



## **Nottingham City Council Planning Committee**

**Date:** Wednesday, 19 August 2020

**Time:** 2.30 pm

**Place:** Remote - To be held remotely via Zoom -  
<https://www.youtube.com/user/NottCityCouncil>

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

**Director for Legal and Governance**

**Governance Officer:** Catherine Ziane-Pryor **Direct Dial:** 0115 876 4298

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes** 3 - 10  
To agree the minutes of the meeting held 22 July 2020.
- 4 Planning Applications : Reports of the Chief Planner**
  - a Playing Field Between Eastglade Road And Bala Drive East Of Beckhampton Road Nottingham** 11 - 26
  - b The Guildhall Burton Street Nottingham NG1 4BT** 27 - 60
- 5 Future meeting dates**  
To note the dates of the remaining meetings of the 2020/21 Municipal Year:  
  
23 September 2020  
21 October 2020  
18 November 2020  
16 December 2020  
20 January 2021  
17 February 2021  
17 March 2021  
21 April 2021

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

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## **Nottingham City Council Planning Committee**

**Minutes of the meeting held remotely via Zoom and live-streamed on YouTube on Wednesday 22 July 2020 from 2:35pm to 4:13pm**

### **Membership**

#### **Present**

Councillor Michael Edwards (Chair)  
Councillor Graham Chapman (Vice Chair)  
Councillor Kevin Clarke  
Councillor Maria Joannou  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor AJ Matsiko  
Councillor Toby Neal  
Councillor Lauren O`Grady  
Councillor Ethan Radford  
Councillor Mohammed Saghir (items 11-14)  
Councillor Wendy Smith  
Councillor Cate Woodward  
Councillor Audra Wynter

#### **Absent**

Councillor Leslie Ayoola  
Councillor Pavlos Kotsonis

### **Colleagues, partners and others in attendance:**

Adrian Mann - Governance Officer  
Peter McEvoy - Environmental Health Officer  
Rob Percival - Area Planning Manager  
Paul Seddon - Director of Planning and Regeneration  
Nigel Turpin - Team Leader, Planning Services  
Tamazin Wilson - Solicitor

### **8 Apologies for Absence**

Councillor Leslie Ayoola - Council business  
Councillor Pavlos Kotsonis - work commitments

### **9 Declarations of Interest**

None

### **10 Minutes**

The Committee confirmed the minutes of the meeting held on 17 June 2020 as a correct record and they were signed by the Chair.

**11 Land to the South of 106 Thoresby Road to 82 Appledore Avenue, Nottingham**

Rob Percival, Area Planning Manager, introduced application number 19/01564/PFUL3 for planning permission by Geoffrey Prince on behalf of Bramcote Unity Park (CIO) for the construction of eleven dwellings and the provision of infrastructure works to facilitate the creation of a community park. The application is brought to the Committee because it has generated a significant level of public interest.

A list of additional information, amendments and changes to the report since the publication of the agenda was included in an update sheet, which was appended to the agenda published online. It includes a further statement from the applicant.

The following points were discussed:

- (a) the application relates to a site of approximately 4.7 hectares that lies within both Nottingham City and Broxtowe District Council. The site is undeveloped, green-field land, comprising woodland with areas of bracken, brambles and tall herbs. Although the development site may appear to be part of the adjoining public open space, with no clear boundaries in place, it is nevertheless privately owned;
- (b) the application seeks planning permission for the erection of eleven dwellings and associated enabling works, and for the provision of infrastructure works for the creation of a community park including new footpaths; the planting of 1072 new trees; and recreation, education and biodiversity infrastructure and facilities. The dwellings will all be large, detached and two storeys in height, each with a garage with off-street parking;
- (c) the nine dwellings on the Nottingham City side will be located to the northern side of the Bramcote Ridge on sloping land that comprises woodland and open areas of bracken. As such, their construction will involve significant cut-and-fill and retaining structures. The houses will be built to the south side of a new access road proposed off Edenbridge Court and will border numerous properties located off a number of cul-de-sacs that are accessed from Appledore Avenue. The total area of residential development in Nottingham City would be approximately 1.16 hectares;
- (d) a community park is proposed on the remaining area of land, which would sit between the two areas of residential development. The indicative park layout shows a series of footpaths that would provide an east to west link to the wider area and existing paths serving the two neighbouring Local Nature Reserves (LNRs). Features such as gated entrances, an apiary, bird hide and viewing point, along with ponds benches and signage, are proposed within the community park;
- (e) the Nottingham City part of the site is designated as Open Space Network (OSN) and is also a Local Wildlife Site (LWS). The south-western edge of the site is designated as a Biological Site of Importance for Nature Conservation. The LWS designation in both the Nottingham City and Broxtowe areas forms part of a wider LWS that incorporates the Alexandrina LNR to the west of Thoresby Road, and the Sandy Lane LNR. As such, there is a presumption against the development of

the site in the current Local Plan, due to the need to protect the OSN and its ecology, unless it can be demonstrated that the need for the development outweighs any harm caused and that adequate mitigation measures are in place;

- (f) the site is part of Bramcote Ridge (a tree-lined high point that is a local landmark and is the backdrop to many views across the local landscape), which runs in an east/west direction and is part of a green corridor that incorporates the application site, the Sandy Lane LNR, Alexandria Plantation, Deddington Plantation and Bramcote Hills Park. These LNRs and plantations are managed by Broxtowe District Council and the Nottingham Wildlife Trust as open space, and have a number of public footpaths running through them that link into a wider public footpath network serving local residents in both Broxtowe and Nottingham City;
- (g) the surrounding area to the north of the site (located in Nottingham City) is typified by a 1970s development of two-storey and single-storey detached housing built in a series of cul-de-sacs off Appledore Avenue. There is also a mix of terraced, semi-detached and detached properties to the southern side of the site, within Broxtowe, which vary in age from the interwar period to more recent additions, such as 66 to 70 Sandy Lane;
- (h) the applicant asserts that there is no authorised public access within the application site, though there is a claimed public right of way across the land. This issue is being addressed as part of an ongoing, separate process. Should the applicant seek to take steps to fence off their privately-owned part of the site, there will still be open public access routes across the full length of the ridge;
- (i) a large area of Japanese Knotweed is present on the application site, which is an invasive, non-native species that spreads rapidly and out-competes native species, reducing the biodiversity of flora and fauna over time. Japanese Knotweed is controlled through Environmental and Wildlife Legislation, which is separate to the planning system;
- (j) overall, for the Nottingham City part of the site, around 30% would form part of the residential element and about 70% would form part of the community park. However, the general public has been using the general open space for a long period of time and, although there are some advantages to a managed park and amenities, there appears to be high level of local objection to the proposals, due to the loss of open space and the fact that the new houses will overlook the existing properties, due to their position up the ridge;
- (k) the protected green site represents a diverse ecosystem, which should be protected as much as possible. The development would diminish its size further, and it has already been squeezed by other developments. Flooding has also occurred in the area recently, and this may be exacerbated by the further expansion of hard surfaces and additional water run-off. The cut-and-fill work required to create the properties seems invasive, and means that the development of a large piece of land is required to construct a small number of houses, which may become dominant features on the ridge;
- (l) the Committee considered that, given the protected, open, green and undeveloped nature of area (and the fact that there is a presumption against its

development in the current Local Plan), the overall principle of the proposed development is not acceptable, as it would be likely to have a negative impact upon the character, amenity and ecology of the site and, when taken on balance, the advantages brought by the development and the measures proposed to mitigate this loss do not offset the damage that would be caused.

**Resolved to refuse planning permission, for the following reasons:**

- (i) the proposal, by virtue of the housing development element, would result in unacceptable harm to the Open Space Network (OSN), including a loss of part of the OSN, and by having a detrimental impact on the quality of environment, landscape character and wildlife value of the OSN. The benefits of the development would not outweigh the harm to the OSN. The proposal is therefore contrary to Policies A, 2 and 16 of the Aligned Core Strategy (ACS), and to Policies EN1 and EN7 of the Land and Planning Policies (LAPP) document;**
- (ii) the proposal, by virtue of the housing development element, would result in unacceptable harm to a Local Wildlife Site, with no demonstration that the need for the development outweighs the need to safeguard the nature conservation value of the site. Additionally, it has not been demonstrated that the development would secure measurable net gains for biodiversity. The development is therefore contrary to Policy 17 of the ACS and Policy EN6 of the LAPP, as well as the aims of the Biodiversity Supplementary Planning Document and Section 15 of the National Planning Policy Framework (NPPF);**
- (iii) the proposed housing development, by virtue of its layout and design, would be poorly related to its context and result in poor legibility, natural surveillance, community safety and ease of access for pedestrians, visitors, deliveries and waste collection. It would also be harmful to the local townscape and amenities of neighbouring residents. The proposal is therefore contrary to policy 10 of the ACS, policies DE1 and DE2 of the LAPP, and Section 12 of the NPPF.**

## **12 Wollaton House, 43 Radford Bridge Road, Nottingham, NG8 1NB**

Rob Percival, Area Planning Manager, introduced application number 20/00563/PVAR3 for the variation of Condition 2 to planning permission 12/01800/PVAR3 by Mr Rehmat Khan for the extension of the hours of use of the learning and prayer centre. The application is brought to the Committee because of the significant level of public interest.

A list of additional information, amendments and changes to the report since the publication of the agenda was included in an update sheet, which was appended to the agenda published online. It includes further representations against the proposals by local residents.

The following points were discussed:

- (a) the Committee considered that the application represents a sensitive local issue, as demonstrated by the high level of representations received. It requested that, to have the fullest detail possible, two considerations must be resolved between planning officers and the applicant before the Committee can make a fully informed decision. Firstly, the proposals relating to the building extension must be fully resolved in terms of its use and purpose, so that the full implications of the operation of the premises are known and can be evaluated. Secondly, the traffic management plan must be resolved and completed, to show that the traffic issues and their impact on the area can be managed effectively.

**Resolved to defer resolution of the application, pending resolution of the issues relating to the usage of the extension and the traffic management plan between planning officers and the applicant.**

### **13 Car Park, South Side of Traffic Street, Nottingham**

Rob Percival, Area Planning Manager, introduced application number 20/00592/PFUL3 for planning permission by Planning And Design Group (UK) Ltd (Mr Chris Jesson) on behalf of Jensco (Nottingham) Limited (Mr Bobroff) for the demolition of an existing office building and the erection of two part 3, 5 and 6-storey buildings for student accommodation, along with associated access, ancillary communal facilities and a flexible cafe and event space. The application is brought to the Committee because it represents a major development on a prominent site with important design and regeneration considerations, where the Planning Obligation may include contributions less than required by planning policy.

