would be the cost of membership etc.

As there appears to be no firm proposals for these premises, the PALO does not see how the Police could support the original proposal and would be likely to raise an objection. Further information as to the firm proposals for this building would be required before they could respond appropriately.

The PALO has been re-consulted on the final scheme and comments will be reported on the Update Sheet.

Environmental Health and Safer Places: No objections. Conditions requiring the submission of a noise assessment, sound insulation scheme, details mechanical ventilation and extraction of cooking odours are recommended.

City Archaeologist: No objection, subject to conditions. There is potential for surviving medieval and post-medieval structures, features and deposits within the proposed development site, which could be impacted upon by the proposals. A cave is known to exist within the site and is accessible from the rear of 23 High Pavement. Access to this cave should be maintained in accordance with current and emerging policy. The possibility of further caves within the site boundary should not be ruled out. A programme of archaeological monitoring of groundworks (in the form of a watching brief) is required as a condition of planning permission. Monitoring and recording of works impacting upon historic building fabric should also be required.

Conservation Officer: No objection, subject to conditions. Fundamentally it would secure the future of a grade II* listed building at risk and repair the damage caused by years of neglect to the structure by making it fit for a number of potential uses. The scheme would bring wide ranging and long term benefits and on the whole the scheme results in a minimal degree of physical impact on the historic fabric and character of the building. The introduction of a Georgian style garden is a very welcome enhancement of the rear courtyard area.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.2 Paragraph 85 requires planning policies and decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 91 states that planning policies and decisions should aim to create places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 185 requires plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. It should take account (amongst other criteria) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Nottingham Local Plan (November 2005):

ST3- City Centre

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

BE12 - Development in Conservation Areas

BE15 - Archaeology

BE16 - Archaeology

NE9 - Pollution

S6 – Non Retail Users

S7 – Food and Drink

H2 – Housing Density

Aligned Core Strategy (September 2014):

Policy A - Presumption in favour of sustainable development

Policy 2 – The Spatial Strategy

Policy 5 - Nottingham City Centre

Policy 8 – Housing Size Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 11 - The Historic Environment

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) The principle of the proposed mixed use development;
- ii) Listed Building and Conservation Issues;
- iii) The impact upon the amenity of nearby occupiers and community safety issues.

(i) Principle of the proposed mixed use development (NPPF, Policies A, 2, 5 and 8 of the Aligned Core Strategy and Policies ST3, S6, S7 and H2 of the Local Plan)

- 7.1 The NPPF and Historic England both recognise that finding a viable economic use is critical to the success of the regeneration and long term preservation of heritage assets. Securing investment and a new use(s) are an essential step in returning a historic building to its former glory and safeguarding its architectural and historical interest for the future. It is commonly accepted that bringing a heritage asset into viable economic use that can secure investment for the initial repair/refurbishment of the heritage asset, provide the owner or developer with a reasonable return on their investment, and which generates sufficient income to ensure the long-term maintenance of the building fabric, will underpin sustainable urban renewal. At this stage no alternative funding streams for the restoration of this building have been identified.
- 7.2 A scheme of this scale and nature has the opportunity to transform a key heritage asset at the heart of the Lace Market Conservation Area. The proposals would bring about substantial public benefits, which include securing the future use of the building and the general repair and restoration of key features of historic merit. It would help to provide confidence to other businesses in the Lace Market, which in turn will help to enhance the physical and economic fabric of the area.
- 7.3 County House is situated in a highly accessible location within the core of the Lace Market, an area generally characterised by a range of uses including commercial, educational and residential. The proposed mix of uses, namely Class A1 (retail),

Class A3 (restaurant with ancillary bar), Class B1 (office, work space and meeting hub with ancillary café/bar) and Class C3 (residential), are key City Centre uses and appropriate to this context. The proposed range of uses would accord with Policy 2 and 5 of the Aligned Core Strategy which place emphasis on the City Centre as the focus for new development to enhance its role as the region's principal shopping, leisure and cultural destination; the need to ensure it maintains its attractiveness, accessibility and vibrancy; ensuring that proposals concentrate development on areas well served by a choice of transport and by minimising traffic generation. Policy 5 (c) of the Aligned Core Strategy in particular mentions the need to create an inclusive and safe City Centre by having regard to crime and disorder issues through managing the scale and concentration and regulation of bars. In this instance the proposed mixes of uses, given the existing concentration of bars along High Pavement have been amended to restrict the scale of proposed bar use within the final scheme.

- 7.4 The proposed mix of uses have the potential to provide the necessary commercial yields required to secure the financial investment needed to carry out the essential repair and enhancements works to this Grade II* Listed Building, whilst also being able to demonstrate that that they could be accommodated within the historic fabric of the building, consistent with its conservation. The more commercially viable uses such as Class A1, A3 and the Class B1 office/meeting and workspace hub would occupy the first two floors and would maximise the use of the highly decorative and large reception rooms on these floors.
- 7.5 The Council would welcome the civic use of County House, however such a use has not come forward and is unlikely to secure the necessary investment required to bring this unique Listed Building back to its former glory and ensure its long term preservation.
- 7.6 Residential use is proposed on the second floor with its more modest room sizes. The revised floor plans propose 2 x one bedroom and 1 x two bedroom apartment which would be served by a separate living, kitchen area and bathroom. All three apartments are considered to be of a good size.
- 7.7 This composition of the proposed uses are all considered to be compatible with this City Centre location. The proposed range of uses would accord Policies A, 5 and 8 of the Aligned Core Strategy and Policies ST3, S6, S7 and H2 of the Local Plan.

(ii) Listed Building and Conservation Area issues (Para 193 NPPF Policies 10 and 11 of the Aligned Core Strategy and Policies , BE10 and BE12 of the Local Plan)

- 7.8 County House has recently been upgraded by Historic England to a Grade II* Listed Building. Assessment of the planning application requires the consideration of the effect of the proposals upon the setting of this and adjacent Listed Buildings in the context of Policy BE10, and as to whether the proposals would preserve or enhance the character or appearance of the Lace Market Conservation Area, in accordance with Policy BE12.
- 7.9 It is considered that the information submitted as part of the application demonstrate that proposed internal and external alterations required to facilitate the proposed change of use would be classified as 'less than substantial harm' to the significance of this heritage asset in terms of the NPPF. As such, the NPPF

requires that this harm should then be weighed against the public benefits of the proposals and the ability to secure property's optimum viable use.

- 7.10 The following paragraphs consider the Listed Building and conservation issues for the individual elements of the proposals as set out in the proposals section of the report. The detailed internal and external works which would facilitate the range of uses currently proposed, are considered separately under the Listed Building Consent application, which follows this report.
- 7.11 County House is on the Listed Building at risk register. It is in a state of serious dereliction and without an immediate and substantial injection of capital there are genuine concerns about its long term sustainability. Although the current owner has secured necessary repairs to the roof, highly significant features like the early 18th Century staircase and late 18th Century staircase above it, are close to the point of collapse. Several floors have also collapsed as a result of water ingress, prior to the recent repair of the roof. Safe access to the second floor is currently not possible and the extent of damage is not fully known.
- 7.12 The importance of finding a long term viable use for County House which could secure the necessary investment to restore the building and secure its long term use have been discussed in the previous section.
- 7.13 In terms of the current planning application, minimal external alteration is proposed to the listed facades of the building, which are essentially to be repaired and restored. The main external alterations are proposed to the rear courtyard area where a small single storey extension is proposed to provide a glazed link between the main building and the east wing. The existing single storey 1930s addition is to be altered to provide a fully glazed frontage to the internal courtyard, to match the proposed extension. Part of the roof area of the 1930's extension is proposed to be used as a roof terrace with glazed balustrade. A further small glazed extension is proposed at first to provide a lobby and link at this level.
- 7.14 The internal courtyard is to be restored to replicate a small Georgian garden.
- 7.15 The Conservation Officer considers that from a heritage conservation perspective the scheme would bring wide ranging and long term benefits. Fundamentally it would secure the future of a Grade II* listed building at risk and repair the damage caused by years of neglect to the structure by making it fit for a number of potential uses. The scheme results in a limited degree of physical impact on the historic fabric and character of the building. The one exception to this is the demolition and reorientation of an early 19th century staircase (the secondary staircase) which is being considered as part of the Listed Building Consent application.
- 7.16 The long term preservation of this Listed Building also would make a significant contribution towards the preservation and enhancement of the Lace Market Conservation Area along High Pavement. The building has been vacant for over 20 years and is now in a serious state of repair. No viable use of this heritage asset has come forward in the short and medium term to enable its conservation. Grant funding sufficient to cover its conservation is also unlikely to come forward. It is considered that the proposed internal and external alterations required to facilitate the proposed change of use would result less than substantial harm' to the significance of this heritage asset in terms of the NPPF and on this basis any 'harm' to this heritage asset would be outweighed by the substantial public benefits of bringing the site back into use.

