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**Nottingham
City Council**

Nottingham City Council Planning Committee

Date: Wednesday, 18 January 2023

Time: 2.30 pm

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

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

Director for Legal and Governance

Governance Officer: Phil Wye

Direct Dial: 0115 876 4637

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** To Follow
To confirm the minutes of the last meeting held on 21 December 2022
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
 - a Land At Shakespeare Street, North Church Street, And South Sherwood Street Nottingham** 3 - 32
 - b Site Of Garages South Of 140 Birkin Avenue Nottingham** 33 - 48

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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Wards Affected: St Anns

Item No:

**Planning Committee
18 January 2023**

Report of Director of Planning and Transport

Land At Shakespeare Street, North Church Street, And South Sherwood Street, Nottingham

1 Summary

Application No: 22/01204/PFUL3 for planning permission
22/01944/LLIS1 for listed building consent

Application by: Mr Sam Cripps on behalf of Miller Birch (Nottingham) Ltd

Proposal: Demolition of existing buildings and the erection of purpose-built student accommodation, with integral ancillary residents hub and associated communal facilities (Sui Generis) and a new ground floor public food hall (Use Class E(b)) together with associated public open space, landscaping, access, cycle parking and drainage provisions.

Works to the listed caves associated with the Guildhall, in connection with the erection of purpose built student accommodation and associated facilities (planning application reference 22/01204/PFUL3)

The application is brought to Committee because it is a major application for a prominent site with important design and heritage considerations and which has generated public interest that is contrary to the officer recommendation

To meet the Council's Performance Targets this application should have been determined by 16th November 2022

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 to be tabled as an update.
- (ii) the conclusion of the viability review process and the prior completion of an agreement under section 111 of the Local Government Act 1972 to secure a Section 106 planning obligation which, subject to the conclusion of the viability review process, is to include:
 - an off-site affordable housing contribution to a maximum of £1,863,810
 - an off-site public open space contribution to a maximum of £1,137,658
 - local employment and training benefits including opportunities in the construction phase of development together with payment of a financial contribution to a maximum of £262,862 towards employment and training

- a student management plan and restrictions on keeping private vehicles;
- limited public access to the caves

2.2 Power to determine the final details of both the terms of the s111 Agreement/Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Transport:

- (i) subject to consultation with the Chair, Vice Chair and Opposition Spokesperson as to the quantum and allocation of the financial contributions should it be proposed that the full policy compliant figures indicated in 2.1 above cannot be met and;
- (ii) subject to him being 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 The application site is the former Police and Fire Station buildings that are located between North Church Street and South Sherwood Street and with frontages to those Streets as well as Shakespeare Street to the north. To the south is the vacant Guildhall and Fire Station House buildings and the E.ON city headquarters call centre building. To the east across North Church Street is the north block of Trinity Square, which includes a ground floor servicing area, a public car park above, and student accommodation on further upper floors. To the west across South Sherwood Street are the Newton and Arkwright Buildings of Nottingham Trent University (NTU). To the north across Shakespeare Street are a mixed terrace of buildings of various ages and styles, including the taller Cymbaline House apartments, Bard House student accommodation (conversion), the YMCA, and The Playwright public house.

3.2 Diagonally opposite the application site on the junction of Shakespeare Street with South Sherwood Street NTU are in the process of constructing a new Art & Design building, which was granted planning permission on 17 December 2021 (21/00646/PFUL3). Immediately to the rear of the application site a resolution to grant planning permission subject to the completion of a Section 111 agreement was made by Planning Committee on 19 August 2020 for the change of use of the Guildhall and Fire Station House to mixed hotel and leisure uses, including the erection of a 13 storey building to house hotel bedrooms (20/01044/PFUL3). Planning permission and associated Listed Building Consent (20/01045/LLIS1) for this proposed development remains pending the completion of the Section 111 agreement.

3.3 The application site includes a substantial section of the cave system that is associated to the Guildhall and which is specifically identified as an element of the Guildhall's Grade II listed building entry.

3.4 The application site does not fall within a conservation area but is adjacent to the Arboretum Conservation Area, the boundary of which is along Shakespeare Street and includes the buildings opposite to the north the application site.

3.5 The Newton and Arkwright Buildings to the west of the application site are

individually listed Grade II*. The gates, railings and walls to the Arkwright Building are listed Grade II. The Guildhall (and associated caves) and Fire Station House immediately to the south of the application site are individually listed Grade II. 2-10 Shakespeare Street (YMCA), 12 Shakespeare Street, and 14-22 Shakespeare Street (Bard House), opposite to the north of the application site are each individually listed Grade II. The former Synagogue and former Registry Office buildings further to the west along Shakespeare Street are also individually listed Grade II.

- 3.6 The application site forms part of the allocated and protected LAPP site SR53: Royal Quarter – Burton Street, Guildhall, Police Station and Fire Station. Appropriate proposed uses are identified to include: Hotel, offices, non-residential institution, leisure, residential, and student accommodation. Ancillary uses included are retail, financial & professional services, and food & drink, which are to be delivered as integral part of a mixed use scheme. The development principles that are to be applied to the site note:

“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.”

4 Details of the proposal

- 4.1 The application proposes the demolition of existing former Police and Fire Station buildings and the redevelopment of the site with a range of buildings fronting onto Shakespeare Street, North Church Street and South Sherwood Street, A further central wing would extend to the rear within the site. The proposed primary use of the buildings would be for purpose-built student accommodation, with associated amenity and communal facilities. There would be two formats to the proposed student accommodation, with one (Vita Student) comprising 512 studio bedspace accommodation and the other (House of Social) comprising 454 cluster apartment bedspaces. It is also proposed that there would be a ground floor public food hall at the corner of Shakespeare Street and North Church Street. Ancillary open space and landscaping would be to the rear, also with elements of landscaping onto the frontages of Shakespeare Street and South Sherwood Street. There would be a vehicle service access via an entrance opening on North Church Street.
- 4.2 Onto Shakespeare Street the proposed Vita Student element of the proposed development would be 9 storeys (28.5m) with an additional storey to the corner element at the junction of Shakespeare Street with South Sherwood Street (31.8m). Turning onto South Sherwood Street the Vita Student element would then revert to 9 storeys, with the elevation reducing to the equivalent of 8 storeys adjacent to Fire Station House as South Sherwood Street rises towards Burton Street. The central rear wing of the Vita Student element would be 10 storeys (31.35m). It is proposed

that Vita Student would be constructed with a rough finished precast concrete base, and with the upper floors in a smooth finished precast concrete and chamfered ribbed precast opening surrounds. The top floor would use a metal cladding system that would also include a chamfered ribbed opening surround. All fenestration would have a powder coated aluminium metallic finish.