A list of additional information, amendments and changes to the report since the publication of the agenda was included in an update sheet, which was appended to the agenda published online. It includes further information relating to the Section 106 Planning Obligation, a bat survey, means of enclosing the proposed plaza, cycle parking and delivery vehicle drop-off and pick-up arrangements.

The following points were discussed:

- (a) planning permission is sought for the construction of two part 3, 5 and 6-storey buildings, to provide up to 522 rooms for student accommodation. In addition, communal and flexible café and event space is proposed within part of the ground floor area of both buildings. The proposed buildings are largely rectangular, with central courtyard areas. A central landscaped plaza will run between the buildings from Traffic Street through to Waterway Street West. The main entrance to the development will be accessed from Traffic Street;
- (b) historically, the development site has been put to commercial uses, notably as a textile mill, warehouse, girder and timber yard, and a car park. It is also understood that residential properties once occupied part of the site, prior to this commercial use. However, the long, rectangular and flat site has now been vacant for many years and was largely cleared of industrial buildings around 2009, though part of an office building still remains in the north-eastern corner of the site (which will be demolished as part of the scheme);

- (c) the Church of God, a commercial art studio and Karlsruhe House (with its associated car park) are to the east of the site. A number of commercial premises, notably Enterprise rent-a-car, ABB Furze Ltd and the Castle Rock brewery are to the north side of Traffic Street. Construction of 62 apartments has recently commenced on the former Hindle House site, to the east of the Enterprise premises. To the west is the former Plumb Centre site, currently being developed for student accommodation (known as the Vantage). To the south is Waterway Street West, which contains bus stops running to the city centre, and the tram line lies beyond this, on Meadows Way;
- (d) the site is located within the Canal Quarter Regeneration Zone, and is an important initiative for the regeneration of this area. Ultimately, there is an aspiration to make Traffic Street a pedestrianised area, paved in a shared surface material – though this will need to be considered very carefully due to its use for traffic access to the Castle Rock brewery and Queen’s Bridge Road. The introduction of further dedicated student accommodation will also contribute to reducing pressure in the private housing market, in an attempt to decrease the number of family homes being converted to use as houses in multiple occupation;
- (e) in terms of their design, the mass of the buildings has been broken down by recessing the ground and top floors, the introduction of texture and decoration within the brickwork, changes in brick colour and the use of an accent cladding material. Deep window reveals are incorporated throughout the development. The two buildings rise from three to six storeys, stepping down to the level of the existing adjacent buildings. To create distinction, the two buildings will use different colours for their brickwork. The exact materials and colours to be used will need to be agreed on site with the developer, and this will form part of the planning conditions. Care will be taken with the brick types and colour, to avoid a dark and oppressive environment at ground level. The currently suggested brick colours are buff and grey, but it may be more appropriate for a red brick to be used in place of one or both of these. Consideration will also be given to the right material for the areas proposed to be finished in a metal cladding;
- (f) although this is a dense city centre site and it is difficult to carry out street tree planting due to the presence of services underneath the pavements, there is potential for planters to be installed in the building courtyards and the central plaza. Consideration is also being given to the introduction of vegetation on higher parts of the building. It is important that the ultimate planting scheme reflects native biodiversity, and this will be reflected in the planning conditions. The central plaza will be accessible to non-residents during the day. It will be closed off during the late evening and early morning, but large gateways will be used within open railings, to give the sense that the area is part of the public realm at other times. The entrances to the two buildings have also been designed to create a sense of open interactivity between the buildings and the central plaza;
- (g) given the location and nature of the development, no vehicle parking is proposed. An initial 132 secure cycle spaces were put forward, but this has been increased to a minimum of 235 spaces, also incorporating electric bike charging points. Solar panels will be installed on the flat roofs of the development. It is not clear at this stage what provision will be made for natural ventilation of the building, but opening windows and vents will be considered during the mechanical and

electrical planning phase of construction. As it stands, the proposals are currently to limit the buildings' capacity for solar gain through the use of appropriately insulated glazing;

- (h) the Committee recommended that, due to progressing climate change and the potential for solar gain to increase as a management issue in the operation of buildings, consideration should be given to the installation of shading features to shield the southern elevations of the buildings from direct sunlight, so there is a decreased demand on air conditioning units to cool the building during the summer. It requested that the consideration of this issue should be added as a condition to any planning permission granted;
- (i) the Committee felt that the use of the word 'Project' for a new housing development had fallen out of use, and suggested that an alternative was considered for the branding on the buildings' exterior. It hoped that the development would also boost the usage of the Queen's Walk recreation park, and queried whether this would be able to benefit from funding from the Section 106 obligation.

**Resolved:**

**(1) to grant planning permission, subject to:**

- (i) prior completion of a Section 106 Planning Obligation to secure Local Employment and Training opportunities, a student management plan and restrictions on car use, and financial contributions towards Public Open Space and Local Employment and Training;**
- (ii) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report of the Director of Planning and Regeneration and amended as per the update sheet;**
- (iii) an additional condition as follows: notwithstanding the approved drawings, and prior to the commencement of development, details of the strategy to address solar gain shall be submitted to, and approved in writing by, the local Planning Authority;**

**(2) to delegate power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to the Director of Planning and Regeneration.**

**(3) The Committee is satisfied that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are:**

- (i) necessary to make the development acceptable in planning terms;**
- (ii) directly related to the development; and**
- (iii) fairly and reasonably related in scale and kind to the development.**

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**Councillor Kevin Clarke requested that his vote against the above decision was recorded.**

**Councillor AJ Matsiko requested that his decision to abstain from voting on the above decision was recorded.**

#### **14 Future Meeting Dates**

- **Wednesday 19 August at 2:30pm**

**Wards Affected:** Bestwood

**Item No:**

**Planning Committee  
19<sup>th</sup> August 2020**

## **Report of Director of Planning and Regeneration**

### **Playing Field Between Eastglade Road And Bala Drive East Of Beckhampton Road**

#### **1 Summary**

Application No: 20/00831/PFUL3 for planning permission

Application by: Pelham Architects on behalf of Nottingham City Homes

Proposal: Construction of 131 dwellings

The application is brought to Committee because it is a major application with important land use considerations which has generated a significant level of public interest contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 3rd August 2020 an extension of time has been agreed in principle with the applicant.

#### **2 Recommendations**

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

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

#### **3 Background**

- 3.1 The site is an area of grassed land which was formerly playing field associated with Padstow School to the south. The site slopes gently from north to south and properties on the western boundary on Bardsey Gardens and Edern Close are built on land approximately 4m lower than the site.

The wider area is in the majority residential in character with two schools: Robin Hood Primary situated to the south east and Southglade Primary and Nursery situated to the north. The site is well connected to its surroundings by roads and footpaths and bus stops are present on Southglade Road, Beckhampton Road and Parkview Road. The site is located within flood zone 1 in accordance with Environment Agency mapping.

#### **4 Details of the proposal**

- 4.1 Planning permission is sought for the construction of one hundred and thirty one affordable rent dwellings by Nottingham City Homes. These would comprise: 72 x 2 bed houses, 14 x 3 bed, 35 x 1 bed apartments, 5 x 1 bed bungalows and 5 x 3 bed wheelchair accessible bungalows. Properties are a mix of one and two storey and the proposed 9 blocks of apartments would be 3 storey in height. The development

is made up of a mixture of terrace and semi-detached properties with parking provided either at the side or front of the properties. All parking areas within the curtilage of dwellings will be provided with Electric Vehicle Charging Points (EVCP's). Additional visitor parking is provided within on street build out bays.

- 4.2 Approximately 40% of the proposed site (northern element) would be retained and enhanced as green space. Vehicular access to the development would be at two locations from Beckhampton Road and the existing footpath on the western edge of the site would be connected with Eastglade Road to the south.

## **5 Consultations and observations of other officers**

### **Adjoining occupiers consulted:**

89 residential properties notified on: Beckhampton Road, Eastglade Road, Bardsey Gardens and Edern Close.

Three site notices displayed in proximity to the site and a press notice published.

18 letters of representation received and a petition completed by 19 properties on Beckhampton Road. The petition raises concerns about the development as a whole but primarily the proposed access points off Beckhampton Road and the proposed two blocks of flats which would front Beckhampton Road. The following comments have also been raised:

- Accesses should be moved to Eastglade Rd
- Flats will impact on view and light for properties on Beckhampton Rd, these properties have a right to this light and it is considered that light levels could be reduced by up to 50%
- Surrounding roads are already busy due to proximity to schools and this will be further increased by the development to the danger of surrounding residents and resulting in more pollution
- Overlooking loss of light to properties on Bardsey Gardens
- Residents park on Beckhampton Road, where will they park if this development goes ahead?
- The proposal will result in the loss of green space and with more people seeking to use it, it should be retained and enhanced not built on.
- I would have no objection if the flats on Beckhampton Road could be moved.
- A new shop within the development would be helpful
- The field is visited by birds and hedgehogs and the development will impact on their habitat.
- There is a systematic push to build on every piece of available green land
- The development was not well advertised with the site notice put next to the entrance to the site and not near a bus stop, therefore limiting the number of people that would see it.
- Concern that the proposal would result in the risk of soil infiltration drainage for neighbouring properties, who will pay if my property is damaged by flooding?
- There are better sites in the vicinity that are more appropriate for development

A request for a meeting to discuss the scheme further has been requested by a number of neighbours. Given the current lock down it has not been possible to arrange a physical meeting, however officers and representatives from Nottingham

City Homes have offered to undertake a virtual Zoom/Teams meeting with residents, however there has been no take up on the offer.

**Additional consultation letters sent to:**

**Pollution Control:** No objection subject to conditions relating to electric vehicle charging provision on plot & verification of contaminated land measures being implemented

**Highways:** No objection subject to conditions relating to – construction traffic management, parking and electric vehicle parking charging provision

**Lead Local Flood Authority:** No objection.

**Biodiversity Officer:** No objection

The green corridor on the western edge of the site appears compromised at the southern end, could the layout be amended to improve this?

**Education:** No objection subject to a contribution being made towards primary education.

**Rights of Way Officer:** No objection

Preference that the proposed path on the western boundary of the site be finished in tarmac and formally adopted.

**Nottingham Local Access Forum:** Preference that the proposed path on the western boundary of the site be finished in tarmac and formally adopted.

**Nottingham University Hospital NHS Trust (NUH NHS Trust):** A financial contribution is requested for additional secondary healthcare services to meet patient demand.

**6 Relevant policies and guidance**

**National Planning Policy Framework (2019):**

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.