7.17 The proposal is therefore considered to accord with the requirements of the NPPF, Policies 10 and 11 of the Aligned Core Strategy and Policies BE10 and BE12 of the Local Plan, subject to the conditions recommended by the Conservation Officer.

iii) Impact on Residential Amenity (Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan)

- 7.18 Policy 5 (c) of the Aligned Core Strategy refers to the need to create a safe and inclusive City Centre. Policies S6 and S7 of the Local Plan also require consideration of a proposed development to assess whether it would be harmful to the living or working conditions of nearby occupiers and residents. Policy S7 in particular states that planning permission will be granted for food and drink uses where the effect of noise, disturbance, anti-social behaviour, smells and litter on the amenities of nearby occupiers and residents, is capable of being adequately controlled by means of planning conditions.
- 7.19 Issues relating to possible noise disturbance arising from the use of the building and specifically the courtyard area and first floor terrace, have been identified by both the occupiers of the Lace Makers House and residents of the Halifax Place housing development, which is located further to the north of the site. Particular concerns relate to the use of the building and external areas as part of a Class A4 bar.
- 7.20 Concerns regarding the extent of Class A4 bar and its potential impact on community safety issues have also been raised by the PALO given its location within a Saturation Zone for Licencing.
- 7.21 The final revised scheme now shows the ground floor sections of the building which surround the courtyard, together with the first floor section of the east wing (with access to the first floor roof terrace), to be used as Class A3 restaurant. Only a small section of the ground floor fronting High Pavement is shown as Class A4 bar and this is to be ancillary to the Class A3 restaurant use. The remaining part of the first floor would form a Class B1 office hub with ancillary Class A3/A4 café/bar, available for use by members of the office hub only.
- 7.22 Given the relationship with Lace Makers House and Halifax Place it is considered appropriate to carefully control the type of uses that are accommodated within the two rear wings of the building and external areas, to minimise potential noise and disturbance. The use of external areas in association with a Class A4 bar would raise concerns for the reasons raised by local residents. In addition, the creation of a large Class A4 bar at ground and first floor level, together with the cumulative impact of existing bars on High Pavement, would raise community safety concerns as stated by the PALO.
- 7.23 The applicant has stated that the use of external areas is essential to attracting tenants for the building. As a result of concerns from local residents, the applicant is proposing that the area surrounding the courtyard and access to the first floor terrace be 'fixed' by condition to Class A3 restaurant use only. They have suggested that the use of the proposed external garden and first floor terrace also be conditioned to solely relate to the restaurant use, and that this be subject to a 12 month temporary period, to allow their use to be monitored. An hours of use condition restricting use of external areas (08:00 till 23:00 Monday to Saturday and 08:00 till 22:00 on Sundays) is also proposed. The use of the bar areas are also

proposed to be conditioned to be ancillary to the proposed restaurant and first floor office hub.

- 7.24 The PALO has been involved in detailed discussions regarding the final mix of uses currently proposed. Their formal comments on the revised scheme have been sought and will be reported in the Update Sheet.
- 7.25 Environmental Health and Safer Places have raised no objections to the proposal in terms of noise and disturbance, subject to the conditions outlined in the consultee section above.
- 7.26 It is therefore concluded that the proposed restaurant use to the rear section of the building, with the inclusion of the proposed restrictive conditions relating to use of external areas, would provide sufficient protection to neighbours' amenities. It is also considered that the office and residential uses are compatible with the neighbouring residential properties and furthermore, that the proposed bar area is acceptable on the basis that it would be ancillary to the restaurant use and located at the front of the building, in limited areas on the ground floor only. The proposals are therefore in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan in this regard.

OTHER MATTERS

- 7.27 Archaeology (Policies BE15 and BE16 of the Local Plan): The Council's Archaeologist has requested a programme of archaeological monitoring of groundworks and the historic fabric of the building (in the form of a watching brief) that can be secured by condition.

8. SUSTAINABILITY / BIODIVERSITY

The proposal would lead to the restoration of a building of significant historic interest and secure its sustainable and viable future use.

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

Great City – Create a vibrant and attractive city centre and ensure people are even safer.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/00225/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P3KBGLLYIP800>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

23 High Pavement, Nottingham

1 SUMMARY

Application No: 18/00226/LLIS1 for Listed Building Consent

Application by: Globe Consultants Ltd on behalf of First Provincial Properties Ltd

Proposal: Single storey rear extension, internal works including removal and reversing of an existing staircase and external works

The application is brought to Committee as it relates to the preceding planning application and concerns a significant heritage asset.

To meet the Council's Performance Targets this application should be determined by 31st October, for which an extension of time has been agreed.

2 RECOMMENDATIONS

GRANT LISTED BUILDING CONSENT subject to the 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 Director of Planning and Regeneration.

3 BACKGROUND

- 3.1 23 High Pavement is a Grade II* listed building known as County House. The house has a long and complex history and has over time been the subject of significant change and extension. Originally, it was a Georgian town house. However, in the early 19th century it was sold to the magistrates for conversion to the Judges' Lodging and the notable dining room block on the first floor in the east portion of County House was added. In the early 20th century County House became County Council offices and in 1930 the two storey east wing was added followed by the addition of single storey offices to this block in 1949. The building was vacated by the County Council in 1992 and since that time has been unused. It is included on the Listed Buildings at Risk register due to its poor state and neglect.
- 3.2 The building is three storeys in height and comprises of three main elements; the front range facing High Pavement and at the rear addressing an internal courtyard are the west wing and the east wing.
- 3.3 The site is located within the Lace Market Conservation Area.

4 DETAILS OF THE PROPOSAL

4.1 Listed building consent is sought for external and internal works required to facilitate the conversion of County House to a mixed use development comprising retail (A1), restaurant with ancillary bar (Class A3/A4), office and meeting space with ancillary cafe/bar (Class B1) and 3 serviced apartments (Class C3) . A complementary planning application for the proposed use has been considered by Planning Committee in the previous report.

4.2 External works would include the following:

- Removal of most of the covered walkway of *circa* 1930 on the lower northern rear elevation;
- A single storey ground floor extension is proposed to the northern rear elevation and would have a glazed front and glass balcony, with a roof terrace above.
- New glazed lobby to the first floor on the rear elevation.
- The existing single storey 1940s extension to the east wing is proposed to be retained in form, with Crittall glass extension and glazing to ground floor, and a modern cladding of bronze or copper to the remainder.
- Existing brickwork to be repointed and existing stucco render is proposed to be replaced and made good.
- Repair of existing windows is proposed where possible but like for like replacement of windows will take place where windows are beyond repair.
- The existing internal courtyard is proposed to be re-landscaped to reinstate a Georgian style garden.

4.3 All other works are internal and largely consist of repair and restoration works. Key internal interventions include:

- The demolition and reorientation of an early 19th century staircase (the secondary staircase) and its extension up to the second floor.
- Provision of a new lift to serve the first and second floors.
- Removal of stud partition walls where necessary.
- Layout changes and to second floor rooms to create three serviced apartments.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

The application has been publicised through the display of a site notice and the publishing of a press notice.

Nottingham Civic Society welcomes the proposals for reuse and repair/alteration of this rapidly deteriorating key Grade II listed building in the Lace Market Conservation Area. They consider alterations proposed in the rear courtyard to be acceptable in principle, in return for the restoration of this important Listed Building at Risk. The Civic Society would like to ensure that every opportunity is taken to record and recover archaeological deposits from the courtyard, given the sensitivity of the site at the heart of the Saxon 'Lace Market' settlement.

Additional consultation letters sent to:

Conservation Officer: No objection subject to conditions. The scheme would bring wide ranging and long term benefits and on the whole the scheme results in a limited degree of physical impact on the historic fabric and character of the building.

In terms of the main staircase the intention to restore this to its former glory is welcomed. However it is noted that the preferred scenario for the end use of the building would restrict this magnificent feature's use to a fire escape route. While the staircase would be visible from the entrance hall it would not be regularly used, something which would impact on its significance as the primary historic route between floors.

The introduction of a Georgian style garden is a very welcome enhancement of the rear courtyard area.

It is also considered appropriate to add a condition requiring a Conservation Management Plan (CMP) for the building to account for how the usage of the building might change and evolve over time. A CMP would be useful in helping to manage future change. It would set out clear principles for the building's ongoing management and maintenance at the outset and inform any new tenants or occupiers about the sensitivity and significance of individual elements. In particular the CMP should reassert the significance of the main staircase and emphasise the desirability of using it as the primary route between floors whenever new/alternative uses are proposed in future.