- 4.3 Onto North Church Street the proposed House of Social element of the proposed development would be 13 storeys (46.2m/44.9m) with North Church Street rising from Shakespeare Street to Burton Street), with a 10 storey equivalent element onto Shakespeare Street (31.35m). It is proposed that House of Social would be constructed with a dark grey brick, with soldier course brick banding between floors and with deep brick reveals to the openings. All fenestration would have a powder coated aluminium metallic finish.
- 4.4 The associated application for listed building consent is wholly connected to the planning application for the redevelopment of the site, which is located partly on top of the cave system associated to the Grade II listed Guildhall. Foundation and piling works necessary for the redevelopment of the site will impact upon an element of the cave system, with a single pile proposed to be inserted through a chamber of the cave. Due to the position of the proposed development one access point into the caves would need to be closed. Another existing access to the rear of the Guildhall would not be affected. It is advised that the caves are not open to the public, but that the proposed piling solution has been designed to ensure that access into the caves will still be possible and that the applicant is keen to explore possibilities for public access on a managed basis.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

2, 12, 24, 28, 30, 32, 32A, 1 & 2 The Courtyard 32B, 34, 36, 36A, 38 Shakespeare Street
Nottingham YMCA, 3 & 4 Shakespeare Street
Cymbaline House, Shakespeare Street (all apartments)
6 North Church Street
Flats 1-8, 2 North Sherwood Street
1, 3 Mansfield Road
35 – 41(o) Milton Street
Trinity House, 2 Burton Street
27, 31 Trinity Square
Newton Building, Nottingham Trent University
Managers, Office, Bard House
Managers Office, Shakespeare House
Managers Office Cymbaline House

The applications have also been publicised by site and press notices. The following responses have been received:

Nottingham Civic Society: Strongly objects to this development which seeks to demolish heritage assets worthy of conversion. Removal of these buildings is an unsustainable waste of embodied carbon for the city council aiming for carbon neutrality. The scheme adversely impacts six listed buildings adjacent because of its height and bulk and damages the Grade II listed cave system of national significance.

The proposed redevelopment for purpose-built student accommodation of 8-13 storeys is much too tall for this site, far exceeding the Council's adopted height guidance for this area (ground floor plus 7 storeys). Even 8 storeys is too tall for the diminutive Grade II listed former Fire Station House in South Sherwood Street. The small building would be overwhelmed by the bulk of the proposal adjacent. The settings of the Arkwright Building (Grade II*) also in South Sherwood Street and Bard House (Grade II), No 12 Shakespeare Street (Grade II) and the YMCA (Grade II) to the north, would be loomed over and dominated by the new development's scale and assertive street presence. At present, the scale of the former fire and police stations complement these listed building by deferring to them. The overwhelming disjuncture of scales would diminish their historic significance and seriously harm these listed buildings.

The scheme proposes bringing the building closer to Shakespeare Street and would result in the loss of the mid-range views of the Arkwright Building along Shakespeare Street from the east. This is regrettable since it diminishes the significance of the iconic landmark and damages the setting of the Arboretum Conservation Area immediately to the north.

The recent slight reduction in height in the north-west corner of the site does not change the Civic Society's view.

The excessive scale (13 storeys) in North Church Street, will result in a grim and intimidating pedestrian environment, as depicted by the Townscape and Visual Impact Appraisal. With the majority of the street frontage comprising blank, solid, inactive facades, the design does not live up to the expectations of the City Centre Urban Design Guide, compared with the existing well fenestrated building. About four storeys in height should be removed from the North Church Street and Shakespeare Street frontages to create appropriate new townscape for this location.

NCS is sceptical about the quality and durability of the concrete elevational design details. Buildings constructed of good quality stonework are to be replaced by mundane designs of concrete clad structures of various textures, the ageing and weathering qualities of which have not been demonstrated. This is a considerable risk for a building of such magnitude. The use of ribbed concrete as edging to chamfered window reveals cannot be proven other than by a representative sample being constructed well in advance of any commencement of building works. As an architectural device it will never have the visual impact of a deep 90 degree reveal, which has actually been used successfully by this developer on a red brick-faced student scheme in Station Street.

The attempt to mimic finer crafted details of other existing buildings by the use of flimsy metal claddings is unlikely to be successful in delivering quality detailed interest, whilst the choice of dark grey brickwork creates a forbidding and cheerless appearance, particularly in North Church Street. This brick tone has no historic precedent and something much brighter and less forbidding would improve the new building's appearance. The Grade II listed YMCA opposite is an exemplar of how to achieve visual interest using brick detailing. At present the scale and architecture would have a detrimental effect upon the character and appearance of the Arboretum Conservation Area adjacent.

The applicant's Caves Assessment identifies the Guildhall Caves (listed Grade II)

as being of 'national significance'. NCS considers that the development would result in serious harm from one pile being constructed through one cave and a number of other piles sited close to the perimeter of the caves system, leading to potential damage from vibration during the building process. One existing access to the caves is being blocked and there are few details about how the other access is to be treated within the scheme. As the caves are listed, an application for Listed Building Consent for these intrusive works should be considered concurrently with this planning application since the Council's 'Management of the Caves of Nottingham Supplementary Planning Document' stresses the importance of preserving and enhancing Nottingham's unique cave heritage assets. The introduction of the pile into the cave system is somewhat reminiscent of the damage done to the Broad Marsh Caves in the 1960s.

The Civic Society urges the Council to resist the demolition of the police and fire station buildings and to seek their renovation for new uses in accordance with the principles of sustainable development. The current scheme is contrary to local plan policy and the council's own adopted guidance documents with respect to the six listed buildings around the site and to the neighbouring conservation area.

Nottingham Local Access Forum: Has a neutral stance on this development but notes that inadequate reference appears to have been made to the provision of cycle parking.

The Transport Assessment (pages 23-24: Cycle Parking) says that 247 secure cycle parking spaces will be provided, in 2 bike stores, for students (in the 987-bed student accommodation development in the two buildings: House of Social 455 and VITA student room in clusters 534), on the basis of the City Council standards requiring 1 space for every 4 student bed spaces (plus 2 spaces for 5 beds for visitors). This would mean an extra 198 spaces. However, in para 4.7 it says that separate secure bike parking spaces for visitors are not currently proposed. We wish to comment that such provision is also very important, even in sites like this with very good pedestrian and public transport access.

We also note that no cycle parking provision is to be made in respect of the Market Hall forming part of the whole development. This may be a fairly small part of it but we still think that some cycle parking, such as carefully sited and carefully installed cycle stands near the entrance, should be provided and this would consistent with the City's cycle parking standards for retail land uses, as set out in Table A.1.1 (Parking Guidance) of the Local Plan.

Additional consultation letters sent to:

Historic England: Objection. The proposed demolition and replacement of the extant buildings designed in the late 1930's in an art deco style (and completed during the war) will comprise harm to the significance of key nearby listed buildings through loss to their historic streetscape setting and relative status, and through loss to the overall character of the Arboretum conservation area. We do not believe that this proposal for demolition will contribute to building a sustainable City or support the delivery of the Council's Heritage Strategy. Bringing further tall buildings along Shakespeare Street will erode its character of place, the historic context of the Arkwright Building and the linkages to the high-quality inter-war civic spaces created on South Sherwood Street around the Newton Building.

The buildings currently on site comprising the former Fire and Police Headquarters

are of architectural and historic merit, well-proportioned and detailed and providing a key element in the expansion of civic works through the mid twentieth century. We are therefore surprised that your authority has not formally recognised them as undesignated heritage assets through inclusion in your local list, however that is your authority's decision to make. For the purposes of assessing the present application it would be reasonable for you to treat the building under policy 203 of the National Planning Policy Framework as a non-designated heritage asset. There is also an evident direct relationship and contribution to significance between the Art Deco Fire and Police Headquarters and the adjacent nineteenth century former Police and Fire Stations at the Guildhall listed Grade II. We trust the building is currently secured with the interiors intact, including the art deco stairs, billiard room etc. The submitted Heritage Statement fails to include interior views, further to paragraphs 194 and 195. These should be submitted with assessment of the contribution of the interiors to the building as a whole to inform your view (alongside and understanding of period specific detail such as air-raid provision).