### **Aligned Core Strategies (2014):**

- Policy 1 - Climate Change
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 14 - Managing Travel Demand
- Policy 17 - Biodiversity
- Policy 19 – Developer Contributions

### **Local Plan Part 2 - Land and Planning Policies (January 2020)**

- Policy CC1 - Sustainable Design and Construction
- Policy CC3 - Water
- Policy HO1 - Housing Mix
- Policy HO3 - Affordable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy EN2 - Open Space in New Development
- Policy EN6 - Biodiversity
- Policy EN7 - Trees
- Policy IN2 - Land Contamination, Instability and Pollution
- Policy IN4 - Developer Contributions
- Policy SA1 - Site Allocations

## **7. Appraisal of proposed development**

### **Main Issues**

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene.
- (iii) Impact on Residential Amenity
- (iv). Planning Obligations
- (v). Other Matters

### **(i) Principle of the Development (ACS Policy 8 and LAPP Policies HO1 and SA1)**

- 7.1 The site is allocated in the Local Plan Part 2 as Site Allocation SR06 Beckhampton Road – Former Padstow School detached playing field. The sites proposed use being “residential (C3, predominantly family housing) with a proportion of the site retained as open space”. This allocation establishes the residential development of the site. All 131 properties will be affordable housing meeting part of the Nottingham City Council and Nottingham City Homes’ plan to provide high quality homes for affordable rent across the city. The proposal is therefore considered to be acceptable in accordance with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

**(ii) Design and Impact on the Streetscene** (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.2 The scheme has been the subject of extensive pre-application discussions with the council's urban design team prior to formal submission to seek to provide the optimum site layout and relationship with existing neighbouring properties. The new buildings are to a common architecture, with different properties having individual features, varying materials and detailing such as brick headers, arches and cills. Houses are to be constructed in red and buff brick with pitched tile roofs. Corner units respond to their location with doors and windows on side elevations to increase surveillance and add interest. Front gardens are proposed to be enclosed by railings with parking for dwellings to the side or front. The combination of proposed dwelling types and detailing will provide an appropriate quality of built finish to the development and the development will have its own identity within the area.
- 7.3 The concerns regarding the two blocks of proposed two/three storey flats which would front Beckhampton Road are noted; however the buildings have been designed to provide strength and define the entrances to the site. The scale of the buildings is not considered to be significantly out of keeping with the wider character of the area. Materials proposed are predominantly red and buff brick with precise details to be secured via condition. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

**(iii) Impact on Residential Amenity** (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.4 The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation from existing neighbouring built form. The minimum separation between existing and proposed built form would be approximately 20m. Concerns raised by Beckhampton Road residents regarding potential loss of light, loss of outlook and overlooking from the proposed two blocks of flats are noted. The flats would be between 21m and 24m from the closest residential properties which would be situated on the opposite side of Beckhampton Road. This degree of separation is considered to ensure no significant degree of overlooking or outlook would occur and the loss of light that would occur to the frontage of properties on Beckhampton Road is not considered to be significant. Alternate locations for the proposed flats on Beckhampton Road have been considered by the applicant, however it is considered that the layout as submitted results in the best possible development and relationship with existing and proposed built form.
- 7.5 Having regard to the layout of the development, the scale of the proposed buildings, and the relationship with the site boundaries and neighbouring residential properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. Sufficient parking is provided both on plot and within road build out for future occupiers and visitors. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

**(iv) Planning Obligations** (ACS Policies 8 and 19 and LAPP Policies EN2, HO3 and IN4)

- 7.6 The proposal exceeds the affordable housing requirements of Policy HO3 (Affordable Housing) as all properties provided by the development will be affordable. In accordance with the SPD relating to the provision of public open space no contribution towards off-site provision is sought in this regard as sufficient on site open space shall be retained and maintained to the north of the site. The management of this will be secured via a landscaping condition.
- 7.7 The development meets thresholds in relation to provision of a contribution towards enhancement of primary education provision in the area. The policy compliant contribution towards Education is £211,327 and the applicant has agreed that this will be provided prior to the first occupation of the properties. This is to be secured as part of the funding arrangements for the scheme (as agreed by the Council's Executive Board on 21 July 2020) and so a Section 106 agreement is not necessary in this case.
- 7.8 Regarding the requested contribution for the NUH NHS Trust, it is accepted that health care provision is a material planning consideration that is referenced in policy 12 of the ACS (Local Services and Healthy Lifestyles), policy IN4 of the LAPP (Developer Contributions) and chapter 8 of the NPPF (Promoting Healthy & Safe Communities). However, a recent Section 78 appeal (Land at Wolborough Barton, Coach Road, Newton Abbot, TQ12 1EJ, Application Ref 17/01542/MAJ) includes the Secretary of State's view on such requested sums. Whilst the appeal was allowed, the Inspector also considered the validity of Torbay and South Devon NHS Foundation Trust's (NHSFT) request for such a contribution from the application.
- 7.9 The Inspector concluded that "...in the circumstances of a 'known' development within an adopted Development Plan document which had been the subject of consultation with relevant health providers at the time of production, it cannot be justified to require a developer to plug a gap in funding essentially to pay staff wages...". The Secretary of State agreed with the Inspector. The Secretary of State's view appears to be clear that known development allocated in a Local Plan should not justify such a S106 contribution. Officers concur with the assessment in the above case and as such no contribution is proposed.
- 7.10 It is considered that the development would accord with ACS Policies 8 and 19 and LAPP Policies EN2, HO3 and IN4.

**(v) Other Matters** (Policy 1, 10 and 17 of the ACS and policies CC3, EN6 and EN7 of the LAPP)

Highways & Drainage

- 7.11 The proposed layout has been formulated with discussion from highway colleagues and features a mix of road surface types, with shared surfaces and street tree built outs provided where possible to soften the development. The applicant has confirmed that an Electric Vehicle Charging Point (EVCP) would be provided for each dwelling which shall be secured via condition. No objection to the proposed layout has been raised by highway colleagues and conditions requiring further information relating to construction traffic management and parking arrangements have been requested. The concerns raised by a neighbouring property regarding

existing residents parking on Beckhampton Road due to owning more vehicles than will fit on their frontage are noted; the road is part of the public highway should the development be approved residents will have to seek alternate parking arrangements. The concerns raised by a neighbouring property regarding drainage are noted and the scheme has been reviewed by drainage colleagues. The details submitted are considered to be acceptable and the proposed development is not considered to result in drainage concerns.

- 7.12 The comments from the Rights of Way Officer and Local Access Forum are noted in relation to the treatment and potential adoption of the proposed path on the western boundary of the site and further details shall be secured as part of the landscaping condition.

#### Trees and Biodiversity

- 7.13 The application is supported by a tree and biodiversity assessment. The site is largely grassed former playing field with a collection of trees on the western boundary of the site. None of the trees are of any particular merit, however all are deemed as being retained within the proposed layout. The undertaken biodiversity report details that the site is of limited interest. The comments from the biodiversity officer regarding providing a clearer habitat corridor on the western boundary of the site are noted. The proposed layout is considered to provide good connectivity with the existing footpath to the north of the site and the applicant is proposing additional tree planting on the edge of the path. The comments regarding loss of habitat for birds and hedgehogs is noted; as detailed above approximately 40% of the site would be retained as open space and the proposed landscaping and additional tree planting is considered to result in biodiversity gain as per the requirements of the adopted SPD. Further planting is also proposed within the retained northern element of the site and the precise planting details shall be controlled via landscaping condition. The proposal subject to condition is considered to be acceptable from a biodiversity prospective and would accord with policies EN6 and EN7 of the LAPP.

### **8. Sustainability**

The buildings would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. The majority of the houses will have roof-mounted PV panels. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP. Ground, groundwater and ground gas remediation details have been submitted and reviewed by pollution control colleagues. Subject to development being undertaken in accordance with the submitted reports the proposal would comply with Policy IN2 of the LAPP.

### **9 Financial Implications**

Nottingham City Homes, as applicants, have agreed funding arrangements in place for the development. It has been confirmed that the project budget takes account of the requested contribution towards Education enhancement and monies shall be paid prior to the first occupation of the properties.

**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**

The proposal contributes to meeting key objective of the Nottingham City Council Plan 2019-2023: build or buy 1,000 Council or social homes for rent.

**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: 20/00831/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q94Y2QLY0L500>

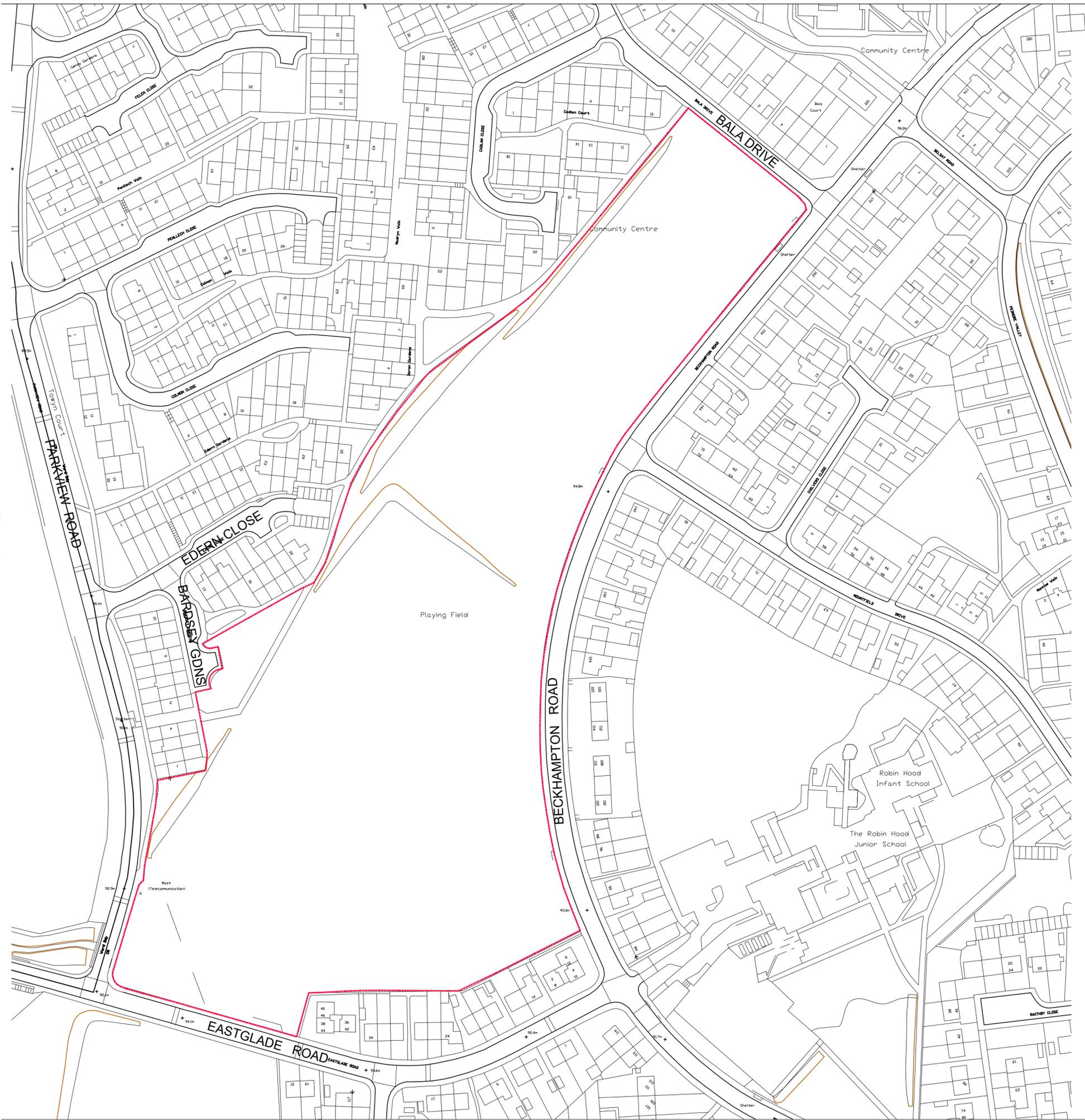
**17 Published documents referred to in compiling this report**