The following conditions are recommended by the Conservation Officer:

- A detailed condition survey of all building elements with room by room recommendations for remedial works.
- A detailed set of demolition plans and elevations showing the extent of unsalvageable historic fabric to be removed.
- A detailed schedule of works for the conservation and repair of historic fabric on a room by room basis. Details of works to chimneys and replacement chimney pots.
- Samples of all new or replacement facing and roofing materials.
- Sections of new lift shaft showing its exact position and relationship with existing structural fabric.
- Sections and elevations of new curtain wall glazing system and glazed doors.
- Sections and elevations of new glazed balustrades.

Historic England (HE): Historic England is supportive in principle of the proposed change of use and bringing the building back into use. They welcome the retention of the historic internal layout and restoration of features within. They however expressed concerns regarding the removal and re-orientation of the staircase to the judges' lodgings as an intrusive intervention that would have a negative impact on both the building's historic floor plan and historic fabric which would cause harm to its significance. The staircase is a notable element of an important phase in the building's history, given the significance of the staircase and panelling they do not consider these proposals to be justified or outweighed by public benefit in accordance with the NPPF. They recommend that this element is omitted from the proposals and the floor plan re-worked to utilise the staircase in its current location and orientation.

HE were re-consulted after revisions were made to the proposed works and further justification submitted to address their concerns regarding the removal and re-orientation of the secondary staircase. They consider that the proposed amendments better respect the proportions and historic features of the listed building. Their concerns regarding the proposals to remove and revise the secondary staircase however remain.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 6.2 Paragraph 185 requires plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. It should take account (amongst other criteria) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Nottingham Local Plan (November 2005):

BE9 – Demolition of Listed Buildings

BE11 – Alteration/Extension to Listed Buildings

Aligned Core Strategy (September 2014):

Policy 11 - The Historic Environment

7. APPRAISAL OF PROPOSED DEVELOPMENT

Impact of Proposed Works on the Listed Building (NPPF, Policy 11 of the Aligned Core Strategy and Policies BE9 and BE11 of the Local Plan)

- 7.1 The proposed external and internal works are required to facilitate the change of use to a mixed use development outlined in the previous report. From a heritage conservation perspective the scheme would bring wide ranging and long term benefits. The principle of the proposed change of use and bringing the building back into use is fully supported by the Conservation Officer and Historic England (HE). Fundamentally it would secure the future of a grade II* listed building at risk and repair the damage caused by years of neglect to the structure by making it fit for a number of potential uses. The significance of the proposed scheme and the current condition of this listed building has been outlined in the previous report but

are equally relevant and important in the consideration of the proposed works outlined in this report.

- 7.2 The proposed scheme of external and internal works are largely considered to have a limited degree of physical impact on the historic fabric and character of the listed building. The one exception to this is the demolition and reorientation of an early 19th century staircase (the secondary staircase), which is discussed below.
- 7.3 Amendments have been made to the original scheme of works that better respect the proportions and historic features of the listed building. HE welcome these amendments which include; re-configurations to the second floor layout to better respect the existing walls, reduction of the bar in the dining room to prevent it encroaching on the fireplace, alterations to the glazed walkway and the retention of more of the historic wall on the ground floor in the bar area.
- 7.4 The intention to fully restore the main staircase are wholeheartedly welcomed. However, the end use of the building would restrict this magnificent feature's use to a fire escape route. While the staircase would be visible from the entrance hall it would not be regularly used, something which would impact on its significance as the primary historic route between floors. The submission of a Conservation Management Plan to help manage future change and to set out clear principles for the building's ongoing management and maintenance at the outset is to be required by condition. In particular the CMP should reassert the significance of the main staircase and emphasise the desirability of using it as the primary route between floors whenever new/alternative uses are proposed in future. This is to be required by condition.
- 7.5 The introduction of a Georgian style garden is a very welcome enhancement of the rear courtyard area.
- 7.6 The condition of the secondary staircase is currently very poor. It is proposed to demolish and reverse the staircase, extend it to the second floor and add a lift to create a new access stack.
- 7.7 The applicant has stated that a sustainable future for County House may not lie within a single prolonged use by an individual user. The proposed programme of works embraces a key design philosophy formed around the sustainable restoration and future re-use of the building. The key concept is to introduce greater degrees of flexibility into the building so that it can respond to the changing requirements of future tenants. The reversal of the secondary staircase is seen as key to this design philosophy. The access stack would enable the full breadth of the building to be used effectively, either as a series of smaller subdivided units or by a more restricted number of tenants. The access stack helps secure private access to residential areas on the top floor, a use which is likely to be one of very few options for the uppermost storey's use. The stack also provides lift access to second and first floors.
- 7.8 The Conservation Officer agrees that a good justification for the turning of the staircase exists in that it would facilitate a more varied mix of uses for the building and more versatile access arrangements. Furthermore, the overall public benefits associated with the scheme can be weighed favourably against the degree of harm to the staircase. Some mitigation for the harm can be secured through re-use of existing fabric, adequate recording and by leaving the blocked opening as a recessed alcove denoting the staircase's former position in the entrance hall. An

alcove would provide an ideal opportunity for interpretation materials expanding on the refurbishment project, as recommended in the Heritage Impact Assessment (Addendum).

- 7.9 HE have however raised initial concerns that the removal and re-orientation of the staircase would be an intrusive intervention that would have a negative impact on both the building's historic floor plan and historic fabric which would cause harm to its significance. The staircase is considered by HE to be a notable element of an important phase in the building's history and given the contribution the staircase and panelling make to the significance of this highly important heritage asset, great weight should be given to its conservation and the proposed works should require clear and convincing justification. Upon submission of the application an end user was not evident to provide a requirement for these works and on this basis HE did not consider there to be justification for this harmful element of the scheme.
- 7.10 Further discussions have now taken place with HE regarding the secondary staircase and they have subsequently visited the property. A further addendum to the Heritage Impact Assessment has been submitted in light of these discussions and the applicant has suggested that the staircase be conditioned to ensure that works associated with the removal of the staircase only occur after the significant investment proposed is secured. The applicant has also stated that they are at an advanced stage of discussion with a potential tenant for the ground floor restaurant. The final comments of HE will be reported on the Update Sheet.
- 7.11 For the reasons set out above the proposed scheme is considered to comply with the relevant paragraphs of the NPPF, Policy 11 of the Aligned Core Strategy and Policies BE9 and BE11 of the Local Plan, subject to the above recommended conditions.

8. SUSTAINABILITY / BIODIVERSITY

The proposal would lead to the restoration of a Grade II* listed building of significant historic interest and secure its sustainable and viable future use.

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

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/00226/LLIS1 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P3KGBTLYIP900>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041

NOMAD printed map




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0 0.01 0.02 km



Key

 City Boundary

Description

No description provided



My Ref: 18/00225/PFUL3 (PP-06691659)
Your Ref:
Contact: Mrs Jo Bates
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

Globe Consultants Ltd
FAO: Mrs Venezia Ross-Gilmore
The Tithe Barn
Greestone Place
Lincoln
LN2 1PP

Date of decision:

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

Application No: 18/00225/PFUL3 (PP-06691659)
Application by: First Provincial Properties Ltd
Location: 23 High Pavement, Nottingham, NG1 1HF
Proposal: Change of use to mixed use development comprising retail (A1), restaurant with ancillary bar (Class A3/A4), office and meeting space with ancillary cafe/bar (Class B1) and 3 serviced apartments (Class C3), a single storey and first floor rear extension and associated works

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.

2. The use of the all external areas, associated with the restuarant use (Class A3), including the internal garden area and first floor terrace hereby permitted, shall be discontinued on or before 31st October 2019 unless upon subsequent application the Local Planning Authority grants a further permission.

Reason: To allow review and monitoring of the use of external areas during the temporary period in order to protect the amenities of future occupiers and neighbouring residential properties in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan.

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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Not for issue

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Continued...

3. No development involving the breaking of ground shall take place within the site until a programme of archaeological works, consisting initially of a Written Scheme of Investigation (WSI), to be scoped by the City Archaeologist, has been submitted to and approved in writing by the Local Planning Authority.

The scheme of evaluation shall determine the character, extent and condition of any archaeological remains and provide an evidence base to determine what further archaeological work may be required in advance of and/or during groundworks.

The approved Written Scheme of Investigation shall also inform a programme of archaeological monitoring of groundworks (in the form of a watching brief) which shall be submitted to and approved in writing by the Local Planning Authority. The watching brief shall include monitoring and recording of works impacting upon historic building fabric and possibility of further caves within the site boundary.

The development shall be carried out in full accordance with the approved programme of archaeological works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policy BE16 of the Nottingham Local Plan.

4. Prior to the commencement of the 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 include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating.