The site stands opposite the Grade II* listed Arkwright Building and Arboretum Conservation Area. This block of public buildings is a key structuring element in this part of the City which would be eroded by further tall buildings, of lower architectural quality than that proposed for demolition. A setting relationship also exists with the Grade II* Newton Building both also part of the Nottingham Trent University estate. The Newton and Arkwright Buildings are listed at Grade II* as particularly important buildings of more than special interest (only 5.8% of listed buildings are Grade II*) setting impacts should be robustly considered and in this context we refer you to published advice set out in Good Practice Advice Note 3, Setting of Heritage Assets. The proposed demolition and replacement of the extant historic buildings on site will comprise less than substantial harm to the significance of the assets discussed above through the loss of historic streetscape context and relative status in respect of the listed buildings and through loss to the character of the conservation area. The public, educational and civic buildings in the Conservation Area and extending across the junction towards the Guildhall. The former Fire and Police Headquarters appears eminently suitable for sensitive conversion to a mix of uses.

As set out in the NPPF paragraphs 199, 200 and 202 all harm to the significance of designated assets requires clear and convincing justification and to be set against the public benefits of the proposal, with great weight afforded to the conservation of the designated assets (this includes setting impacts). As regards justification, not only must it be demonstrated that this scheme is required but, given the loss inherent to its construction, it should also be shown if it is required exactly here. Opportunities might better be explored for the sustainable re-use of the former Fire and Police Headquarters which supported its own significance and that of designated heritage assets whose significance it supports through setting. Sustainable adaptive reuse would support a better long-term outcome in terms of the City's historic environment through the identification of a re-use or new-build opportunity with a more positive impact upon the historic environment of the City further to NPPF paragraph 190. The impact of the proposed development upon the listed Guildhall and associated Caves - specifically that of the proposed pile, notwithstanding the challenges of installation to the listed cave would be harmful and as such subject to the overall burden of justification for the scheme as a whole (not just in terms of its individual structural role).

We urge your authority to manage its assets and planning functions to create a thriving and sustainable place through adaptive reuse and avoid consuming the

attributes which make the City a unique and vibrant architectural space in which to live, work and study.

The potential for the buildings to become listed midway through planning process could be viewed as a risk to any potential proposal for development. We therefore recommend that you consider engaging our listings team to screen the site for its potential to be listed. If the buildings are of sufficient merit to warrant listing it would be preferable for this to be established now rather than midway through discussions about development. If they are not of sufficient interest, however, then a certificate of immunity from listing could be issued. Either scenario would provide more certainty to any developer.

Therefore, Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 190, 194, 195, 199, 200 and 202.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Health and Safety Executive: HSE is now satisfied with the fire safety design provided with the application to the extent that it affects land use planning.

Policy: No objection. The principle of PBSA-led mixed use development on the application site is clearly established within the Local Plan given that the site is allocated as SR53 'Royal Quarter – Burton Street, Guildhall, Police Station and Fire Station' and meets the requirements of the relevant policies in the Local Plan. The allocation is explicit in proposing student accommodation on the site, alongside ancillary food and drink establishments.

The provision of further good quality PBSA in the City Centre is likely to attract students that would otherwise occupy houses of multiple occupation outside of the city centre freeing up such accommodation for families. The scheme should help to deliver an important element of the Council's housing policy, including a long-term aim to promote high quality PBSA in the right locations. This can address the shortage of PBSA provision and not only help to meet the housing needs of a growing student population, and reduce the demand on the City's existing housing stock, but also have a broader role to play in facilitating redevelopment of key sites within the City Centre adding further vitality and viability and hopefully assist in rebalancing communities currently with high concentrations of student occupation.

'Policy 5: Nottingham City Centre' of the Local Plan Part 1 supports student accommodation in the City Centre to diversify the profile and mix of City Centre housing, where appropriate. 'Policy HO5: Locations for Purpose Built Student Accommodation' of the Local Plan Part 2 sets out suitable locations for additional student accommodation and includes large parts of the City Centre (excluding the Castle Quarter and part of the Royal Quarter). This site is within the part of the City Centre and Royal Quarter promoted for further PBSA provision.

Policies HO5 and HO6 require developers to submit evidence of the need for additional student accommodation. The developer has submitted a detailed planning statement which includes an explanation of the need for additional student bedspaces and how this scheme will make a meaningful contribution towards meeting that need. Although the onus is on developer to show this 'need', it is useful to note that in the Council's recent PBSA vacancy survey for the 2021-22 academic year there remains low vacancies in the PBSA market.

Policy HO6 also requests that schemes are designed in such a way that they can be capable of being re-configured through internal alterations to meet general housing needs in the future and this has been provided.

The site forms part of Local Plan Site Allocation: SR53 Royal Quarter – Burton Street, Guildhall, Police Station, for a mix of development which includes hotel, offices, non-residential institution, leisure, residential, student accommodation along with ancillary uses including retail, financial & professional services, food & drink delivered as integral part of a mixed use scheme. Part of the allocation already has a resolution to grant planning permission (20/01044/PFUL3) for a hotel which includes the conversion of the listed Guildhall and the erection of additional attached buildings. The proposed development that is subject of this planning application therefore accords with the development principles in the adopted Local Plan.

For the site to be policy compliant then S106 contributions towards public Open Space, employment & training as well as Affordable Housing contributions are required unless it can be demonstrated that the scheme would not be viable.

City Archaeologist: No objection subject to conditions. It is clear that a full impact assessment of the development upon the cave system at this site is not possible until the buildings have been demolished. This presents an issue in that our caves policy, and the NPPF, both require the impact of a proposal affecting a cave/designated heritage asset to be understood as part of the determination of a planning application. This cannot be achieved, although I now have confidence that the impact of the proposal is broadly understood and the specific details of the piling design and the impact assessments could be conditioned.

The proposal will see one of the two entrances to the cave being lost. This will not have any impact upon the structure of the cave. Although the loss of an entrance is unfortunate, the cave will remain accessible and so this is still compliant with the caves policy.

This cave is very regularly broken into. It is hoped that by developing the site, and bringing the cave into occasional use, that criminals will no longer be able to trespass in the cave and cause it further damage.

I am satisfied that there is no alternative, if the current proposal is to be approved, to a single pile being driven through part of the cave system. I have visited the cave and seen the location where the pile will be inserted, and the location of the pile is acceptable to me. Its presence will not be a barrier to movement within the cave and its visual impact will be very low. It will have little adverse impact upon the character of the cave. The main concern has always been regarding the piles located around the cave and the potential impact of these piles upon the stability of the rock.

I am assured that the piles will be CFA piles, and will be sleeved, which will reduce the potential impact through vibration. Further details will, however, be needed once further geotechnical investigations have been completed (post-demolition of the buildings) and the final pile design will need to be approved.

The Phase 2 Geo-Environmental Assessment states 'Further assessment of a piled foundation design is required to ensure the construction of the piles do not cause damage to the cave network. Further assessment should also include assessing the cave ceilings to ensure they can support heavy machinery at ground level during construction.' Furthermore, this document identifies the potential for an unknown cave in the northern area of the site. The potential cave was identified through the geotechnical investigations. Further investigation will be needed to establish whether a cave is present and whether this will be impacted by the proposal.