Nottingham Local Plan – Part 2 (January 2020)  
Aligned Core Strategies (September 2014)  
NPPF (2019)

**Contact Officer:**

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764043



**My Ref:** 20/00831/PFUL3

**Your Ref:**

**Contact:** Mr James Mountain

**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

Pelham Architects  
FAO: Simon Henderson  
12 - 14 Pelham Road  
Nottingham  
NG5 1AP

Date of decision:

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

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Application No: 20/00831/PFUL3  
Application by: Nottingham City Homes  
Location: Playing Field Between Eastglade Road And Bala Drive East Of, Beckhampton Road, Nottingham  
Proposal: Construction of 131 dwellings

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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. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

*Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR2 of the LAPP*



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3. Prior to the commencement of above ground development details of an electric vehicle charging scheme, making provision for each property, including a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable.

*Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan - Part 2.*

4. Prior to the commencement of above ground development, precise details of the materials to be used externally within the development shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

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

**Pre-occupation conditions**

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

5. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include evidence that the materials management plan was followed and the results of in-situ sampling to verify that the materials used to create the gardens and soft landscaped areas, including any imported top soils, meet the Council's Validation Standards.

*Reason: In the interests of amenity of residents and to accord with Policy IN2 of the LAPP*

6. No dwelling shall be occupied until the following have been carried out in accordance with the approved details:

- a) the roads serving the development have been provided and surfaced;  
b) the individual parking spaces have been provided and surfaced;  
c) the house plots have been enclosed.

*Reason: In the interests of the living conditions of future and neighbouring occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan - Part 2.*

7. All measures set out in the Travel Plan dated April 2020 submitted with the application and hereby approved shall be implemented in accordance with the timetable and details contained therein.

*Reason: In the interests of promoting sustainable travel and to accord with policy TR1 of the LAPP*

8. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees (including street trees) and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall also include details of the proposed future community garden and its proposed management arrangements, and details of the surfacing and on-going maintenance/management of the proposed path on the western boundary of the site.



The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and any trees or plants 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 is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.*

**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 forms, drawings and other documents comprising the application as validated by the council on 4 May 2020.

*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. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) or by phone on 0115 8765012.
4. The applicant is to investigate TRO's on the adjacent existing highway network and implement any TRO's required to protect the accesses and provide for highway safety considerations. The internal roads will be subject to 20mph order. All costs are to be borne by the applicant.
5. Areas of stopping up of the adopted highway will be occurring. Therefore a stopping up order is needed. Discussions with the PROW Officer are still ongoing



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6. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Network Management. 0115 876 5238 or email [Highway.Agreements@nottinghamcity.gov.uk](mailto:Highway.Agreements@nottinghamcity.gov.uk). All associated costs will be the responsibility of the developer.

7. 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.

8. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway

9. Developers wishing to have the completed roads on their development maintained by Nottingham City Council as Local Highway Authority may, prior to the start of the development; enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. Completion of a Section 38 Agreement is not mandatory but Nottingham City Council does operate the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980)). Following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage of that dwelling. The process (which is mandatory) can tie-up a considerable amount of developers' capital and accordingly, the completion of a Section 38 Agreement is the approach preferred by the majority of developers.

The existence of a Section 38 Agreement and Bond is revealed on Local Land Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management on 0115 876 5293 in the first instance.

10. The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

11. Please contact Rasita Chudasama 0115 8763938 [Rasita.Chudasama@nottinghamcity.gov.uk](mailto:Rasita.Chudasama@nottinghamcity.gov.uk) to seek advice on the electric vehicle charging points (EVCP).

12. Please contact James.Ashton@nottinghamcity.gov.uk to discuss sustainable transport, and the Travel Plan and measures.

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.



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## **RIGHTS OF APPEAL**

Application No: 20/00831/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/pcs](http://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.



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**Wards Affected:** St Anns

**Item No:**

**Planning Committee  
19th August 2020**

## **Report of Director of Planning and Regeneration**

### **The Guildhall, Burton Street**

#### **1 Summary**

Application No: 20/01044/PFUL3 for planning permission  
20/01045/LLIS1 for listed building consent

Application by: RPS Design Group Ltd on behalf of Ascena Developments Ltd

Proposal: Change of use of Guildhall and Fire Station House to mixed hotel and leisure uses, including 2No. bar and restaurants, gymnasium and spa. Demolition of rear section of existing Guildhall and independent "Island Building" to rear. Erection of a new 5 storey rear extension to the Guildhall and a new 13 storey building, with a glazed link connection to the Guildhall and Fire Station House. Associated external hard and soft landscaping works.

Conversion and alteration of Guildhall and Fire Station House to mixed use hotel and leisure uses, including demolition of rear section of Guildhall and replacement with new 5 storey rear extension and with glazed link extensions to the rear of Guildhall and Fire Station House.

The application is brought to Committee because it is a major application for a prominent site with important design and heritage considerations.

To meet the Council's Performance Targets this application should be determined by 28th August 2020

#### **2 Recommendations**

2.1 To **GRANT PLANNING PERMISSION and LISTED BUILDING CONSENT** for the reasons set out in this report, subject to:

- (i) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;
- (ii) prior completion of an agreement under Section 111 of the Local Government Act 1972 to secure a Section 106 planning obligation upon the subsequent disposal of the site to the developers to secure Local Employment and Training opportunities

2.2 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission and Listed Building Consent to be delegated to the Director of Planning and Regeneration.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy

Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

### **3 Background**

- 3.1 Located to the north of the city centre, the application site comprises the Grade II listed Guildhall sited on the prominent corner of Burton Street and South Sherwood Street, the Grade II listed Fire Station House fronting South Sherwood Street, and a building referred to as the 'Island Building' that is to the rear of both listed buildings. Nottingham Trent University's city landmark Newton Building and Arkwright Building (both Grade II\*) are to the west, E.On's city headquarters is to the east, The Cornerhouse entertainment complex is to the south, and the vacant Central Police and Fire Station buildings are to the north.
- 3.2 The application site is currently in City Council ownership and is noted to have been vacant since 2010.

### **4 Details of the proposal**

- 4.1 The application proposes the conversion and development of the site to a mixed use hotel and leisure complex, creating a total of 160 guest bedrooms, two bars and restaurants, and a gymnasium and spa. The proposal includes the demolition of the 'Island Building' to the rear, the 1950's northern extension to the Guildhall, the 1920's extension to the eastern leg of the Guildhall, and two outbuilding additions to Fire Station House.
- 4.2 The conversion and restoration of the existing Grade II Listed Guildhall building would create a total of 39 guest bedrooms, a restored grand reception space, a restaurant and bar in former Courtrooms 1&2, a spa & gymnasium at basement level and additional function space. The proposed new 5 storey northern extension to the Guildhall would create a further 20 guest bedrooms, a new lift and circulation core, a hotel kitchen & ancillary space and a lightweight glazed link to the proposed new tower building. The proposed new 13 storey tower building would create a total of 101 guest bedrooms, a rooftop restaurant, bar & terrace, a hotel sub reception and kitchen, staff and ancillary space and a landscaped courtyard area for service and access. The conversion and restoration of the existing Grade II listed Fire Station House would create an informal bar & restaurant space, lightweight glazed link to the new tower building and a landscaped courtyard space to the rear.

### **5 Consultations and observations of other officers**

#### **Adjoining occupiers consulted:**

Notification letters have been sent to 24 individual addresses surrounding the application site. The application has also been advertised by press and site notices. No responses have been received to these methods of consultation.

#### **Additional consultations sent to:**

**Historic England:** Delivering a sustainable use for the Grade II listed heritage assets would clearly be a significant heritage benefit. We have no objection to the demolition of the 'Island' building or the 1950s extension of the Guildhall. We advise

that the loss of the 1920s extension of the Guildhall would cause some harm and your authority would need to be satisfied that this is justified.

We welcome the proposed repairs and reinstatement of historic features of the two listed buildings, and removal of later harmful alterations. The approach seeks to retain historic fabric where possible and we refer you to your expert conservation advisor for detailed advice in respect to the internal modifications proposed for the Guildhall, including degree of retention of fabric in the courtrooms, and former fire station house.

The 13 storey tower would harm the setting and significance of the Guildhall as it would be seen above the listed building in views northwards along South Sherwood Street and eastwards along Burton Street thereby reducing its prominence in the street scene and intruding on its distinctive roofline. We note that the proposals have sought to minimise the impact by siting the tower towards the northeast corner of the revised site. The tower would also rise above the Arkwright building in views from Shakespeare Street which would be harmful. We also consider that the tower would harm the setting and significance of the Newton building by competing with it in views from Goldsmith Street in which the Newton building dominates the skyline.

We recognise that providing an appropriate, sustainable use for the two Grade II listed buildings would be a significant public benefit in heritage terms. We also recognise that significant enhancements are proposed, including repairs and reinstatement of historic spaces and features. In accordance with paragraph 196 of the NPPF, your authority would need to weigh the harm caused against the public benefits of the proposal and be satisfied that harmful aspects are clearly justified, including the full height of the tower.