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the of the residential element of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

5. Prior to the commencement of the 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.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

6. Prior to the commencement of the development, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and agreed in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

7. No above ground development shall be commenced until a sample of all proposed external materials to be used on the external elevations of the approved development has been submitted to and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials including details of all new windows/doors, means of enclosure and hard surfaced areas of the site, shall also be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 and 11 of the Aligned Core Strategy and Policies BE10 and 12 of the Local Plan.

Pre-occupation conditions

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

8. Prior to first occupation of the development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

9. Prior to the development being first brought into use or the residential apartments being occupied, verification 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, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

10. Prior to the development being first brought into use or the residential apartments being occupied, verification that the approved sound insulation scheme have been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

11. The development shall not be occupied until details of the refuse facilities to serve the proposed development have been submitted to and agreed in writing with the Local Planning Authority.

The development thereafter shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategy.

12. The development shall not be occupied until a scheme of landscaping and works to the retained trees have been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs, including appropriate replacements for the mature trees to be removed. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees which die are removed or become seriously damaged or diseased within a period of 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 and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

13. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to "permitted development", the ground and first floor space, as set out in the approved plans, shall not be used for any purpose other than as follows without the prior express permission of the Local Planning Authority:

1. Ground floor and first floor rear east wing: the Class A3 restaurant element of the Class A3/A4 use only;
2. Remaining first floor: the Class B1a office use;
3. First floor former Judges dining room (Room FO4): the ancillary cafe/bar element of the Class B1a office;
4. Ground floor rooms fronting High Pavement: the ancillary Class A4 bar element of the Class A3/A4 use.

Reason: To protect the living conditions of future occupiers and neighbouring properties in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan.

14. The use of all external areas including the garden area and first floor terrace by customers of the Class A3 restaurant element of the Class A3/A4 use, shall not take place outside the hours of 08:00 to 23:00 hours Monday to Saturday and 08:00 to 22:00 on Sundays and Bank Holidays.

Reason: To protect the living conditions of future occupiers and neighbouring properties in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan.

15. The external areas including the garden area and first floor terrace shall only be used in association with the Class A3 restaurant element of the Class A3/A4 use and not for the ancillary Class A4 bar element of this use.

Reason: To protect the living conditions of future occupiers and neighbouring properties in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan.

16. The proposed Class A4 bar element of the Class A3/A4 use shall remain ancillary to the Class A3 restaurant and shall not be operated as a separate use.

Reason: To protect the living conditions of future occupiers and neighbouring properties in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the 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 23 February 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.



2. 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.

3. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

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

4. 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.

5. Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

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: 18/00225/PFUL3 (PP-06691659)

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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My Ref: 18/00226/LLIS1 (PP-06691659)
Your Ref:
Contact: Mrs Jo Bates
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

Globe Consultants Ltd
FAO: Mrs Venezia Ross-Gilmore
The Tithe Barn
Greestone Place
Lincoln
LN2 1PP

Date of decision:

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
APPLICATION FOR LISTED BUILDING CONSENT**

Application No: 18/00226/LLIS1 (PP-06691659)
Application by: First Provincial Properties Ltd
Location: 23 High Pavement, Nottingham, NG1 1HF
Proposal: Single storey rear extension, internal works including of existing main staircase and external works

Nottingham City Council as Local Planning Authority hereby **GRANTS LISTED BUILDING CONSENT** to the above application subject to the following conditions:-

Time limit

1. The works hereby authorised shall be begun before the expiration of three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

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

2. Prior to the commencement of the development a detailed condition survey of all building elements with room by room recommendations for remedial works shall be submitted to and agreed with the Local Planning Authority.

The development shall be carried out in full accordance with the recommendation set out in the conditions survey.

Reason: To ensure that the alterations will not harm the character or appearance of the listed building or any feature of special architectural or historic interest it possesses in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Local Plan.



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3. No works or demolition [or alteration by way of partial demolition] to the listed building shall be commenced until a detailed set of demolition plans and elevations showing the extent of unsalvageable historic fabric to be removed has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the alterations will not harm the character or appearance of the listed building or any feature of special architectural or historic interest it possesses in accordance with Policy 11 of the Aligned Core Strategy and Policies BE9 and BE11 of the Local Plan.

4. Prior to the commencement of the development a detailed schedule of works for the conservation and repair of historic fabric on a room by room basis shall be submitted to and agreed in writing with the Local Planning Authority.

The schedule of works shall include the following detailed elements:

- a) Recording of the main staircase and the salvage of joinery elements to inform its faithful reinstatement. This should include specifications of timber to be used in restoration work.
- b) Mortar and render mix specifications and method statements for their application.
- c) Product specifications for exterior masonry paints and render.
- d) Details of carpentry repairs and structural timber replacement.
- e) Method statements for the refurbishment and upgrading of windows and doors and detailed drawings at 1:5 scale of any replacements.
- f) Large scale sections of all internal joinery profiles to be reinstated.
- g) Large scale sections and elevations of secondary glazing arrangements at 1:10 scale.
- h) Large scale drawings of the glazed cupola to be reinstated over the rear stairwell.
- i) Recording of historic wall panelling and details of materials to be used in reinstatement works.
- j) Recording and salvage of joinery elements to be used in reconstruction of the secondary staircase.
- k) Internal plaster specifications informed by recording and salvage of existing mouldings and analysis of existing plaster mixes. Specification of backing materials for ceiling work (eg. lath, reed).
- l) Method statements for the repair of historic floor finishes and details of new flooring materials.
- m) Method statements and materials specifications for the repair of stonework elements.
- n) Details of new or reinstated fireplaces.
- o) Description of works to exterior metalwork.
- p) Details of exterior lighting.
- q) Details of the landscaping scheme for the rear yard.
- r) Details of new or replacement rainwater goods.
- s) Details of works to chimneys and replacement chimney pots.

The development shall be carried out in full accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the alterations will not harm the character or appearance of the listed building or any feature of special architectural or historic interest it possesses in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Local Plan.

5. The development shall not be commenced until a sample of all new or replacement materials to be used on the external elevations of the approved development has been submitted to and agreed in writing with the Local Planning Authority. Details of the proposed external materials shall include all new or replacement facing and roof materials, details of all new/replacement means of enclosure and hard surfaced areas of the site.

The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Local Plan.

6. The development shall not be commenced until details and sections of the new lift shaft showing its exact position and relationship with existing structural fabric of the building have been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the alterations will not harm the character or appearance of the listed building or any feature of special architectural or historic interest it possesses in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Local Plan.

7. The development shall not be commenced until large scale elevations and sections of the following details have been submitted to and agreed in writing with the Local Planning Authority:

- a) The new curtain wall glazing system and glazed doors.
- b) New glazed balustrades.

Reason: To ensure that the appearance of the development is satisfactory and to protect the character and appearance of the listed building in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Nottingham Local Plan.

8. No works or demolition [or alteration by way of partial demolition] to the existing secondary staircase edged red on Drawing Reference 0370-AM2-EFP-2 - REV A and 0370-AM2-EFP-3 - REV A, submitted to the Local Planning Authority on 18th September 2018, shall proceed until evidence demonstrating that a binding contract has been made for the occupation of the ground and first floor of the building in accordance with the proposed development hereby approved has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the alterations will not harm the character or appearance of the listed building or any feature of special architectural or historic interest it possesses in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Local Plan.

Pre-occupation conditions

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

9. The development shall not be commenced until a Conservation Management Plan (CMP) for the building has been submitted to and agreed in writing with the Local Planning Authority.

The CMP should set out clear principles for the listed building's ongoing management and maintenance at the outset and inform any new tenants or occupiers about the sensitivity and significance of individual elements. In particular the CMP should aim to reassert the significance of the main staircase and emphasise the desirability of using it as the primary route between floors whenever new/alternative uses are proposed in future.

Reason: To protect the character and appearance of the listed building in accordance with



Policy 11 of the Aligned Core Strategy and Policy BE11 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the works 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 5 February 2018.

Reason: To determine the scope of this permission.

Informatives

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



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RIGHTS OF APPEAL

Application No: 18/00226/LLIS1 (PP-06691659)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of consent for the proposed works, 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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WARDS AFFECTED: Mapperley

Item No:

PLANNING COMMITTEE

REPORT OF CHIEF PLANNER

117 Morley Avenue, Nottingham

1 SUMMARY

Application No: 18/01196/PFUL3 for planning permission

Application by: Melanie Dearing Architects on behalf of Mr Andrew Lawless

Proposal: New dwelling.