I agree with the recommendation that soakaway drainage is not considered for this site due to the presence of a shallow cave network beneath site and presence of deep made ground.

The applicant has expressed an intention to open up the cave, on an occasional basis, for managed tours. This is very welcome and helps achieve the Council's objective of utilising these important heritage assets. The cave is unique in the city, and indeed unique in the country, and offers an opportunity for the public to better understand, appreciate and experience an important piece of the city's heritage. Opening up the cave will bring benefits which offset the harm carried out to the designated asset through the insertion of the pile and loss of the one of the entrances. As part of a Section 106 agreement, it is requested that the cave is opened up to the public on a minimum of 3 or 5 days per year. As part of the agreement it would be appropriate to seek some improvements to the cave, including: removal of debris; removal of rotten mattresses and wood; securing of loose cables which currently form a trip hazard; installing barriers around areas where significant drops are present. Some measures should also be introduced to more effectively manage water around the cave because at present a lot of water is getting into the cave, which is affecting its condition.

Environmental Health: No objection subject to conditions. The recommended mitigation measures for the construction phase of the development are set out in the submitted report and these measures should form part of any construction & environment management plan for the development. For the operational phase of the development the air quality assessment identified that concentrations at the site are below the relevant air quality objectives. It is therefore considered that no mitigation is required to achieve the air quality objectives for the proposed users of the site. The assessment of the environmental noise impact of future residents uses appropriate assessment criteria and is therefore acceptable. The report mentions that air source heat pumps will be installed at roof level and that air handling units will also be installed in the proposed market hall at ground level. Reference is again made to appropriate criteria for plant noise. The report states that a full plant noise assessment will be prepared at the detailed design stage. The report recommends that a ground investigation should be undertaken at the site to confirm ground conditions, assess the ground gas regime. In addition the foundation solution will need to consider the layout of the caves. Where the building is positioned over the caves, pile layout may need to be considered.

Biodiversity: Further surveys have been recommended for bats. These surveys consist of visits between January and March to assess hibernation potential for bats. Recommend a pre-commencement condition. A landscape plan and ecological enhancement plan should also be conditioned. The ecological enhancement plan should include provision for nesting opportunities for bats, birds and Peregrine Falcon as well as insect houses as recommended in the PEA Report 2022. Any planting on site should be preferential of native species.

Flood Management Team: No objection subject to conditions. Due to the site constraints, it is proposed to achieve appropriate drainage rates through the use of attenuation and flow control. This is acceptable. However, I note that landscaping and trees are proposed to achieve amenity and biodiversity benefits. Have any further opportunities been explored, for example blue-green roofing? Query access to pipe runs for future repair needs, and where there is surcharge risk, how will this be mitigated to not impact internal areas? It is important we see further detailed design as it progresses to ensure the proposals are safe.

The Flood Risk Assessment recommends raising by 150mm to mitigate residual pluvial/surface water risk. However, no finished floor levels (FFLs) have been given for the site. It must be checked that the FFLs are set appropriately as to not introduce flow routes from Shakespeare onto the site. The applicant should also approach Severn Trent Water to fully rule out the sewer risk to the site. Exceedance routing should be mapped for the drainage system. The system should also take into account risk in the wider area e.g. determine whether non-return valves may be required.

Nottinghamshire Police: The challenges with this type of development would benefit from a meeting with ourselves and the developers. Some of the solutions could be designed in at an early stage but would be more difficult to complete retrospectively. A development of this size and nature should achieve the Secured By Design Homes Standard. Comments on areas where further information and sufficient detail is advised are provided.

Nottingham Design Review Panel (21 April 2022): The Panel reviewed the proposed development at its pre-application stage. The proposed scale was considered to respects its subservience to the approved Guildhall Hotel Tower, with the hotel tower being the tallest building on the Guildhall site. Also, the stepping down of the massing on South Sherwood Street to correlate with the roofline of the Guildhall building to respect the adjacent historic asset was also a well-received move. The provision of a taller corner element on the Shakespeare Street/South Sherwood Street junction was considered to confidently address and emphasises the corner. The Panel advised that height of the exposed gable end of the Vita student block immediately adjacent to Fire Station House appeared potentially overbearing, giving rise to some concerns, particularly with the ground floor being shown as a plant room, creating a solid 'pedestal' with the possibility of a blank elevation at street level. It was recommended that the upper levels are set back on the block, in order to respond more sensitively to Fire Station House and its heritage context. The Panel were not convinced that the differentiation between Vita Student and House of Social had gone far enough and needed a more distinctive articulation and more distinct separation between the two blocks to break up the elevation. There was a need to consider these blocks close up, but also from a distance in longer views, exploring the difference between them and how to deal with the junction between the two typologies, but at the same time ensuring both are of equally high design quality. The Panel also suggested that a more clearly

defined base, middle and top may help to articulate the elevations and achieve a more elegant appearance.

The approach to using a contrasting material palette for the blocks in using a smooth pale precast concrete contrasting against a rough dark brickwork was well received by the Panel, with an overall good selection of materials chosen. The Panel agree with the design principle that the Vita Student block should draw on the lighter tones of the neighbouring Newton building, with the House of Social responding to the darker tones of the Guildhall. However, the success of this approach will rely on a well-considered colour choice

Pulling the building line back on Shakespeare Street and South Sherwood Street to provide more public realm and opportunity for street trees, particularly on the Shakespeare Street/South Sherwood Street corner was welcomed.

The Panel expected to see a robust, open and transparent assessment of where the building stands against the targets of the RIBA 2030 Climate Challenge and were encouraged by the 'fabric first' approach adopted. The Panel also encouraged exploring the use of district heating.

Overall the Panel were very positive in the way that the scheme was evolving.

6 Relevant policies and guidance

Aligned Core Strategies (ACS)

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)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy RE5: Royal Quarter

Policy HO3: Affordable Housing

Policy HO5: Locations for Purpose Built Student Accommodation

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EE4: Local Employment and Training Opportunities

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

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

Policy HE2: Caves

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

NPPF (2021):

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 126 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 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 advises that such assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. Paragraph 194 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 197 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.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight

should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

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

Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of) the 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.

Paragraph 202 of the NPPF states that 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.

Paragraph 203 of the NPPF indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Statutory Duties

When considering whether or not to grant planning permission for development that affects a listed building or its setting, the LPA is under a statutory duty to have special regard to the desirability of preserving a listed building, its setting and any special architectural or historic features which it possesses, under section 66 of the Planning (Listed Building and Conservation Area) Act 1990 ("the LBA 1990".) Furthermore, it is also necessary for a Local Planning Authority, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area under section 72 of the LBA 1990, when determining a planning application within a conservation area

City Centre Urban Design Guide (2009)

The application site is located within the City Centre North area identified in the City Centre Urban Design Guide. The area is described to include a number of taller structures including Nottingham Trent University and the Victoria Centre. The area is also noted to be less prominent in most of the key views that are identified in the Guide and, on this basis, it is advised that slightly taller buildings would be appropriate at ground plus 7 residential storeys or equivalent.