**Victorian Society:** Objection. No objection to the principle of conversion to a hotel, however consider quality of current application to be unacceptably low, both with respect to the elements of new design and the approach to the historic fabric, fixtures, and fittings. Very concerned at the lack of detail in this application about the significance and proposed treatment of historic material, which should include a gazetteer or assessment of any of these features, fittings, or items of historical significance, and few details about their proposed treatment. The submitted Heritage Assessment is too general in this respect. The application also includes no detailed assessment of the significance of the two surviving courtrooms and offers no assessment of the significance of the surviving courtroom fixtures or fittings in a national context. The Victorian Society strongly supports the principle of universal access and accepts that some harm will often have to be done to significance in order to achieve the public benefit that such access represents. In this case, however, it remains unclear what the significance of the rooms to be removed is, and therefore what harm will be caused. Finally, the application includes proposals to add insulation to the inside of all the exterior walls. Illustrative details are given of the proposed treatment of the cornices, skirtings, and window surrounds where this insulation meets the existing features, but no further details are offered as to how the work will be carried out and what the impact will be. According to our experience it is likely to entail a range of difficulties and to cause harm to significance and fabric, both in the short and long term. This intervention is not justified in the application, and we question both whether it is necessary, and if it is, whether it the best viable option to achieve the required performance.

New hotel extension and tower: We judge the design of the proposed new extension and hotel tower to be extremely unsympathetic to the existing building.

The proposed additions fail to respond to the historic buildings in terms of scale, massing, articulation, or materials, and will harm the significance of both the Guildhall and the former Fire and Police Station by affecting their settings. The current proposals represent a disjointed and incoherent approach to the site in which disparate elements are simply connected by glazed walkways. The proposed hotel tower clearly offers space for extra hotel accommodation but is alien in form to the relatively low and broad massing of the historic buildings. There appears to be ample room on site to achieve the required density of accommodation in other, less intrusive, ways.

Urge the authority to withhold consent from these proposals and seek further information and revisions to the plans.

**Nottingham Civic Society:** Objects to the height of the proposed tower positioned close to both Grade II listed buildings, The Guildhall and Fire Station House. The application acknowledges that the development would cause harm to the significance of both listed buildings. Question whether a smaller hotel scheme could achieve the same benefits for the listed buildings that are ascribed to this scale of development.

Disappointed that the Council appears to disregard its own urban design guidance relating to building heights for this part of the city centre. The adopted City Centre Urban Design Guide identifies the Grade II\* Newton Building as a 'Landmark' whose prominence should be respected by nearby new development.

The urban design guidance relating to towers suggests that they should occupy focal locations where the drama of their scale and architecture can be celebrated. However, in this scheme the tower is positioned so it looms over both listed buildings from behind their street frontages. The uncomfortable relationship is particularly apparent from South Sherwood Street where the setting of Fire Station House would be completely dwarfed by the tower which would dominate the view.

Concerned about the lack of legibility in the route from Burton Street into the hotel Reception in the tower building. There should be a direct route from the grand entrance on Burton Street through the centre of the building to a more substantial glass bridge, a feature designed to be a more emphatic link between the historic building and the new one.

Disappointed that no visuals are provided to demonstrate the appearance of the tower in its Guildhall context from Shakespeare Street. It is assumed that the intended scale of 'Guildhall Place North' would be so tall as to obliterate any view of the Guildhall from this vantage point. It is a pity that the Guildhall is likely to be overwhelmed by very tall buildings nearby, when it should have retained its significance as a key landmark in Nottingham's urban development.

Welcome the opening up of the courtrooms to public use as the best way to secure their future.

#### **Other consultation:**

**Design Review Panel (13.1.20):** Welcomed the revised proposals for the Guildhall, which had moved forward in a positive direction from when it was previously presented to the Panel. The Panel were more comfortable with the revised positioning of the tower, considering that the design, scale and massing was now better composed to sit

within the historical context of the site with a reduced visual impact upon the heritage assets from street level, though the impact on longer views needed further assessment.

The Panel strongly considered that the hotel tower should be the highest element within the proposed wider 'Guildhall Place' development but acknowledged that there was a need to review longer and city-wide views, with key views identified in the Nottingham Urban Design Guide, particularly impact on views from the south west and the impact on the Grade II\* Newton Building.

The removal of the 1950s extension is welcomed. The proposals for the Fire Station House are an improvement on previous and are welcomed, with the proposed design of the courtyard it sits within having the potential for the creation of a great space, and also in offering wider benefit in being accessible to the public, assuming however that it can work alongside the service area. The incorporation of the Fire Station House into the hotel scheme will importantly secure the future of this heritage asset.

The Panel were comfortable with the design approach adopted with the contrast between the old and new. The incorporating of angled windows on the southern and northern elevations of the hotel tower work in minimising overlooking, however the suggested use of a lace effect pattern laser cut into the stone panels should be given more design consideration, being out of context in this part of the city. The western elevation of the hotel tower would be the most prominent and visible of the elevations in the street scene with solar fins providing vertical emphasis. The proposed use of sandstone and granite would work well with the white framework of the hotel tower, referencing the Portland stone of the adjacent Newton Building.

The sustainability aspects of the scheme were commended, including connection to district heating, solar fins on the south western elevation, rainwater harvesting, green walls and roofs at lower courtyard and upper rooftop level, as well as the ambitious plans for the planting of up to 150-200 new trees as part of the soft landscaping.

**City Archaeologist:** No objection. The archaeological desk based assessment has identified moderate potential for archaeological remains of local and regional significance. Therefore, as a condition of planning permission, a programme of archaeological works, initially consisting of an archaeological field evaluation, should be undertaken. The evaluation will determine the character, condition and extent of archaeological remains and provide an evidence base for what further archaeological fieldwork may be required in advance of and/or during groundworks associated with the development. Understand that cave probing is being proposed, to determine whether there are any unknown caves within the parts of the application site to be developed. or whether the known caves may extend further than is thought. These probes should be monitored as part of the programme of archaeological works.

**Highways:** No objections subject to conditions relating to provision of disabled car parking, electric vehicle charging, and cycle parking.

**Environmental Health:** No objections subject to conditions. The roof terrace associated with the hotel tower restaurant has the potential to cause noise nuisance to nearby residents therefore strongly recommend that the hours of use of the roof terrace are limited by condition to 08:00-23:00. A Noise Management Plan should also be required for this and the Fire Station House bar use. Recommend further conditions relating to further intrusive potential contamination investigation, commercial plant noise; ventilation/odour management from restaurant uses; verification of sound insulation measures; and details of any piling or other foundation designs using penetrative measures.

**Drainage:** No objection. Support the proposals for surface water management. Final required attenuated storage will be determined at a later stage and recommend that details of a final drainage layout, confirmation of storage volumes and the calculations for the drainage design, and more information regarding maintenance be required by condition. Welcome the proposed inclusion of sustainable features including green sedum roofing/walls as well as rainwater harvesting and recycling, which will also slow the flow from the site. Recommend that the details of these features also be required by condition.

**Biodiversity:** The preliminary ecological appraisal identified several potential bat roost features in buildings. Further survey didn't find any evidence of a bat roost, but areas of constant activity were also noted. Given the height of the building and number of features including hidden areas of the roof space, there is a risk that an emerging bat could have been missed especially as activity was constant throughout the survey. However, forgoing habitat is limited in the area, further suggesting that the activity around the area is unusual. Further clarification from the ecologist on what other explanation there is for the level recorded activity is recommended.

There is a peregrine nest site proximate to the application site and one of the peregrines pigeon food source and one of its feeding locations is to be impacted by the proposals. A mitigation strategy for the peregrines is required prior to determination of the application. The Ecological Mitigation and Enhancement Plan includes positive some suggestions for landscaping and the provision of bird and bat boxes.

## **6 Relevant policies and guidance**

### **Aligned Core Strategies (ACS) – Local Plan Part 1 (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 17: Biodiversity

### **Land and Planning Policies (LAPP) – Local Plan Part 2 (2020)**

Policy CC1: Sustainable Design and Construction

Policy CC2: Decentralised Energy and Heat Networks

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

Policy SH6: Food and Drink Uses and High Occupancy Licensed Premises / Entertainment Venues within the City Centre

Policy RE5: Royal Quarter

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN6: Biodiversity

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets

Policy HE2: Caves

Policy EN6: Biodiversity

Policy IN2: Land Contamination, Instability and Pollution

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Sections 16(2) and 66(1) state that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **NPPF (2019):**

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.

In determining applications that may affect heritage assets, paragraph 189 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 192 of the NPPF then states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 194 – 196 state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

## **7. Appraisal of proposed development**

### **Main Issues**

Whether:

- (i) the proposed uses are appropriate to the neighbouring properties and the wider area;
- (ii) the design of the proposed development in terms of its height, massing, layout and appearance is appropriate to the area and the setting of adjacent listed buildings, including The Guildhall, Fire Station House, and the Newton and Arkwright buildings;
- (iii) the special architectural or historic interest of the listed buildings will be adversely affected by the application proposals;
- (iv) the archaeology of the site has been appropriately addressed;
- (v) traffic conditions in the vicinity will be adversely affected.

**Issue (i) the proposed uses and impact upon neighbouring properties and the wider area (ACS Policy 5 and LAPP Policies RE5, SH6, SA1 and IN2)**

- 7.1 The application site is part of an allocated larger development site in the recently adopted LAPP (Policy SA1, Site Ref: SR53 - Royal Quarter - Burton Street, Guildhall, Police Station and Fire Station). The development principles to be applied to this allocation state:

“This is an important and prominent site and development should incorporate high quality building design, public realm and environmental improvements. Development should preserve or enhance the significance of heritage assets including the Guildhall (a Grade II listed building to be retained), other nearby Listed Buildings and the adjacent Arboretum Conservation Area. The suitability of new uses will need careful consideration to ensure that the sensitive reuse of heritage assets can be achieved. Within an archaeological constraints area and an area where caves are known to be present. Early consideration should be given to both archaeology and caves and opportunities for their preservation or enhancement. There is immediate potential for low carbon energy via the District Heating System. The site is underlain by a principal aquifer and it should be ensured that development does not result in pollution of the groundwater resource. Within Minerals Safeguarding Area but not considered a barrier to development.”

Proposed acceptable uses within the allocation include hotel and leisure uses as well as food and drink uses that are to be delivered as an integral part of a mixed use scheme. The proposed range of uses are therefore considered to accord with LAPP Policies SA1 and SH6.