The application is brought to Committee at the request of a Local Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 22nd August 2018. An extension of time has been agreed until 24th October 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 application relates to the site of 117 Morley Avenue. The site is occupied by a single detached dwelling which fronts onto Morley Avenue. The garden to the rear of the property is approximately 27m in length and slopes down away from the property. The rear site boundary adjoins the back edge of pavement on Mapperley Rise.
- 3.2 The gardens to the rear of the properties at 107-113 Morley Avenue have been developed, each accommodating single detached dwellings fronting onto Mapperley Rise.
- 3.3 There is a bus stop clearway adjacent to the proposal site on Mapperley Rise. The bus stop operates between 7am and 7pm and has an associated electronic display, raised board kerb central refuge and road markings.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks planning permission for a single dwelling within the rear garden of the existing property at 117 Morley Avenue. The proposed dwelling would front onto Mapperley Rise and would be three storey in height. The ground floor would accommodate an integral carport with access off Mapperley Rise and a

kitchen. The first floor would provide a living room and the second floor, a bedroom and bathroom.

- 4.2 The proposed dwelling would be similar in appearance to the existing dwellings that have been developed to the rear of nos. 107-113 Morley Avenue, being tall and narrow in proportion with a pitched roof. The new dwelling would stand to the south east of the existing properties, separated by the undeveloped plot to the rear of 115 Morley Avenue.
- 4.3 Following a number of concerns raised by neighbouring residents, the scale of the proposed dwelling has been amended to reduce its overall height and eaves height and remove the proposed accommodation within the roof space. As amended, the proposed eaves height of the dwelling would be consistent with that of the existing properties on the Mapperley Rise frontage, relative to the changing ground levels.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Notification letters were sent to the following addresses:
110-116 (evens), 115 and 119 Morley Avenue
27A Mapperley Rise
2 Maurice Drive

The application was also advertised by a site notice.

Three letters of representation have been received, raising the following objections to the development:

- The proposed dwelling would be in close proximity to the existing properties on Morley Avenue and will result in loss of privacy for the occupiers of these properties
- The dwelling would result in loss of sunlight and daylight to the rear of properties on Morley Avenue and have an overbearing impact, giving a sense of enclosure
- The proposal would result in additional congestion and create difficulties with parking outside of the existing properties on Morley Avenue
- The design of the dwelling is overbearing and dominant
- The proposed dwelling will stand alone and look out of place
- It is not clear what fencing would be used between the existing and proposed dwellings
- The annotation on the drawing which states that the garden is overgrown is incorrect.

An objection from a Local Ward Councillor was also received, raising concerns about the design of the dwelling and proximity to the existing properties on Morley Avenue.

Further notification letters were sent to the following addresses following the receipt of amended plans:
110-116 (evens), 115, 119 and 121 Morley Avenue
27A Mapperley Rise
2 Maurice Drive

No further representations have been received.

The Local Ward Councillor feels that the amendments to the proposal are not sufficient to alleviate concerns expressed by local residents.

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection. Conditions requiring the submission of details of a dropped vehicular access, relocation of the adjacent bus stop electronic display and drainage details are recommended.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2018)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Greater Nottingham Aligned Core Strategies (September 2014)

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10 – Design and Enhancing Local Identity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Impact on Residential Amenity
- (ii) Design and impact on the streetscene
- (iii) Highways Issues

Issue (i) Impact on Residential Amenity (Policy 10 of the Aligned Core Strategies)

- 7.1 Neighbouring residents have raised concerns about the proximity of the proposed dwelling to the rear of existing properties on Morley Avenue and the resulting impact upon privacy of the occupiers of these properties. The proposed dwelling would stand at a distance of approximately 22m from the rear elevation of the property directly to the rear (no. 117) and due to the level change across the site, would also stand at a substantially lower ground level than the existing properties on Morley Avenue. In response to initial concerns raised, the height of the dwelling has been reduced by 2m and the accommodation within the roof space has been omitted. The second floor of the proposed dwelling would be lower than the first floor of the existing dwellings on Morley Avenue.
- 7.2 Taking all of these factors into consideration, it is considered that the proposed dwelling would be located at a sufficient distance away from the existing properties on Morley Avenue to prevent any significant impact upon daylight and sunlight, particularly as the new dwelling would stand to the north-east of the existing properties. Taking account of the level difference across the site, the distance between the properties (which meets with the recommended minimum back to back distances for residential accommodation) and following the omission of the additional storey of accommodation within the roof space, it is considered that the proposed dwelling, as amended, would not result in any significant loss of privacy for the occupiers of the existing properties on Morley Avenue. In summary, it is considered that the proposed development would comply with Policy 10 of the Aligned Core Strategies.

Issue (ii) Design and impact on the streetscene (Policy 10 of the Aligned Core Strategy)

- 7.3 Concerns have been raised in relation to the design of the proposed dwelling, with local residents suggesting that it would be overbearing and dominant. The height of the proposed dwelling has subsequently been reduced by 2m and a dormer that was intended to serve to the accommodation within the roof space has been omitted. The eaves height of the property has been reduced so that it would be consistent with that of the existing dwellings along this stretch of Mapperley Rise (relative to the sloping ground level). A streetscene elevation has been provided to show the proposed dwelling in context and demonstrates that the proposed dwelling would be in keeping with the scale and appearance of the existing dwellings to the west on Mapperley Rise.
- 7.4 Concerns have also been raised about the fact that the proposed dwelling would 'stand alone'. However, it would be separated from the existing row of detached dwellings by only a single plot width and as such, it is not considered that it would look out of place within the streetscene. It is also possible that the adjacent plot could be developed in the future.

- 7.5 Whilst the overall design and appearance of the dwelling is considered to be satisfactory, conditions requiring the submission of details of materials, and large scale details of window and door reveals and eaves are recommended in order to ensure that the quality of the development is sufficient. Further conditions requiring details of boundary enclosures, landscaping and bin storage are also recommended. Subject to the recommended conditions, it is considered that the development would comply with Policy 10 of the Aligned Core Strategies.

Issue (iii) Highways (Policy 10 of the Aligned Core Strategies)

- 7.6 As mentioned above, there is a bus stop clearway adjacent to the proposal site on Mapperley Rise. In order to provide a vehicular cross over off Mapperley rise to serve the proposed car port, Traffic Management have advised that the electronic bus stop display will need to be relocated to the east of the new car port. A condition requiring this relocation to be carried out prior to the occupation of the proposed development is recommended.
- 7.7 Other than the bus stop, there are no further parking restrictions along this stretch of Mapperley Rise and as such, it is not considered that the proposal would give rise to any significant increase in congestion or car parking. One off street parking space in the form of the proposed car port is to be provided and this is considered to be sufficient for a one bedroom dwelling.
- 7.8 A condition requiring that the vehicular crossover be provided prior to the first occupation of the development is recommended. All works to the public highway will be subject of a separate Section 278 Highways Agreement. Subject to the recommended conditions, it is considered that the development would comply with Policy 10 of the Aligned Core Strategies.

Other Matters

- 7.9 A neighbouring resident has raised concern over the annotation of the garden area as 'overgrown'. It is not considered that the current state of the garden area has any bearing on the decision making process in this instance.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1 of the Aligned Core Strategies)

Drainage Engineers have recommended a condition which requires the submission of a drainage strategy for the site. This should, where possible, include Sustainable Drainage solutions. The building itself would also need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is considered that these measures are sufficient to satisfy the requirements of Policy 1 of the Aligned Core Strategies.

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: Creation of high quality, sustainable residential development.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/01196/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PAKCX6LY01B00>
2. Highways Comments dated 2.8.18
3. Representation from 115 Morley Avenue, received 22.8.18
4. Representation from 119 Morley Avenue, received 24.8.18
5. Representation from 121 Morley Avenue, received 31.7.18
6. Ward Councillor correspondence dated 6.8.18
7. Ward Councillor correspondence dated 3.9.18

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Greater Nottingham Aligned Core Strategies (2014)
National Planning Policy Framework (2018)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.
Email: zoe.kyle@nottinghamcity.gov.uk Telephone: 0115 8764059

NOMAD printed map



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0 0.01 0.02 km



Key



City Boundary

Description

No description provided



My Ref: 18/01196/PFUL3

Your Ref:

Contact: Mrs Zoe Kyle

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

Melanie Dearing Architects
Ms M Dearing
The Barnyard
Crewe Lane
Kenilworth
CU8 2LA

Date of decision:

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

Application No: 18/01196/PFUL3
Application by: Mr Andrew Lawless
Location: 117 Morley Avenue, Nottingham, NG3 5FZ
Proposal: New dwelling.

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

Time limit

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

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

Pre-commencement conditions

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

2. Notwithstanding the submitted details, no development shall commence until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.