The Guide advises that maximum heights of all new buildings should correspond to those specified for each of the six identified city centre zones and that these rules do not override consideration of the building's context especially in conservation areas and schemes affecting the setting of listed buildings.

Landmarks, including the marking of corners or terminating important vistas are able to rise above the maximum heights, but should be vertical features with a small footprint and should not rise more than 2 residential storeys (or equivalent).

Caves of Nottingham Supplementary Planning Document (2019)

Provides guidance to inform the management of development proposals, which could affect caves. Applicants are required to submit a Caves Assessment, which will provide sufficient information to assess the known and potential presence and significance of caves and the impact of proposals upon their significance and that of the wider caves resource.

7. Appraisal of proposed development

Main Issues

- (i) Demolition of the existing buildings
- (ii) Scale, height, and mass of the proposed development and impact upon the character and appearance of the Arboretum Conservation Area and the setting of adjacent listed buildings
- (iii) Design and appearance of the proposed development
- (iv) Impact upon the Grade II listed caves system
- (v) Use for student accommodation and impact on the amenities of neighbouring occupiers

Issue (i) Demolition of the existing buildings.

- 7.1 The existing buildings do not fall within a conservation area, but are adjacent to the Arboretum Conservation Area opposite on Shakespeare Street. The existing buildings are however of recognisable individual and collective merit in terms of their quality of design and materials, as well as their age (1930s) and former status as civic buildings. Their group value as part of the block that includes the Guildhall as well as their relationship to the Newton and Arkwright buildings is also recognised.
- 7.2 Historic England and Nottingham Civic Society have both objected to the proposed demolition of the existing buildings, stating that they are of architectural and historic merit and worthy of conversion.
- 7.3 On 22 November the City Council was advised by Historic England that an application to add the existing buildings to the List of Buildings of Special Architectural or Historic Interest had been received. Historic England carried out its assessment of the application on 5 December and has subsequently submitted their recommendation to the Secretary of State for the Department of Digital,

- 7.4 At the time of writing the decision of the Secretary of State is still awaited as to whether the existing buildings should be listed or not. The existing buildings are therefore treated as non-designated heritage assets within this report but in the event that a decision is made to list the buildings before the s111 Agreement is completed and the planning permission is issued, that will amount to a material change in circumstances such as to require the application to be brought back to Committee together with any associated Listed Building application as will be required.
- 7.5 Historic England had also previously advised that for the purposes of assessing the present application it would be reasonable to treat the buildings under paragraph 203 of the NPPF as a non-designated heritage assets. LAPP Policy HE1(5) and paragraph 203 of the NPPF both advises that where development affects a non-designated heritage asset or would result in its demolition or loss, a balanced judgment on the acceptability of the proposal will be made, having regard to the scale of any harm (substantial or less than substantial) or loss and the significance of the heritage asset. This balanced judgement is discussed further below.

Issue (ii) Scale, height and mass of the proposed development and impact upon the character and appearance of the Arboretum Conservation Area and the setting of adjacent listed buildings, including the Newton Building; the Arkwright Building (and the boundary gates and walls of this building); The Guildhall, the Former Police And Fire Stations at The Guildhall; Bard House, 14-22 Shakespeare Street; 12 Shakespeare Street; the YMCA, 2-10 Shakespeare Street; the former Synagogue, Shakespeare Street; and the former Registry Office, Shakespeare Street.

- 7.6 The proposed development would be 9 storeys (28.5m) onto Shakespeare Street, with an additional storey to the corner element at the junction of Shakespeare Street with South Sherwood Street (31.8m). It reverts to 9 storeys with an 8 storey equivalent adjacent to Fire Station House. On North Church Street the proposed development would be 13 storeys (46.2m/44.9m), with a 10 storey equivalent element onto Shakespeare Street (31.35m). Each element of the proposed development would therefore exceed the maximum eaves height for development in this zone of the city centre as defined within the City Centre Urban Design Guide – 26m.
- 7.7 The City Centre Urban Design Guide notes that this zone of the city includes a number of taller structures and is less prominent in most of the key city views. The application submission includes a Townscape and Visual Impact Assessment of the proposed development, which confirms that the heights of the proposed development would not impact upon any of the key city views. The assessment of the proposed development is therefore able to be determined upon its impact on local views, which include consideration of the character and appearance of the Arboretum Conservation Area and the setting of adjacent listed buildings.
- 7.8 Views along Shakespeare Street and South Sherwood Street are considered to be particularly relevant due to the close relationship of these streets to the adjacent heritage assets. Views along North Church Street are considered to be less sensitive other than when it meets Shakespeare Street. It is noted that the objection from Historic England refers to the proposed development of tall buildings along Shakespeare Street as eroding its character of place, the historic context of the

Arkwright Building and the linkages to the high-quality inter-war civic spaces created on South Sherwood Street around the Newton Building. The objection of Nottingham Civic Society notes that the proposed development far exceeds the Council's adopted height guidance and that adjacent heritage assets including Fire Station House and buildings opposite on Shakespeare Street would be overwhelmed and loomed over. By bringing the proposed development closer to Shakespeare Street Nottingham Civic Society are also concerned that this would result in the loss of the mid-range views of the Arkwright Building along Shakespeare Street from the east. Lastly, Nottingham Civic Society refer to the impact on North Sherwood Street as resulting in a grim and intimidating pedestrian environment.

- 7.9 The maximum eaves height of 26m within the City Centre Urban Design Guide is an important reference point for proposed development within this zone of the city centre. It is also noted that Shakespeare Street marks a transition point between the 'City Centre North' height zone and the 'North and Western Fringe' height zone to the north across Shakespeare Street where maximum eaves height is reduced to 17m.
- 7.10 The design of the proposed development does not provide for a distinctive eaves, although this can be said to be expressed through the use of a metal cladding system to the top floors of sections of the elevations to Shakespeare Street and South Sherwood Street. The corner sections of the proposed development to South Sherwood Street and North Church Street are then raised in height.
- 7.11 The difference between the height of the proposed central section of the elevation onto Shakespeare Street and the City Centre Urban Design Guide would be 2.5m (28.5m – 26m). This would be reduced to be below the City Centre Urban Design Guide if the applicant had elected to design a building with a conventional eaves element, which could have included a modest set-back or mansard detail. The design of the elevation to South Sherwood Street is identical to the central section onto Shakespeare Street and is considered in the same way.
- 7.12 The City Centre Urban Design Guide also allows for the marking of corners above the maximum heights not more than 2 residential storeys. The proposed development uses this approach on the corners to South Sherwood Street and North Church Street, with the corner to South Sherwood Street having been recently reduced in height by 2 storeys in response to concerns regarding its height and prominence.
- 7.13 Whilst the concerns of Nottingham Civic Society are noted, insofar as the height of the proposed development onto the Shakespeare Street and South Sherwood Street are concerned, it is not considered that the proposed development "far exceeds the Council's adopted height guidance". It is considered that the proposed development is at the limits of this guidance and that, in all respects, the advice of the City Centre Design Guide recognises that that these rules do not override consideration of the building's context especially in conservation areas and schemes affecting the setting of listed buildings.
- 7.14 The scale and massing of the proposed development has been reviewed by the Nottingham Design Review Panel prior to the submission of the application. Overall the Panel were supportive in the way that the scheme was evolving with comments being focussed on elements of the scheme design rather than its scale and massing.