- 7.2 ACS Policy 5 states that the City Centre will be promoted as the region’s principal shopping, leisure and cultural destination. The role of the City Centre is to be enhanced in the future through a wide ranging strategy that includes the development of supporting related uses such as new hotels (particularly addressing the lack of high quality hotels), exhibition and conference venues.
- 7.3 LAPP Policy RE5 states that, amongst other considerations, planning permission will be granted for development that is consistent with the provision of new and improved leisure and cultural facilities, adding to the existing high quality restaurant and leisure offer, and preserving and enhancing the significance of heritage assets.
- 7.4 It is considered that the Guildhall site is ideally located for the development of the range of complementary uses being proposed which, in its context with surrounding shopping, leisure and cultural uses, will enhance the area through the reuse of a long-standing vacant heritage asset as well as providing a high quality hotel that will also enhance the wider City Centre offer. It is therefore considered that the proposed development accords with Policy 5 of the ACS and Policy RE5 of the LAPP.
- 7.5 The comments from Environmental Health in relation to the potential for noise nuisance associated to the use of the hotel tower roof terrace are noted and are considered to be mitigated through the recommended planning conditions, with the prospect of future review where the impact on the amenities of nearby residential occupiers (Shakespeare Street/North Church Street) are demonstrated to be unaffected in accordance with LAPP Policies SH6 and IN2.

**Issue (ii) the design of the proposed development in terms of its height, massing, layout and appearance in relation to the area and the setting of adjacent listed buildings, including The Guildhall, Fire Station House, and the Newton and Arkwright buildings. (S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, ACS Policies 10 and 11 and LAPP Policies DE1, DE2 and HE1)**

- 7.6 The City Centre Urban Design Guide places the site within the City Centre North zone and within the 'Zone of Repair' where it is intended that redevelopment respects and repairs the historic character of the area. The Design Guide notes that this area includes a number of taller structures including Nottingham Trent University and the Victoria Centre and that, as it is less prominent in most views, slightly taller buildings would be appropriate. The Design Guide advises that the maximum heights of all new buildings in this zone should not exceed 7 residential storeys or equivalent (or 26m to eaves level) and also states that this does not override consideration of the building's context, especially in conservation areas and schemes affecting the setting of listed buildings.
- 7.7 The height of the proposed new 13 storey tower building would be 40m to the eaves restaurant level and 44.8m to the roof level. This would therefore be a stand-alone building that requires careful justification. The Design Guide provides for this opportunity through its recognition of special buildings that are not always required to follow the rules e.g. contemporary landmark buildings that may have iconic qualities and that can add to the diversity and delight of the city centre.
- 7.8 The national and local amenity groups consider that the proposed tower would be harmful the setting and significance of the Guildhall and the Arkwright and Newton buildings in local views. The design of the proposed new extension and hotel tower is also advised to be extremely unsympathetic and alien in form to the relatively low and broad massing of the historic buildings. Nottingham Civic Society also note that the Design Guide indicates that towers should occupy focal locations but that the proposed tower is positioned to loom over the adjacent listed buildings from behind their street frontages.
- 7.9 The proposed position and height of the tower has been examined through an extensive pre-application process, including a previous Design Review in February 2019. Officers have worked with the applicant to review iterations of the design, including use of the city model to test relationships to the adjacent heritage assets as well as longer views. The applicant has shown flexibility throughout and, in particular, has been able to coordinate with the neighbouring Police and Fire station site. The proposed position is therefore a deliberate conclusion of the design review process.
- 7.10 It is considered that the proposed position of the tower allows it to be clearly distinguished from the Guildhall and Fire Station House listed buildings. It is located to the rear of both buildings and, with the exception of the proposed glazed link elements, is an independent building. The site layout of what would then be a group of three buildings also demonstrates a logical arrangement, with the tower forming one corner of the group. In this particular respect Historic England also recognise that the proposals have sought to minimise the impact by siting the tower towards the northeast corner of the revised site.
- 7.11 The width of the tower has been substantially determined by the width of the Fire Station House building, allowing a direct association to be made, albeit one of

significantly different scale. This has then allowed the width of the tower on its elevation to the Guildhall building to be slimmer. The visual impact of these relationships are particularly clear in all key local views, with the tower being a taller background element to these listed buildings, but an element that is deliberately visible rather than one that may appear in certain views and be invisible in others, i.e. the contemporary landmark that is noted within the Design Guide. It is also noted that the Design Panel strongly considered that the hotel tower should be the highest element within the proposed wider 'Guildhall Place' development that is to follow.

- 7.12 It is noted that the primary objections of the amenity societies are in relation to the scale and mass of the proposed tower and its relationship to adjacent listed buildings, with limited comment being made in relation to design quality. In referring to the 'extremely unsympathetic' design of the proposed new extension and hotel tower, The Victorian Society do make reference to their articulation and materials, and alien form of the proposed tower. The comments of Historic England and Nottingham Civic Society are focused on the height of the proposed tower and its position close to the adjacent listed buildings with no comment being made in relation to the design quality of the proposed development.
- 7.13 The Design Review Panel were comfortable with proposed design contrast between the old and new, with the proposed bright white natural limestone framework of the hotel tower providing vertical emphasis and also referencing the stone colour of the adjacent Newton Building. Angled windows and stone panels on the southern, northern, and western elevations of the hotel tower are designed to provide articulation and privacy, with natural stone panels on all four elevations being used to reference the quality of the Guildhall stone and also being laser etched with a motif designs. The proposed motifs have been developed further from Design Review to an oak leaf pattern on the northern and eastern elevations, paying homage to the oak leaf motif within the crest of the Nottinghamshire and City of Nottingham Fire and Rescue Service, and a French Renaissance Revival Style motif to the southern and western elevations to echo the architectural style of the Guildhall.
- 7.14 It is considered that the design of the proposed tower and extension to the Guildhall makes sensitive reference to the character and quality of the adjacent listed buildings whilst also being contemporary and elegant in their architectural style and appearance. High quality materials and details are being proposed throughout, with further details and samples able to be secured by condition. It is therefore considered that the proposed development is of the iconic quality demanded by the Design Guide. Furthermore, and significantly in terms of the weight that is able to be afforded to the proposed development, it is considered that the proposed development would deliver an appropriate and sustainable use for the vacant Guildhall and Fire Station House listed buildings that would be of significant public benefit in heritage terms in line with the comments of Historic England and paragraph 196 of the NPPF.
- 7.15 It is, therefore, considered that the scale, height, and massing of the proposed development is appropriate to the city centre and its local context in accordance with Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP.

**Issue (iii) the impact of the proposed demolitions and alterations upon the special architectural or historic interest of the listed buildings and the setting of adjacent listed buildings (ACS Policy 11 and LAPP Policy HE1)**

- 7.16 The principal benefit arising from the scheme is in the provision of a long term sustainable use for two long term vacant listed buildings. The proposals include a large range of positive improvements to the condition of the buildings and enhancements to better reveal the significance of their original features and spaces. These elements are well detailed and include noteworthy areas of improvement works to the Guildhall such as the removal of a modern mezzanine and staircases plus significant areas of repair and restoration. It is considered that the proposed conversion of Fire Station House is also sensitively designed to complement the building's existing character and spaces and minimises the loss of historic fabric.
- 7.17 Some other proposed changes are considered to result in a neutral impact on the buildings' significance. The demolition of the 1950s extensions to the rear of the Guildhall and the 'Island office building' fall into this category and are not considered contentious. These elements are of poor architectural quality and their replacement is considered to be justified when balanced with the need to support the conversion of the site to a viable hotel use.
- 7.18 The proposed new 13 storey tower is the most imposing element of the proposals. It is considered that the impact on the Guildhall itself is reduced to some degree by the setback position of the tower, but that there will still be some harm associated with being able to see the top of the tower over the Guildhall's roofline from certain views within the public domain. However, being overtly contemporary in its design will make it stand apart within the resultant composition of buildings, whilst its proposed material palette is considered to be complementary to that of the historic buildings. It is also recognised that the justification for the tower and scheme as a whole hinges on the quantum of rooms required to ensure that the hotel use is a viable business proposition, thus providing the Guildhall with its best chance of a long term sustainable use.
- 7.19 While the tower is a standalone element of the scheme, and its contrasting architectural treatment understandable, the proposed 5 storey rear extension to the Guildhall will form a physical part of the Guildhall listing to its rear elevation. By initially being a storey taller than the eaves line of the east and west wings it has been considered that this relationship may be unsympathetic to the historic building's character, proportions and scale. This element of the scheme has subsequently been revised by the applicant, reducing the overall height and subsequent relationship and visual impact upon the features of the Guildhall on this elevation to an appropriate and sympathetic level. Further details and samples are to be secured by condition.
- 7.20 The proposed internal alterations to the Guildhall are considered to be justified either through need in association with the proposed conversion or involve the minor loss of historic fabric. In response to the concerns of the Victorian Society regarding the proposed courtroom alterations, the application proposes the removal of bench seating and other fitted furniture that is considered will lead to a modest degree of harm by detracting from the ability to read and interpret their original function. The proposed uses of the courtrooms as a lounge bar and restaurant will also necessitate some degree of alteration. However, these will remain significant and important rooms within the proposal and the changes will also allow public

access. Mitigation is to be provided through recording of the existing layouts and this is considered sufficient. Historic England also welcome the proposed repairs and reinstatement of historic features and note that the approach seeks to retain historic fabric where possible.

- 7.21 The proposal for wall insulation within the Guildhall bedrooms to improve the thermal efficiency of these rooms, has now been omitted from the current scheme due to concern over the potential impacts on existing cornices, skirting boards and wall panelling.
- 7.22 Paragraph 196 of the NPPF states that local authorities need to weigh the harm caused to designated heritage assets against the public benefits of the proposal, including securing an asset's optimal viable use. It is considered that the Heritage Statement and accompanying application details provide a good analysis of the heritage issues. The proposed hotel use and associated alterations are considered to be appropriate in order to deliver the sustainable use for these vacant Grade II listed buildings. It is considered that any harm caused to the significance of the heritage assets would be 'less than substantial' and that the significant public benefits substantially outweigh the heritage impacts of the proposed alterations. On this basis and subject to further conclusions on the scale and design of the proposed 5 storey rear extension to the Guildhall, noting the omission of the proposed wall insulation within the Guildhall bedrooms, and appropriate conditions, it is considered that the proposed development accords with Policy 11 of the ACS and Policy HE1 of the LAPP.