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3. Notwithstanding the submitted details, no development shall commence until large scale details of the roof eaves and window and door reveals have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

4. Notwithstanding the submitted details, no development shall commence until details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

5. Notwithstanding the submitted details, no development shall commence until details of bin storage for the development have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

6. Notwithstanding the submitted details, no development shall commence until details of the hard and soft landscaping for the development have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

7. No development shall commence until a drainage strategy for the development has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To minimise surface water run off and in the interests of highway safety in accordance with Policies 1 and 10 of the Aligned Core Strategies.

Pre-occupation conditions

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

8. The development hereby permitted shall not be occupied until the new vehicular access has been provided in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategies.



9. The development hereby permitted shall not be occupied until the bus stop electronic display on Mapperley Rise has been relocated in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian Safety in accordance with Policy 10 of the Aligned Core Strategies.

10. The development hereby permitted shall not be occupied until bin storage for the site has been provided in accordance with the approved details.

Reason: To ensure adequate bin storage for the site in accordance with Policy 10 of the Aligned Core Strategies.

11. The development hereby permitted shall not be occupied until site boundaries have been enclosed in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference 720, received 11 July 2018
Drawing reference 722 revision B, received 20 August 2018
Drawing reference 721B revision B, received 20 August 2018
Drawing reference 723 revision A, received 20 August 2018

Reason: To determine the scope of this permission.

Informatives

1. 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.

2. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including any demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place.

The Applicant needs to ensure that any skips, construction traffic or vehicles related to the site development are managed effectively so as to not cause a detriment to the highway. The applicant is advised to contact the Highways Network Management Team on 0115 876 5238 to discuss timescales for work on the site and any associated impact on the highway.



To carry out the highway works on 'Mapperley Rise' for the dropped vehicular crossover and bus stop apparatus, approval must first be obtained from the Local Highway Authority. Approval takes the form of a Section 278 Agreement and the Applicant will be required to contact Highway Network Management on 0115 8765238 to initiate the process. All associated costs will be borne by the Applicant.

The Applicant can contact our Drainage colleagues on 0115 8765033 or email them at drainage@nottinghamcity.gov.uk for further advice/details.

3. 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: 18/01196/PFUL3

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.

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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

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WARDS AFFECTED: Dunkirk And Lenton

Item No:

**PLANNING COMMITTEE
17th October 2018**

REPORT OF CHIEF PLANNER

University Hospital Nhs Trust Queens Medical Centre , Derby Road

1 SUMMARY

Application No: 18/01091/PFUL3 for planning permission

Application by: C G Partnership Architects LLP on behalf of Nottingham University Hospitals NHS Trust

Proposal: Construction of single storey generator house and transformer building

The application is brought to Committee because it has generated representations from local Ward Councillors and significant public interest.

To meet the Council's Performance Targets this application should be determined by 31st October, for which an extension of time has been agreed.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the 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 BACKGROUND

3.1 This planning application relates to two sites located within the Queens Medical Centre hospital campus off Derby Road.

Site 1

3.2 The first site is located to the front of the west elevation of the main hospital building. The west elevation of the main building has a central recess which was previously used for parking. The Magnetic Resonance Imaging (MRI) unit, a flat roofed two storey building, has been built in the northern part of the recess. An additional plant room serving the MRI unit and the siting of a re-locatable MRI unit have subsequently received planning permission to the front of the existing MRI unit. A large single storey temporary theatre building, which was granted planning permission earlier in 2018, is currently being constructed in the southern part of the recess. This application specifically relates to an area of car park/hardstanding located to the front of the west block. To the west of the car park is the hospital's internal service road with Clifton Boulevard beyond.

Site 2

- 3.3 The second site is an existing operations compound located in the northwest part of the hospital campus. The compound is currently occupied by 3 single storey buildings including an electricity substation, generator house and a road grit store, with associated hard standing and soft landscaping. A steep, often near vertical cliff (walls of former quarry), is situated to the immediate northwest and south west and is heavily treed. Residential properties fronting Derby Road are located to the north and sit at an elevated position above the site on top of the cliff. Clifton Boulevard is located to west, this too is located at an elevated position above the site. Access Roads to the QMC border the site to the south and east.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the construction of a transformer building to the front of west block (site 1) and generator building on an area of amenity grassland to the front of the existing operations compound (site 2).
- 4.2 The transformer building would house high and low voltage electrical equipment necessary to supply power to the western part of the hospital. It would be flat roofed and single storey in height and would measure 14m in length by 11m in width. The elevations of the building would be constructed in brick.
- 4.3 The generator building would house two emergency stand by generators required to provide emergency power to critical medical services located in the western block of the hospital. It would be flat roofed and single storey in height and would measure 11.5m in length and 8.5m in width. The elevations of the building would be constructed in brick. The standby generators require regular testing and cumulatively it is anticipated that this would amount to a total of 3 hours usage per month.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

7 Neighbouring properties on Derby Road have been notified of the proposal.

Six representations have been received from Derby Road residents, including a day nursery, located to the west of the proposed generator building. Their concerns solely relate to the new generator building (site 2) and not the transformer building (site 1).

Residents have stated that existing emergency diesel generators, located to the rear of the Derby Road/ Hillside properties near the QMC's Boiler House, have caused significant air pollution and noise/vibration problems when they have been put into operation for regular maintenance reasons. They state that emissions at the time of their operation has resulted in a plume of diesel fumes being emitted and as a result they have to close all windows and doors and all activities in their private rear gardens have stopped.

The proposed new generators would be directly located to the rear of existing residential properties and a day nursery. Residents are concerned that the proposed generators would exacerbate existing air and noise pollution problems they currently experience. Owners of the nursery are concerned about health risks to children playing in the rear garden of the nursery and how it would affect their business. They question why the generator cannot be located elsewhere on the

hospital campus and seek clarification on when and how often it would need to operate.

One local resident expresses concerns about information contained within the submitted Air Quality Assessment. They draw attention to the following points:

- a) The existing pollution rating for the NG7 2EB is 4, which 'means that there is a strong chance of nitrogen dioxide levels exceeding the annual legal limit.' This is higher than the average for Nottingham, which is 2 out of 6 (moderate).
- b) There is a need for more appropriately located air quality monitoring stations around the QMC campus and Derby Road entrance.
- c) The Air Quality Assessment states that the most significant pollutant arising from operation of the two new generators is likely to be nitrogen dioxide (NO₂). It identifies *'The greatest potential for human exposure is on the footpaths closest to the Generator House and around the West Block'* where there is potential for the air directive limit for nitrogen dioxide to be exceeded. It also acknowledges that there is a potential environmental standard exceedance for benzene at the QMC's West Block. It notes a desire to reduce potential exposure to these pollutants. They are concerned that it does not specifically refer to the impact of pollution associated with particulate matter emitted by diesel fuels. There is evidence to indicate that these particulates are strong contributors to lung and other respiratory diseases.
- d) No mention is made of how to reduce the potential exposure of the people who live in the properties who sit above and close to the Generator House, comparable to those of the upper floors of West Block. The Assessment also notes that, regardless of flue orientation, the air directive limit for nitrogen dioxide *'... is predicted to be exceeded ... at nearby residential locations on Derby Road ...'*. There is concern that properties and their residents will be at risk of exposure to higher pollution levels, as a result of the operation of these generators at this location, greater than those they are already exposed to and which, they understand, Nottingham City Council is required to take action to reduce.
- e) Adjacent properties are located at the top of a sandstone ridge. The height of the ridge, combined with the height of the blocks that make up the QMC and the Medical School result in a 'canyon' between the two with very localised and unpredictable atmospheric and acoustic conditions. The ground elevation does not accurately identify the presence of the sandstone ridge and they cannot find in the Assessment document that this significant geological feature has been taken into account in the analysis.
- f) The Assessment does not include an appreciation of the 'canyon' effect. They consider the sandstone ridge to be significant in the transmission of noise and vibration, and particularly on the dispersal of pollutants. Hence the potential to influence the exposure of neighbouring homes and the children's nursery to harmful pollutants.
- g) The documentation states that the Trust has indicated that the normal operation period for [each] generator will be around 3 hours per month, 36 hours a year. This will include a weekly check of duration 5 to 10 minutes, and a monthly check of up to 2 hours, as well as the obvious need to run the generator(s) in the event of power outages. The resident would however like to draw attention to some recently recurring problems associated with the existing generator located at the Boiler House adjacent to Hillside. In connection with these problems, which include *'regular loud Tuesday morning testing'* and *'the boiler house ... emitting diesel [fumes]'*, the smell from which was *'so noxious we have had to close all our windows while this is going on'*, the Trust stated that there is

a 30 minute load test on the generator in question every week, and a full load test of duration around 2 hours once a month, which seems to indicate an annual load run total of around 50 hours. The discrepancy between this total and that quoted in the Assessment document is seen as interesting and it would have been helpful to have been able to discuss this with the Trust before setting out our objections.