- 7.15 There is a varied scale and massing to developments in this part of the city centre and between the two height zones that are separated by Shakespeare Street. Trinity Square is separated from the proposed development by North Church Street and it is noted that the shoulder height of this development has been carried across to influence the height of the proposed development on Shakespeare Street. The wide footway being proposed across the frontage of the proposed development to Shakespeare Street is also influenced by the Trinity Square development. Therefore, whilst the change in scale and position of the proposed development onto Shakespeare Street would alter the experience of the street at this point, it is not without precedent.
- 7.16 The reduced maximum height of proposed development on the north side of Shakespeare Street marks the change in the scale and character of buildings along this side of the street, being Victorian age buildings of generally three stories. The exceptions to this general scale are the much larger Cymbaline House (9 stories) and the YMCA (6/7 stories equivalent). Whilst development of a greater scale and mass would alter the relationship of developments across Shakespeare Street, this is accepted by the City Centre Design Guide by virtue of the definition of the height zones.
- 7.17 The development will also potentially impact upon the setting of a number of other adjacent listed buildings and upon the character and appearance of the Arboretum Conservation Area. The Heritage Assessment submitted with the application assesses this impact and concludes that it would be 'less than substantial'.
- 7.18 Whether or not a proposal causes 'substantial' or 'less than substantial' harm is a matter for the decision maker. Relevant case law and National Planning Policy Guidance (NPPG) suggests that 'substantial' harm will arise where there is a substantial or near total loss of significance, and that this is a high test that is likely to be met in only a few cases.
- 7.19 Historic England has advised that "the proposed demolition and replacement of the extant historic buildings on site will comprise less than substantial harm" to the significance of the Grade II* listed Arkwright and Newton Buildings and the Arboretum Conservation Area "through the loss of historic streetscape context and relative status in respect of the listed buildings and through loss to the character of the conservation area". Historic England's assessment that the impact of the proposed development on the Heritage Assets as noted would be defined as being 'less than substantial' is accepted.
- 7.20 Paragraph 202 of the NPPF states: "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."
- 7.21 There is therefore a balance for the decision maker to make, between the harm or loss of a heritage asset, and whether such harm or loss is necessary and justified in the interest of the wider public benefit of a proposed development. The design merits of a proposed development are not sufficient in themselves in order to reach such a decision.
- 7.22 The NPPG on the Historic Environment advises that 'Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have

to be visible or accessible to the public in order to be genuine public benefits.’ Such public benefits are therefore considered to include economic, social and environmental objectives.

- 7.23 A development of the scale and amount being proposed would, in all instances, be expected to provide significant economic benefits to an area. Job opportunities would be created during the construction period and full and part-time operational job opportunities would also be created to manage and service the proposed student accommodation as well as retail job opportunities being created within the proposed market hall.
- 7.24 ACS Policy 5 and LAPP Policies RE5 and HO5 support the provision of purpose-built student accommodation within the city centre, and LAPP site allocation SR53 also identifies student accommodation and ancillary retail and food and drink as appropriate uses. LAPP Policy HO5 notes that the universities are major assets and that the City’s education sector is one of its key strengths, adding to cultural diversity, vibrancy and skills base, whilst expanding local expenditure capacity for consumer goods and services. Significant economic and social public benefits are expected to arise from the proposed development and are therefore weighed in its favour.
- 7.25 The applicant’s Heritage Assessment acknowledges that the proposed development will be a greater height and scale than the existing buildings and that there is potential for the dominant, landmark qualities of the Newton Building to be lessened by the reduced contrast between the listed building and the diminutive scale of its surrounding context. The proposed development would however remain significantly lower than the Newton Building and its mass is also noted to have been broken up to avoid one that would compete with the assertiveness of the Newton Building. Distant views of the Newton Building would be unaffected in accordance with the above City Centre Design Guide assessment, and in local views it is considered that the proposed development would therefore remain subservient. It is therefore concluded that any harm caused to the setting of the Newton Building would be less than substantial.
- 7.26 The forecourt setback of the existing Police and Fire Station buildings currently allows for visibility of the Arkwright Building in views west along Shakespeare Street. The proposed development would encroach further towards Shakespeare Street and in doing so would therefore reduce this visibility to an extent. The applicant’s Heritage Statement notes that historic development prior to the 1930s construction of the Police and Fire Station buildings included buildings that were more closely aligned with Shakespeare Street and that the existing view of the Arkwright Building is therefore considered to be incidental. Whilst this is recognised to be the case, it is nevertheless noted that the prominence of the Arkwright Building in this local view would be reduced, despite efforts also being made by the applicant to ensure that the pavement width to Shakespeare Street is generous and an improvement upon the existing width.
- 7.27 Modelling of views in both directions along Shakespeare Street has been under review with the applicant following the comments Nottingham Design Review Panel, and significant efforts have been made to ensure that the scale, mass, and design of the proposed development will make a positive contribution to the street scene of Shakespeare Street. Revisions include the greater differentiation of the Shakespeare Street elevation, as well as two storey reduction to the height of the corner element at the junction of Shakespeare Street with South Sherwood Street opposite the Arkwright Building. As such, it is considered that the impact of the proposed development upon the setting of the Arkwright Building would also now

be less than substantial.

- 7.28 It is considered that the impact of the proposed development upon the setting of the former Synagogue, Shakespeare Street and the former Registry Office, Shakespeare Street would be less than substantial, with both of those listed buildings being a greater distance from the proposed development and views towards them being substantially unaffected.
- 7.29 It is considered that the impact of the proposed development upon the setting of Bard House, 14-22 Shakespeare Street; 12 Shakespeare Street; and the YMCA, 2-10 Shakespeare Street would be less than substantial, with those listed buildings all being opposite the proposed development and therefore maintaining their significance as a sequence of historic buildings on the northern side of Shakespeare Street.
- 7.30 The impact of the scale and mass of the proposed development upon the character and appearance of the adjacent Arboretum Conservation Area is considered to be neutral thus meeting the statutory test of preserving the character and appearance of the Conservation Area. Whilst the proposed scale and mass is significantly greater than the existing buildings, as noted above, the City Centre Urban Design Guide has recognised that Shakespeare Street forms the boundary of the Arboretum Conservation Area and therefore also acts to define where a change in scale and mass is generally deemed to be appropriate. The context of the application site to the neighbouring taller Trinity Square and E.ON buildings is noted, and the proposed development is considered to respond well to the scale and mass of these buildings. The tallest element of the proposed development is purposely located onto North Church Street, which acknowledges a need to allow some distance from Shakespeare Street as well as being a street where taller development has previously been accepted.
- 7.31 It is recognised that there is a difference in scale between the proposed development and the neighbouring Grade II listed Fire Station House on South Sherwood Street, which Nottingham Civic Society consider to have an overwhelming impact. However, such differences in scale are not uncommon in an urban context and it is considered that this juxtaposition does not in itself diminish the historical value or the architectural interest of the Fire Station House building. The relationship between Fire Station House and the Guildhall is an example where there is already a difference in scale between neighbouring buildings. Fire Station House is of the same age and design as the Guildhall and can appear to be an annex building to the Guildhall in views on South Sherwood Street. Therefore, in this particular instance it is considered to be an issue of how the difference in scale between buildings is managed in design terms.
- 7.32 There is potential for views of the North Church Street block of the proposed development to be prominent in a view over the roof of Fire Station House from South Sherwood Street, which could impact upon the setting of this Grade II listed building. It is considered that this impact would be mitigated through the implementation of a planning permission of the conversion and extension of the Guildhall to a hotel, which includes a 13 storey hotel tower to the rear of Fire Station House. This development has an extant Committee resolution to grant planning permission subject to the completion of a Section 111 agreement. This or other appropriate redevelopment of the area to the rear of Fire Station House would be capable of being delivered under the applicant's ownership of this site and there is therefore sufficient confidence that this impact on the setting of Fire Station

House is capable of being addressed.