**Issue (iv) the archaeology of the site (ACS Policy 11 and LAPP Policies HE1 and HE2)**

- 7.23 The City Archaeologist has reviewed the need for a caves assessment, noting that the application is proximate to the cave system that is included within the listed building description for the Guildhall and therefore an important heritage asset in its own right. It is concluded that a cave assessment is not required in this instance but that the need for archaeological work remains as there is an identified moderate potential for archaeological remains of local and regional significance. The City Archaeologist is sufficiently satisfied to recommend that a programme of archaeological works, initially consisting of an archaeological field evaluation, should be undertaken as a condition of a planning permission in order to determine the character, condition and extent of archaeological remains and to provide an evidence base for what further archaeological fieldwork may be required in advance of and/or during groundworks associated with the development. Cave probing being proposed by the applicant is also supported and is to be monitored as part of the programme of archaeological works. It is therefore considered that the proposed development accords with the recommended approach to archaeology within Policy 11 of the ACS and Policies HE1 and HE2 of the LAPP.

**Issue (v) traffic conditions in the vicinity (LAPP Policy TR1)**

- 7.24 The application site is located within a central and highly sustainable location. It is proposed that there will be no dedicated general parking available for guests or staff, indeed the site has limited ability to physically provide this in any case. Accordingly, the demand for guest car parking is expected to be met through the use of neighbouring public car parks, including that at Trinity Square. Four on-street drop off spaces are proposed on Burton Street, but would be subject of separate negotiation and approval with Highways Network Management. In addition four

disabled parking bays are also provided for in the rear courtyard, which would be available if pre-arranged with the hotel. A minimum of 16 cycle spaces are to be provided in accordance with the one space per 10 bedroom standard included within the LAPP Parking Guidance (Appendix 1).

- 7.25 Servicing of the site is to be carried out via an existing service access on Burton Street, continuing through the site and the proposed rear courtyard and then exiting onto South Sherwood Street, again as existing, at the exit next to Fire Station House.
- 7.26 Highway have no objections to the above proposals subject to conditions relating to provision of disabled car parking, electric vehicle charging, and cycle parking. It is therefore considered that the proposed development accords with Policy TR1 of the LAPP.

## **8. Sustainability (ACS Policy 1 and LAPP Policies CC1, CC2 and CC3)**

- 8.1 A wide range of sustainable measures are to be provided within the proposed development including:
- Connection to District Heating
  - Biosolar flat roof areas, which combine solar panels with green sedum roofs
  - Green walls and roofs to be integrated as key design features at both lower courtyard and upper rooftop level
  - Solar PV windows on the western and southern elevations, equating to a vertical surface area of approximately 620m<sup>2</sup>
  - Rainwater harvesting and recycling for both irrigation and potential toilet flushing & washing
  - Planting of approximately 30 no. new trees across the site as part of the soft landscaping strategy as well as new low level bushes and ornamental planting.
  - AAA Rated Appliances and 100% use of LED Low Energy Lighting
  - An efficient site waste management plan both during construction and occupancy
- 8.2 The application proposes a 30% betterment on surface water discharge rate, which the Drainage Officer supports subject to further full details. The Drainage Officer also welcomes the proposals for green sedum roofing/walls as well as rainwater harvesting and recycling, which will aid slow the flow from the site, again subject to further full details.
- 8.3 It is advised that the proposed development is to achieve BREEAM 'Very Good', with the potential that the assessment will be split into two parts to recognise the new construction and refurbishment elements of the scheme. It is recommended that a minimum of BREEAM 'Very Good' is required to be demonstrated as a condition of consent, with the prospect that this can be improved upon through the project development of further details. On this basis, it is considered that the proposed development would accord with Policy 1 of the ACS and Policies CC1, CC2 and CC3 of the LAPP.

## **9. Biodiversity (ACS Policy 17 and LAPP Policy EN6)**

The potential for bat roost features has been noted. Whilst surveys have not found any evidence of a bat roost, areas of constant activity were also noted. Further clarification and assurance is being sought from the applicant's ecologist, however it has been noted that forgoing habitat is limited in the area. A mitigation strategy for

the proximate peregrine nest site is also being sought. The submitted Ecological Mitigation and Enhancement Plan includes positive some suggestions for landscaping and the provision of bird and bat boxes, the provision of which is a recommended condition of consent. Subject to the Biodiversity Officer being satisfied with the further information being sought, the proposed development is considered to accord with Policy 17 of the ACS and Policy EN6 of the LAPP.

## **10. Financial Implications (LAPP Policy EE4)**

The City Council is the current landowner of the application site. In order to secure the appropriate S106 planning obligation, an agreement under section 111 of the Local Government Act 1972 is needed, which will require the developer to enter into a subsequent s106 planning obligation at such time as it acquires an interest in the site.

It is estimated that the proposed development will deliver approximately 120 new construction jobs during the construction period and approximately 180 new operational jobs within the hospitality sector. The developer has indicated that they will work with the Council's Employment and Skills team in relation to these future local construction and operational job opportunities and is prepared to commit a payment of £81,096 via a S111/S106 agreement in accordance with Policy EE4 of the LAPP.

The proposed obligation is in accordance with planning policy and is therefore reasonable, meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

## **11. Legal Implications**

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

### Listed Buildings Duty

As the development affects a number of listed buildings or their settings the Committee must have special regard to the desirability, in the exercise of its planning functions, to preserving such buildings or their setting or any features of special architectural or historical interest which they possess. The Committee in making its decision must have regard to 'the overarching duty' imposed by s 66 (1) which requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings, including Grade II, even if the harm would be 'less than substantial'. It is also common ground that preserving in this context means doing no harm. However, the duty does not create a bar to the granting of planning permission and an irrebuttable presumption is not created. It can be outweighed by material considerations powerful enough to do so, when balancing the advantages of the proposed development against any such harm.

Local planning authorities are under an identical duty by virtue of s.16(2) Planning (Listed Buildings and Conservation Areas) Act 1990 when determining applications for listed building consent, as is the case here.

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

**12. Equality and Diversity Implications**

The provision of DDA compliant accessible buildings.

**13. Risk Management Issues**

None.

**14. Strategic Priorities**

Ensuring Nottingham's workforce is skilled.

**15. Crime and Disorder Act implications**

The refurbishment, development and use of vacant buildings within the city centre, reducing the potential for crime in the area through the reintroduction of active uses.

**16. Value for money**

None.

**17. List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 20/01044/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QB2WRGLYJK100>

2. Historic England, 30.6.20
3. Victorian Society, 20.7.20
4. Nottingham Civic Society, 25.6.20
5. Design Review Panel, 13.1.20
6. Drainage, 5.6.20
7. Highways, 26.6.20
8. Environmental Health, 23.7.20
9. City Archaeologist, 2.6.20
10. Biodiversity, 11.6.20 &

**18. Published documents referred to in compiling this report**

Aligned Core Strategies – Local Plan Part 1 (2014)  
Land and Planning Policies – Local Plan Part 2 (2020)  
NPPF (2019)  
Nottingham City Centre Urban Design Guide (May 2009)

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.  
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# NOMAD printed map



## Key



City Boundary

## Description

No description provided



**My Ref:** 20/01044/PFUL3 (PP-08721760)

**Your Ref:**

**Contact:** Mr Jim Rae

**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
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Station Street  
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NG2 3NG

**Tel:** 0115 8764447  
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RPS Design Group Ltd  
FAO Mr Seb Salisbury  
Cotton Court Business Centre  
Church Street  
Preston  
PR1 3BY  
United Kingdom

Date of decision:

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

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Application No: 20/01044/PFUL3 (PP-08721760)  
Application by: Ascena Developments Ltd  
Location: The Guildhall, Burton Street, Nottingham  
Proposal: Change of use of Guildhall and Fire Station House to mixed hotel and leisure uses, including 2No. bar and restaurants, gymnasium and spa. Demolition of rear section of existing Guildhall and independent "Island Building" to rear. Erection of a new 5 storey rear extension to the Guildhall and a new 13 storey building, with a glazed link connection to the Guildhall and Fire Station House. Associated external hard and soft landscaping works.

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

**Time limit**

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

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

**Pre-commencement conditions**

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



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**DRAFT ONLY**  
**Not for issue**

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Continued...

2. No development shall commence until a Construction Management Plan detailing how the proposed development works are to be carried out, including details of the type, size and frequency of vehicles arriving and leaving the site, how the site will be accessed by construction vehicles, contractor parking provision, traffic management plans, and the phasing of works, has been submitted to and approved by the Local Planning Authority. The approved Construction Management Plan shall be implemented throughout the period of construction.

*Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.*

3. Other than the approved demolition of the existing buildings, no development involving the breaking of ground shall take place, unless a programme of archaeological investigation and works for those parts of the site which are proposed to be excavated below existing ground, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:

- a) arrangements for the excavation of areas where archaeological features are known (from the results of earlier evaluation) to survive, and the implementation of a watching brief during the course of the development;
- b) arrangements for the recording of any finds made during the investigation and for the preparation of a final report;
- c) arrangements for the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
- d) arrangements for the publication of a summary of the final report in an appropriate journal.

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

*Reason: to ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policy HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

4. Other than the approved demolition of the existing buildings, development shall not commence until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers. The development shall only be implemented in accordance with the approved details.

*Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

5. Other than the approved demolition of the existing buildings, no development shall commence until a drainage strategy with a detailed drainage layout illustrating how the site will be drained, including a target 30% percentage reduction in peak surface water run-off rate relative to existing, confirmation of storage volumes calculations for the drainage design, and information regarding on-going maintenance, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

*In the interests of ensuring the appropriate management of surface water and to minimise the risk of surface water flooding events in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

6. Other than the approved demolition the existing buildings, no development shall commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
- a) A Site Investigation, based on 'Phase 1 Geo-Environmental Assessment' by BWB dated Jan 2020 (Doc No: GHH-BWB-ZZ-XX-RP-YE-0003-Ph1 Ref NTS2751), and a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - b) A Remediation Plan, based on b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
  - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

*Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

7. Prior to the installation and operation of any plant at the development, a detailed 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. The noise levels that the plant for the entire development must achieve collectively has been determined in the submitted report 'Noise Impact Assessment' by BWB dated May 2020 (ref: NTS 2751) and these levels must be adhered to.

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

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

*Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

8. Other than the approved demolition the existing buildings, no development shall commence until 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 be approved 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 ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

9. Before any above ground development commences, large-scale elevation and section drawings to show the detailed design of each part of the building (e.g. scale 1:50 and/or 1:20) shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate details of:

a) Elevations: including stone framework and panels; window types, cladding and glazing systems, reveals, soffits, entrances, doors, and handrails;

b) Roofs: including edges, parapets and terrace areas;

c) Plant: including lift enclosures, external ventilation systems, and other similar elements that are integral to the fabric of the building;

d) Associated features: including walls, fences and screens.