- h) The QMC campus is large, and good parts of it are well away from the residential neighbourhood on Derby Road. There is already another generator house located alongside the River Leen at Leen Gate, and also another generator located between west block and the Medical School off Clifton Boulevard, both well away from a residential neighbourhood. They consider that it should be perfectly possible for the Trust to locate these two new generators elsewhere on the site where their operation will not risk air and noise pollution that impacts on the lives of the people who live in the Derby Road-Hillside neighbourhood.

Ward councillors have submitted representations in respect of the proposed development. They highlight that properties nearest the proposed site are homes to several long-term residents, a children's nursery and some Houses in Multiple Occupation. They consider that residents in these properties already experience air quality issues which, while not exceeding EU limits, is poor and mention that EHSP maintain a pollution diffuser on one of the properties to check for air quality.

They highlight that other residents living on Derby Road have contacted ward councillors in the past about another QMC generator which caused loud noise and visible emissions. On this occasion councillors asked EHSP to investigate and the issue was eventually rectified, but only after several months.

The ward councillors feel that residents are entitled to enjoy their properties and gardens without being exposed to unnecessary noise and pollution when the generator is periodically switched on. It is their opinion that the proposed generator could be sited elsewhere away from residential homes. They state that recent research has shown that even moderate exposure to diesel emissions is dangerous for human health. Therefore they urge that this proposal is refused and ask the Trust to consider another site away from residential properties.

Environmental Health and Safer Places (EHSP):

EHSP consider that the proposed transformer building is located within the QMC site and close to the ring road and is unlikely to affect any sensitive receptors beyond the QMC boundary in terms of both noise and air quality.

In terms of the proposed generators, EHSP are satisfied that the predicted level of attenuation is sufficient to minimise the impact of any operation of the generators on surrounding residents.

In terms of air quality EHSP raised concerns regarding the hourly air quality objective for nitrogen dioxide (NO₂), which on the basis of the submitted air quality assessment would be exceeded. Given these concerns further air modelling has been undertaken and further abatement technology is proposed to be incorporated into the plant. A revised air quality assessment has been submitted and the predicted contribution to concentrations of those pollutants affecting nearby residents, hospital users and staff during the operation of the generators were determined to be insignificant in terms of air quality impact, based on Environment

Agency assessment criteria. EHSP has raised no objections to the installation and operation of the generator plant as proposed.

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 that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategy:

Policy A - Presumption in Favour of Sustainable Development.

Policy 10 - Design and Enhancing Local Identity.

Nottingham Local Plan (November 2005):

Policy CE1 – Community facilities.

Policy NE9 – Pollution.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) **Principle of the Development**
- ii) **Impact on Residential Amenity**
- iii) **Design and Impact on the Streetscene**

i) Principle of the Development (Policy A of the ACS Policy CE1 of the Local Plan)

- 7.1 The proposals would facilitate the improvement of hospital facilities and as such would comply with Policy A of the ACS and Policy CE1 of the Local Plan. Policy CE1 refers to the need to consider whether proposals would impact on the living conditions of local residents and this is addressed in the section below.
- 7.2 The buildings would house crucial plant and equipment required to secure the continued safe functioning of clinical operations at the hospital. The NHS Trust have stated that current power supplies to the western block of the hospital are at capacity due to expansion of new medical facilities such as the MRI facility and temporary theatre buildings. The transformer building forms a crucial facility to

expand existing power supplies to these medical facilities in the western part of the hospital. It would also provide a continued supply of power to critical medical services in the event of a power shortage/cut. This power would be generated by the new emergency stand by generators proposed.

- 7.3 The Trust have outlined the critical medical services that the new and emergency power supply would serve:
- Normal and emergency stand-by power supply to Modular Theatres
 - Theatre 18/19 and IMRI scanner
 - Theatre 1-17 ventilation upgrades
 - Permanent emergency stand-by power supply to the mortuary
 - ICT power supply upgrade for expansion of IT server expansion
 - Additional new MRI capacity – West Block
 - AMRU – new ventilation plant – A Floor – West Block
 - Histopathology - Cat 3 Lab – new ventilation plant - A Floor – West Block
- 7.4 The Trust have stated that both the current modular theatre and the theatre 18-19 IMRI project works are dependent upon the provision of a new power supply and emergency stand-by supply from the new substation and stand-by generators, both of which require an electrical supply by April 2019. Works on the new transformer and stand by generator need to be commenced by October 2018 to ensure completion by this date.
- 7.5 The Trust have carried out a detailed investigation and survey work of alternative locations for the generator building. The new transformer building is at a fixed location to the front of the west block. Engineering limitations related to maximum cable sizes and the loss of electrical transmission between the electrical transformers and the stand by generator, restrict the length of electrical cabling to be a maximum of 380m. Site investigation identified that much of the intervening parking areas between the transformer building and operations compound are populated by existing important infrastructure that cannot be relocated and would result in the generators being too close to the main hospital building. The Trust, in conclusion, have stated that nearest site for the stand by generators would be at the edge of the operations compound, as currently proposed.
- ii) Impact on Residential Amenity** (Policy 10 of the ACS and Policies CE1 and NE9 of the Local Plan)
- 7.6 The location and operation of the proposed transformer building, given its use and location away from nearby residential properties, would not have a material impact in terms of noise and air pollution from its operation.
- 7.7 The main issue relates to the siting and operation of the proposed generator building and its impact on the amenities of residential properties along Derby Road. The building would be located close to the boundary of the QMC campus, to the rear of properties on Derby Road. The Trust has stated that there is no alternative location for the building, which would be located in an existing operations compound together with other plant and equipment. Given its proximity to residential properties on Derby Road the Trust have submitted a Noise and Air Quality Assessment to address issues of potential noise and air quality.
- 7.8 The proposed generators are to be used as emergency stand by capacity, operated during periods of power loss for critical services in the west block. Under normal

circumstances the generators would be operated for to 3 hours per month, for maintenance purposes only. The building would accommodate two generators operated by direct injection diesel engines.

- 7.9 In terms of noise impact, EHSP have stated that the rear facades of residential properties along this part of Derby Road are likely to experience elevated noise levels due to existing road traffic in the vicinity. The residential properties are partially protected by a bank which would provide some acoustic screening. The Noise Assessment has provided noise modelling outputs for when the generators are operating and sets out the recommended noise abatement insulation which would be installed. The predicted noise levels from the operation of the generators at the nearest noise sensitive receptor on Derby Road is 37 dBA. The average day time noise level obtained during the monitoring period was 53.5 dB L_{Aeq} ; the corresponding night-time noise level was 48.3 dB L_{Aeq} . The background daytime noise levels were 50.6 dB L_{A90} and 44.9 dB L_{A90} respectively. At night the background noise level (L_{A90}) dropped for a period to between 40 & 41 dB L_{A90} .
- 7.10 EHSP consider the predicted noise level from the operation of the generators during the night would be well below the prevailing background noise level. Given that the generators are only for emergency use to cover interruptions in the mains supply to the QMC, EHSP are satisfied that the predicted level of attenuation would be sufficient to minimise the impact of any operation of the generators at night on surrounding residents.
- 7.11 As a result of concerns raised by EHSP regarding the impact of potential air pollutants released during the operation of the proposed emergency generators, on existing air quality in the surrounding area, the Trust have fitted the following abatement technology to the generators:
- Selective catalytic reduction (SCR) for the abatement of nitrogen oxides
 - Diesel oxidation catalyst (DOC) for the reduction of carbon monoxide and unburnt hydrocarbons
 - Diesel particulate filter (DPF) for the abatement of particulate emissions
- 7.12 Further detailed air quality modelling, taking into account not only the height and proximity of west block but also the sandstone edge to the rear of Derby Road properties, and differing meteorological conditions, has been carried out and a revised Air Quality Assessment has been submitted. EHSP consider that the air quality modelling outlined in the report demonstrates that for all pollutants considered in the assessment (nitrogen dioxide (NO₂), nitric oxide (NO), carbon monoxide (CO), particular matter of 10 microns (PM₁₀) and volatile organic compounds (VOCs)), that with the exception of sulphur dioxide (SO₂), the predicted contribution to concentrations of those pollutants affecting nearby residents, hospital users and staff during the operation of the generators, were determined to be insignificant in terms of air quality impact based on Environment Agency assessment criteria. For SO₂ the process contribution at most locations is a small proportion of the ambient air quality standard.
- 7.13 The generators are proposed to be operated for approximately 3 hours per month for maintenance & servicing purposes. EHSP also required the assessment of their impact to include the generators being operated for 500 hours in any year (this is the threshold above which the generator plant would require permitting by the Environment Agency). The report concluded that regardless of the period of

operation, pollutant releases from the proposed generators pose no threat to continued attainment of air quality standards in the local area.