- 7.33 On balance it is therefore considered that the scale, height, and massing of the proposed development has a neutral impact upon the character and appearance of the Arboretum Conservation Area and the setting of adjacent listed buildings in accordance with Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP.

Issue (iii) Design and appearance of the proposed development

- 7.34 The design and appearance of the proposed development has continued to evolve from since it was positively received by the Nottingham Design Review Panel. Greater differentiation between the two blocks of development (Vita Student and House of Social) has been achieved through variation in the design and appearance of the blocks, providing each with a clearer identity.
- 7.35 The proposed Vita Student block is lighter in its appearance, using pre-cast concrete as its primary façade material. The tall ground floor is combined with the first floor to provide a colonnaded façade and which uses smooth and rough pre-cast concrete for a textured finish. The central upper floor section is characterised by its deep-set, chamfered and ribbed pre-cast opening surrounds. Vertical emphasis is also expressed by smooth pre-cast concrete columns where the chamfered edges to the window surround meet. The top floors are now defined by a metal cladding system that would also include a chamfered ribbed opening surround. The composition of the proposed Vita Student block therefore has clearly defined bottom, middle, and top elements, which have been simply yet elegantly detailed in materials that can be assured to provide a high quality finish.
- 7.36 The proposed Vita Student block has a chamfered corner to Shakespeare Street/South Sherwood Street and its corner status is also noted through its extra storey. Metal cladding is omitted as a finishing material to the top floor, with the pre-cast concrete system being appropriately carried up the full height. Wider windows and surrounds are also used for additional visual impact.
- 7.37 The proposed House of Social block has a contrasting design and dark brick appearance. Its presence onto Shakespeare Street is marked by its tall ground floor projecting market hall element. Its dark brick grid façade then rises on the floors above, with windows being paired vertically and set within deep reveals. Soldier course brick bands separate floors and are also used as parapet details. Dark metallic finished aluminium windows with ribbed metal lower panels are further key design elements.
- 7.38 It is considered that the differentiation between the designs of the two blocks has now been successfully achieved, with the Vita Student block appropriately being the more prominent of the two blocks in the street scene of Shakespeare Street and South Sherwood Street. The House of Social block has been able to rise above the predominant heights of the proposed development and neighbouring development due to the less sensitive nature of North Church Street, but still having regard to local short and medium distance views in terms of its design and appearance.
- 7.39 It is notable that the quality of design and appearance of the proposed development is to be carried across all elevations, including the elevations to the rear courtyard spaces. As such, it is considered that the proposed development recognises the important relationships that will exist between the proposed blocks as well as future

development to the rear of the Guildhall. Glimpsed views of the upper floors of the proposed development from other locations, including those from taller buildings such as the Newton Building are also therefore accommodated.

- 7.40 Subject to conditions to ensure the final quality of design details and materials finishes it is therefore considered that the that the design and appearance of the proposed development accords with Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP.

Issue (iv) the impact upon the Grade II listed caves system

- 7.41 The applicant has submitted a parallel application for Listed Building Consent that specifies proposed works to the listed caves in connection with the construction of the proposed development. The proposed works involve the insertion of a single pile into one of the cave chambers and the closure of the north-east entrance to the caves. It is therefore recognised that the proposed development will result in a degree of harm to the significance of the Grade II listed cave system as part of the Guildhall.
- 7.42 The applicant advises that effort has been made to minimise the impact of the proposed development upon the cave system, including the relocation of a number of piles away from the cave chambers. That applicant states that the proposed location of the pile within the affected chamber ensures that the volume and character of the space remains appreciable, that the pile will be legible as a modern addition, and that the ability to understand the chamber's previous function would be unaffected. It is noted that the closure of the north east entrance would be preserved below ground beneath the proposed development and that the cave system will continue to be accessible via the south entrance.
- 7.43 Concerns regarding the degree of harm that would be caused to the cave system have been received from Historic England and Nottingham Civic Society, who also note the potential for further damage from vibration during the building process.
- 7.44 The application submission includes an Archaeological Desk Based Assessment and Caves Assessment. The City Archaeologist has reviewed these documents and has also recently carried out a site inspection of the cave system with the applicant. Accordingly, the City Archaeologist has advised that there is confidence that the impact of the proposal is broadly understood. Further to the site inspection, the City Archaeologist has advised that the location of the proposed single pile is considered to be acceptable and would have a very low visual impact and little adverse impact on the character of the cave. It is also confirmed that the pile would not be a barrier to movement within the cave. Whilst also being assured that the type of pile system to be used will reduce the potential for other impact through vibration, the City Archaeologist recommends that further investigation and details of the final pile design are provided following the demolition of the existing buildings, including investigations into the potential for an unknown cave in the northern area of the site. It is therefore recommended that planning conditions are attached to a consent.
- 7.45 The City Archaeologist advises that, whilst the loss of an entrance is unfortunate, due to the retention of the south entrance the cave will remain accessible in accordance with LAPP Policy HE2 and the Management of the Caves of Nottingham Supplementary Planning Document. The City Archaeologist supports the opportunity for opening up the cave system to public access and concludes that

this would bring benefits that would offset the harm carried out through the insertion of the pile and loss of the one of the entrances. It is therefore considered that the proposed alteration works to the caves as part of the Guildhall listed building accord with ACS Policy 11, LAPP Policies HE1 and HE2, and the Management of the Caves of Nottingham Supplementary Planning Document.

- 7.46 S66 of the Planning (Listed Building and Conservation Area) Act 1990 places the duty to have special regard to the desirability of preserving the listed cave system. It is considered that the low degree of impact assessed to be caused is therefore acceptable and justified and by the benefits of providing future public access. The cave system is otherwise considered to be preserved, including movement around the proposed single pile.
- 7.47 It is recommended that planning permission is granted with conditions and with a Section 106 agreement that includes an obligation to secure limited public access to the caves on a minimum of 5 days per year, including improvements to the cave system to allow for safe public access. It is also recommended that listed building consent is granted with conditions.