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

*Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development in accordance with Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

10. Before any above ground development commences, a large scale sample panel of all proposed external materials to be used in the construction of the approved development shall be erected at a location to be agreed with the Local Planning Authority and shall be retained during the course of the development works. Confirmation of the proposed external materials shall also be submitted to and approved by the Local Planning Authority in writing before any above ground development commences. Development shall then be carried out in accordance with the approved materials.

*Reason: In order to ensure an appropriate quality of finishes and therefore in the interests of the visual amenity of the area in accordance with Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

11. No above ground development shall commence until a scheme for the surfacing of the external areas of the development has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the first use of the development.

*Reason: In order to ensure an appropriate quality of appearance of the approved development and the setting of the adjacent listed buildings in accordance with Policies DE1 and HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

### **Pre-occupation conditions**

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

12. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
  - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

13. 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 ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

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

*Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

15. Prior to first occupation of the development, verification that the approved sound insulation scheme recommended in the 'Noise Impact Assessment' by BWB dated May 2020 (ref: NTS 2751) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*



16. Prior to the occupation of the restaurants and licensed venues at the development a detailed Noise Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

The Noise Management Plan shall identify the types and locations of operational activities which are likely to cause noise disturbance to sensitive receptors and:

- Minimise noise arising from operational activities by technical and physical means, and through management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from any residents
- Provide details of the sound insulation scheme which shall include mitigation measures to achieve the internal noise levels specified in BS 8233 at any affected residential property
- Provide details of the sound insulation scheme for the envelope of the building to prevent noise breakout of the premises
- Provide details of how the internal noise levels in all parts of the proposed development will be controlled & managed to ensure that the noise breakout does not cause noise disturbance
- Provide details of how noise on the street immediately surrounding the proposed development either from customers entering & exiting the premises, queues, smoking areas will be managed
- Regularly review the Noise Management Plan.

*Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

17. The development hereby approved shall incorporate measures to minimise the environmental impact and energy use of the building and shall be completed to a minimum Building Research Establishment Assessment Methodology (BREEAM) rating of 'Very Good' standard. Written confirmation of these ratings is to be submitted to and approved in writing by the Local Planning Authority before the development is occupied, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of minimising the impact on the environment of the building, in accordance with Policy CC1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

18. A detailed landscaping scheme for the development indicating the type, height, species and location of proposed planting, shall be submitted to and approved by the Local Planning Authority before the development is first brought into use. The submission shall include details of the green wall system to be used to new 13 storey building and details for its on-going management and maintenance. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any plants 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: In order to ensure an appropriate quality of appearance of the approved development and visual amenity of the wider area in accordance with Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020)..*



19. Details of four disabled parking bays within the rear courtyard area of the site shall be submitted to and approved by the Local Planning Authority. The dimensions of these bays to be a minimum of 3.6m x 6.6m and a minimum of one space shall be provided with an Electric Vehicle Charging Point. The approved disabled parking bays shall thereafter be implemented in accordance with the approved details prior to the first use of the approved development.

*Reason: In the interests of ensuring this provision in accordance with Policy TR1 and Appendix 1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

20. Details of a minimum of 20 cycle parking spaces within the rear courtyard area of the site (with additional hanging spaces within the approved development buildings also being encouraged) shall be submitted to and approved by the Local Planning Authority. The cycle spaces shall be well lit, covered and secure. The approved cycle spaces shall thereafter be implemented in accordance with the approved details prior to the first use of the approved development.

*Reason: In the interests of ensuring this provision in accordance with Policy TR1 and Appendix 1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

**Regulatory/ongoing conditions**

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

21. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, 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 will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.*

22. The roof terrace to the 'Skybar and Restaurant' of the new 13 storey building shall not be operated outside of the hours 08:00 to 23:00 unless with the further written approval of the Local Planning Authority.

*Reason: To protect the amenity of nearby residential occupants in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 29 May 2020.

*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. 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 (EMAQ, 2018).

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](mailto: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.

#### 4. Noise Management Plan

The applicant must adhere to the agreed Noise Management Plan while the premises remain operational. The Noise Management Plan must provide:

- Details of the sound insulation scheme for the envelope of the building to prevent noise breakout of the premises together with the third octave band analysis of the maximum internal noise levels that the improved building envelope may accommodate.

- Where there are residential premises above, below or adjacent to the proposed development, details of the sound insulation scheme for the party walls & ceilings / floors between the proposed development & the surrounding residents or other noise sensitive receptors to prevent the transmission of noise & vibration through the building structure together with the third octave band analysis of the maximum internal noise levels that the improved party walls & ceilings / floors may accommodate.

The sound insulation scheme shall include mitigation measures to achieve the following internal noise levels at any affected residential property:

- 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<sub>Amax</sub>(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

NB According to Noise from Pubs & Clubs - Phase 1 by Davies et al on behalf of Defra (Oct 2005), noise levels measured in bars & restaurants during quiet periods showed noise levels of 65-70 dB LAeq. Noise levels of up to 88 dB LAeq were measured during busy periods in bars not playing music ie just customer noise. Many bars playing music had noise levels of 90-95 dB LAeq during busy periods with noise levels on dance floors of night clubs measured at up to 105 dB LAeq. Noise levels of up to 115 dB Leq in the 63 Hz octave band & 110 dB Leq in the 125 Hz octave band were recorded on dance floors of night clubs. L<sub>max</sub> noise levels are obviously higher than Leq noise levels. Differences of between 5 & 15 dB were noted between Leq & L<sub>max,f</sub> for both A-weighted & octave band measurements.

- Details of how the internal noise levels in all parts of the proposed development will be controlled & managed to ensure that the noise (including noise from customers) does not exceed the maximum internal noise levels determined above.

- Details of how noise on the street immediately surrounding the proposed development either from customers entering & exiting the premises, queues, smoking areas will be managed so as not to

affect amenity and potentially cause a noise nuisance to surrounding residents or other noise sensitive receptors.

- Regularly review the Noise Management Plan. Any amendments which may have an impact on noise sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders

## 5. Contaminated Land, Ground Gas & Groundwater

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

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

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

## 6. 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.

#### **7. Mud on road**

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765238. A Construction Traffic Management Plan will be required. All associated costs will be the responsibility of the developer.

#### **8. Highway licences**

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 0115 8765238. All costs shall be borne by the applicant.

#### **9. S278**

Planning consent is not consent to work on the highway. To carry out off-site works associated with the submission, approval must first be obtained from the Highway Authority. Approval will take the form of a Section 278 Agreement, contact Highways Network Management 0115 8765238. All associated costs will be borne by the developer.

#### **10. Refuse collection**

The applicant is to ensure that bin storage areas are appropriate to the development size and that waste management is appropriately located to ensure easy collection either from an adopted highway or through a waste management contract with access onto the site.

#### **11. Traffic Regulation Orders**

TRO's are required to support the development. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

#### **12. Electric Vehicle Charging Points**

To discuss electric vehicle charging points please contact Rasita Chudasama on 0115 8763938.

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: 20/01044/PFUL3 (PP-08721760)

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](http://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.



# **DRAFT ONLY**

## **Not for issue**

**My Ref:** 20/01045/LLIS1 (PP-08721760)

**Your Ref:**

**Contact:** Mr Jim Rae

**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

RPS Design Group Ltd  
FAO Mr Seb Salisbury  
Cotton Court Business Centre  
Church Street  
Preston  
PR1 3BY  
United Kingdom

Date of decision:

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

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Application No: 20/01045/LLIS1 (PP-08721760)  
Application by: Ascena Developments Ltd  
Location: The Guildhall, Burton Street, Nottingham  
Proposal: Conversion and alteration of Guildhall and Fire Station House to mixed use hotel and leisure uses, including demolition of rear section of Guildhall and replacement with new 5 storey rear extension and with glazed link extensions to the rear of Guildhall and Fire Station House.

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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)



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**DRAFT ONLY**

**Not for issue**

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Continued...

2. Full scale cleaning of the exterior of the Guildhall and Fire Station House shall not commence until a method statement and specification for the proposed cleaning of the stonework has been submitted to and approved by the Local Planning Authority. A small sample areas of the proposed cleaning method shall also be provided for inspection as part of this review process.

*Reason: to ensure that special regard is paid to protecting (preserving) the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy 11 of the Aligned Core Strategy and Policy HE1 of the Land and Planning Policies Development Plan Document -Local Plan Part 2 (January 2020)*

3. A method statement and specification for the brick repairs to the east elevation of the Guildhall shall be submitted to and approved by the Local Planning Authority. Samples of new mortar and bricks shall also be provided for inspection.

*Reason: to ensure that special regard is paid to protecting (preserving) the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy 11 of the Aligned Core Strategy and Policy HE1 of the Land and Planning Policies Development Plan Document -Local Plan Part 2 (January 2020)*

4. Notwithstanding the details included in the application submission the external signage to Fire Station House shall not be installed until further details of this signage, including details of fixings into existing stonework, have been submitted to and approved by the Local Planning Authority.

*Reason: to ensure that special regard is paid to protecting (preserving) the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy 11 of the Aligned Core Strategy and Policy HE1 of the Land and Planning Policies Development Plan Document -Local Plan Part 2 (January 2020)*

5. Notwithstanding the details included in the application submission, further large scale sections and elevations of proposed glazed lobbies within the main entrance foyer of the Guildhall and the entrance of the Fire Station shall be submitted to and approved by the Local Planning Authority prior to the commencement of these works.

*Reason: to ensure that special regard is paid to protecting (preserving) the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy 11 of the Aligned Core Strategy and Policy HE1 of the Land and Planning Policies Development Plan Document -Local Plan Part 2 (January 2020)*

6. Notwithstanding the details included in the application submission, further details of the proposed layout and uses to be housed within the basement of the Guildhall, including details of service runs and new plant equipment as well as any further alterations proposed to existing fabric, shall be submitted to and approved by the Local Planning Authority prior to the commencement of these works.

*Reason: to ensure that special regard is paid to protecting (preserving) the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy 11 of the Aligned Core Strategy and Policy HE1 of the Land and Planning Policies Development Plan Document -Local Plan Part 2 (January 2020)*



<p><b>Pre-occupation conditions</b> (The conditions in this section must be complied with before the development is occupied)</p>
<p>There are no conditions in this section.</p>
<p><b>Regulatory/ongoing conditions</b> (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p>There are no conditions in this section.</p>
<p><b>Standard condition- scope of permission</b></p>
<p>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 29 May 2020.</p> <p><i>Reason: To determine the scope of this permission.</i></p>

**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 consent is valid only for the purposes of the Planning (Listed Building and Conservation Areas) 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 consent is not a planning permission nor an approval under the Building Regulations.

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

## **RIGHTS OF APPEAL**

Application No: 20/01045/LLIS1 (PP-08721760)

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](http://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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