- 7.14 EHSP are satisfied with the findings of the revised Air Quality Assessment and have no objections to the installation & operation of the generator plant as described in the submitted application.
- 7.15 The Trust has stated that the hospital is currently served by several existing stand by generators installed pre-1970. These generators supply emergency power to others parts of the hospital in the east and south blocks of the hospital and their siting has been subject to the same technical restrictions as mentioned above. Maintenance and assurance of these generators operation similarly require their monthly running. It is these stand by generators which residents refer to in their letters of representation.
- 7.16 Particular mention has been made to the existing generator adjacent to the hospitals boiler house, to the rear of residential properties on Hillside and Derby Road. The Trust have stated that this generator is planned to be replaced with the same type of modern generator currently proposed. It too will be fitted with a catalytic converter and particulate filter and would operate for up to 3 hours per month, for maintenance purposes only, as currently proposed.
- 7.17 The proposal would therefore be compatible with adjoining and nearby uses and not impact or cause significant detriment to residents living conditions in compliance with Policy 10 of the ACS and Policies CE1 and NE9 of the Local Plan.

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

- 7.18 The buildings by their nature, are small and functional in their appearance.
- 7.19 The transformer building would be located in a prominent position to the front of the hospital's western elevation. This western elevation has an open aspect, which is highly visible from Clifton Boulevard. The scale and appearance of the building has been designed to minimise its visual impact as much as possible and would be largely viewed against a back drop of the main hospital building. Its elevations would be blank due its function and are proposed to be simply treated in brickwork, although this may be further mitigated by landscaping. The proposed location on existing staff parking has been chosen to minimise disruption to staff only.
- 7.20 The generator building would be viewed against the backdrop of existing buildings within the operations compound and the sandstone cliff and vegetation to the rear. Its elevations would be blank due its function and are also proposed to be simply treated in brickwork. It is considered that the proposed scale and appearance of the generator building would not visually impact on the wider streetscene.
- 7.21 Given the nature and context of the proposed buildings and their siting within the existing hospital campus, it is considered that their appearance is acceptable and complies with Policy 10 of the ACS.

8. SUSTAINABILITY / BIODIVERSITY

The submitted ecological survey concluded that no protective species were evident on both sites and their surroundings. The Biodiversity officer is satisfied that the proposed air emissions resulting from the operation of the generators, given their

limited use and the abatement technology proposed to be incorporated, would not have an adverse impact on nearby wildlife areas. Three semi mature amenity trees would need to be removed to allow for the construction of the generator building. A condition requiring their replacement is proposed.

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

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/01091/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P9U61GLYK8T00>

17 Published documents referred to in compiling this report

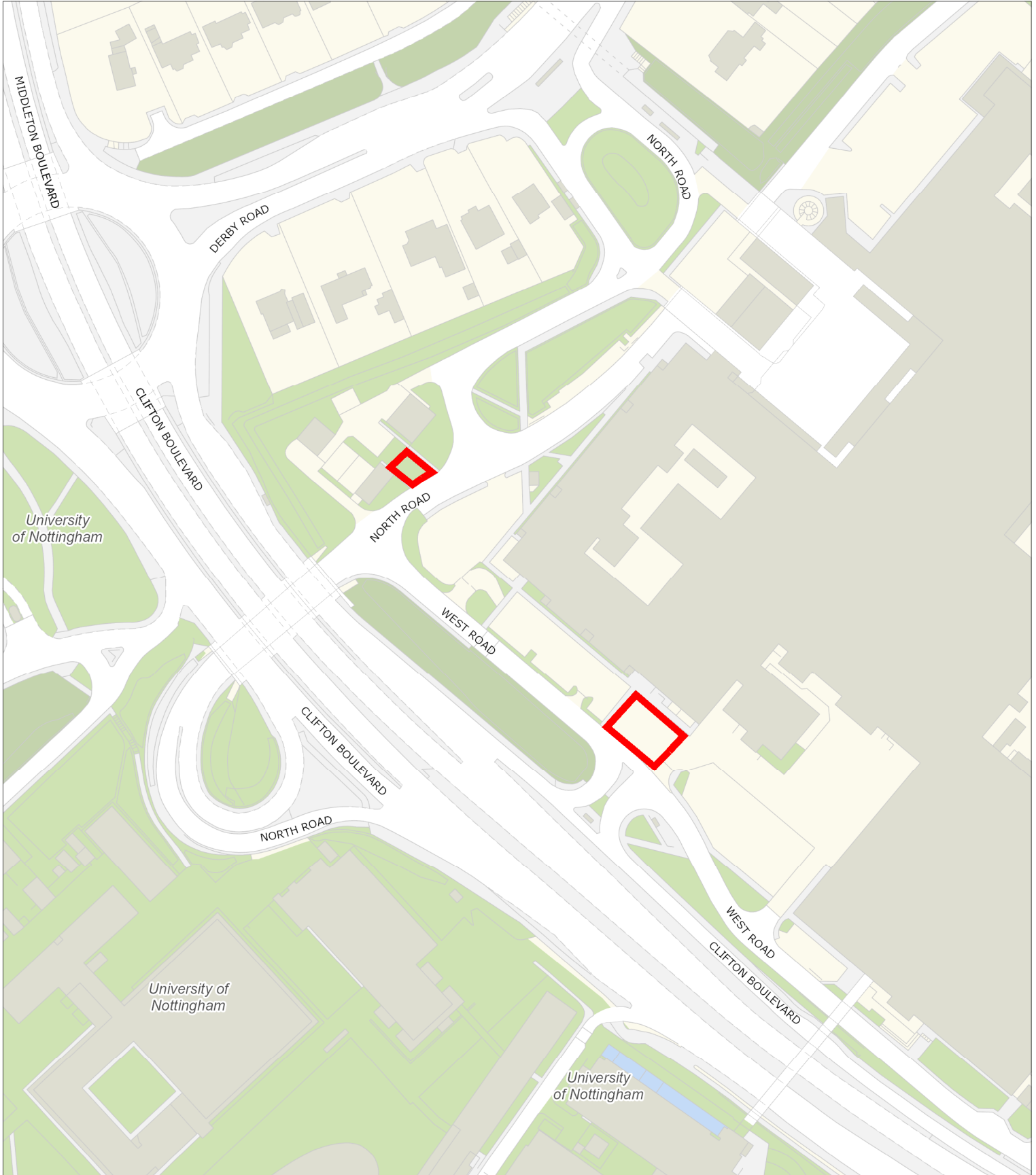
Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041


NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 18/01091/PFUL3 (PP-07026345)
Your Ref:
Contact: Mrs Jo Bates
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Date of decision:

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

Application No: 18/01091/PFUL3 (PP-07026345)
Application by: Nottingham University Hospitals NHS Trust
Location: University Hospital Nhs Trust Queens Medical Centre , Derby Road, Nottingham
Proposal: Construction of single storey generator house and transformer building

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

Time limit

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

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

Pre-commencement conditions

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

2. No development shall commence until details of all external materials have been submitted to and approved by the Local Planning Authority.

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

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

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



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Continued...

3. The development shall not be brought into use until details of a tree planting scheme has been submitted to and approved in writing by the Local Planning Authority.

(a) The planting scheme shall be on the basis of a 1:1 replacement of each tree to be removed and include details of the type, height, species and location of all new trees, and the approved landscaping scheme shall be carried out in the first planting and seeding seasons following its occupation;

(b) any trees which die, are removed or become seriously damaged or diseased within five years following the footbridge being first brought into use 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; and

(c) no part of the site included in the landscaping scheme shall be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: In order to ensure the loss of the trees as a result of the siting of the development is adequately mitigated and to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

4. Prior to the first use of the stand-by generators, the mitigation measures to reduce the impact of noise, as set out the Noise Impact Assessment written by SOCOTEC Report Number: 18_08_97330_GT_1 dated 16th August 2018 shall be implemented and completed in full accordance with the approved details.

The approved mitigation measures to address concerns about noise shall be maintained, serviced and operated in accordance with manufacturer's recommendations for the life of the development.

Reason: To protect the amenities neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

5. Prior to the first use of the stand-by generators, the mitigation measures to reduce the impact on air quality, as set out the Revised Air Quality Assessment written by SOCOTEC Report Number: LSO180825 dated 19th September 2018 shall be implemented and completed in full accordance with the approved details.

The approved mitigation measures to address concerns about air quality shall be maintained, serviced and operated in accordance with manufacturer's commendations for the life of the development.

Reason: To protect the amenities neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

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 25 June 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.

2. 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.

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: 18/01091/PFUL3 (PP-07026345)

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.

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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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