Issue (v) Use for student accommodation and impact on the amenities of neighbouring occupiers

- 7.48 The application site is located in the city centre and is immediately adjacent to the Nottingham Trent University campus and city centre amenities.
- 7.49 LAPP Policy HO5 states that purpose built student accommodation of an appropriate scale and design will be encouraged within the City Centre boundary, subject to accordance with site and area specific policies. LAPP Policy RE5 supports high quality purpose built student accommodation within the Royal Quarter area where this is compatible with nearby uses. ACS Policy 5 also supports city centre living initiatives including student housing where appropriate.
- 7.50 LAPP Policy HO6 states that planning permission will be granted for purpose built student accommodation where this does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities. In assessing the development's impact on local objectives to create or maintain sustainable, inclusive and mixed use communities, regard is to be given to a range of criteria including student concentration, but with exceptions being made for those sites within areas identified in Policy HO5 where new purpose built accommodation is to be encouraged. The application site, being within both the city centre, falls within this exception and is therefore considered to be appropriate in principle for this development based on its location. Whilst other criteria form part of the detailed assessment it is therefore considered that the proposed development accords with LAPP Policies HO5 and HO6.
- 7.51 Monitoring reports on the provision of student accommodation have consistently illustrated the need to maintain an on-going supply of additional bedspaces in order to meet increases in the number of students attending further and higher education courses within the city. The strategy to meet this on-going supply has been to focus upon the provision of high quality purpose built accommodation within the city centre and thereby to attract students that could otherwise occupy houses of multiple occupation outside of the city centre. The Policy team advise above that the PBSA vacancy survey for the 2021-22 academic year indicates that there remains low vacancies in the PBSA market.

- 7.52 Whilst the potential for antisocial behaviour will always exist in student developments of the scale being proposed, a student management plan is a requirement of the S106 agreement. This will include a commitment for an operator to work proactively with the local community, including 24 hour on-site management and community liaison. It is also considered that such on-site management will be capable of ensuring responsible behaviour within the communal spaces within the scheme. Restrictions on keeping private vehicles within the city will also be applied and has been a proven deterrent to the potential impact of car parking. It is therefore considered that appropriate student management measures will therefore minimise any wider community impact in accordance with Policy HO6 of the LAPP.
- 7.53 The applicant has submitted an example floor plan illustrating how the building could be adapted to residential flats in future in accordance with Policy HO6. The flats layout is confirmed to comply with the Nationally Described Space Standards for a range of flat sizes.
- 7.54 The comments of Nottingham Local Access Forum are noted. Whilst the proposed cycle stores will provide 247 cycle parking spaces, it is recognised that no further provision has been allowed for visitor spaces and that this would not accord with the full LAPP standard for student cycle parking spaces. The proposed provision is, however, considered to be reasonable in the context of the direct proximity of the application site to the Nottingham Trent University campus and to numerous public transport options available in the area. It is also noted that the applicant proposes to provide a number of cycles to encourage student cycle use. Reviews of other recent student accommodation schemes within the city centre where cycle parking has been provided to the full LAPP standard indicates that there is significant underuse of those spaces, which could in part be due to the increasing popularity of the e-scooter provision by students within the city.
- 7.55 The applicant has met with Nottinghamshire Police and is continuing to discuss Secure by Design comments and recommendations direct.
- 7.56 The comments of Environmental Health are noted and appropriate planning conditions are proposed in accordance with Policy IN2 of the LAPP.
- 7.57 Accordingly, it is considered that the proposed scheme complies with Local Plan policies and in particular Policy 5 of the ACS regarding the location of student accommodation development, as well as Policies RE5, HO5, and HO6 of the LAPP.

Sustainability

- 8.1 Policy CC1 of the LAPP requires new development to achieve a BREEAM Very Good rating. The applicant advises that a BREEAM Pre-assessment has been carried out, which concludes that a score of 66.43% is achievable and comfortably in excess of the 55% minimum requirement for this rating.
- 8.2 The submitted Energy Strategy explains that it aims to reduce energy demand through passive design measures and a 'fabric first' approach before utilising low carbon energy and the production of on-site renewable energy. The Energy Strategy advises that the building's energy performance has been modelled against Part L of the Building Regulations, which demonstrates that the development will achieve a circa 6% carbon reduction in relation to Part L via a primarily air source

heat pump and electric panel heater design solution, or a circa 10% carbon reduction if it is feasible and viable to connect to District Heating.

8.3 Other energy efficiency aspects to be included in the design are:

- Rooftop photo voltaic panels.
- Mechanical Ventilation Heat Recovery
- Energy efficient LED light fittings.
- Improved U value and infiltration rates.
- An automated building management control system to monitor and control M&E plant items efficiently within the occupancy periods.
- Solar shading.

8.4 The proposed development is to reduce water consumption through a range of water efficiency measures such as:

Dual flush WCs;
Water meters;
Low flow fittings

The new units will target a water consumption rate of 110 litres/person/day in accordance with Policy CC3 of the LAPP.

Biodiversity

8.5 To protect the site habitats and species, any vegetation clearance or building demolition is to be undertaken outside the bird nesting season (March to August inclusive).

8.6 To enhance the site habitats and species, a range of enhancement measures have been proposed and recommended, including:

- New planting which seeks to incorporate native tree and shrub species, including fruit and nut-bearing varieties, within areas of public open space, street trees or perimeter vegetation;
- Inclusion of ecological enhancement features integrated within the development such as bat and bird boxes, insect hotels and bee bricks to provide refuge for species present in the area;
- Inclusion of a nest tray or similar suitable for use by peregrine falcons.

8.7 The response of Biodiversity team is noted and recommended conditions are also proposed in accordance with Policy 17 of the ACS and Policy EN6 of the LAPP.

9. Planning Obligation

9.1 As the Council is currently the land owner an agreement under section 111 of the Local Government Act 1972 will need to be entered to ensure that an appropriate Planning Obligation will be secured once title to the application site has been transferred. In accordance with LAPP policies, the proposed development would be expected to provide the following S106 contributions:

Affordable Housing: £1,863,810

Public Open Space: £1,137,658

Employment & Training: £262,862

9.2 The applicant has submitted a viability appraisal with the application, which has been independently reviewed by the Council's consultants. The independent review process has yet to conclude at the time of drafting this report, and the recommendation therefore requests that the power to determine the terms of the s111 Agreement/Planning Obligation be delegated to the Director of Planning and Transport subject to consultation with various Councillors in relation to the financial contributions to be sought and his satisfaction that the relevant CIL tests have been met. Subject to appropriate terms being agreed it is therefore considered that the proposed development accords with LAPP Policies EN2, HO3 and IN4.

10 Financial Implications

As noted above, contributions totalling £3,264,330, secured through Section 106 obligations, are required to comply with the council's planning policies. The applicant has submitted a viability assessment seeking to demonstrate that the development would be unviable if these contributions are made. The viability assessment is the subject of an independent review process and the recommendation reflects this.

11 Legal Implications

The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses arises in the context of the developments affect upon the Newton Building; the Arkwright Building (including the boundary gates and walls of this building); The Guildhall, the Former Police And Fire Stations at The Guildhall; Bard House, 14-22 Shakespeare Street; 12 Shakespeare Street; the YMCA, 2-10 Shakespeare Street; the former Synagogue, Shakespeare Street; and the former Registry Office, Shakespeare Street, and so must be considered as a material consideration in the planning balance. In addition the duty also directly applies to the Grade II listed cave system.

The Committee must afford considerable importance and weight to the desirability of preserving...the listed caves and the setting of the other listed buildings and give great weight to the conservation of these designated heritage assets irrespective of the level of any harm to their significance. Non-designated heritage assets should be conserved in a manner appropriate to their significance

Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), requires clear and convincing justification. Here the Planning Officer offers the opinion that the harm is less than substantial which, should the Committee accept this view, would require the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use, A balanced judgement should be reached on the scale of the harm or loss and the significance of the non-designated heritage asset.

The Committee must also pay special attention to the desirability of preserving or enhancing the character of the nearby Conservation Area. It is suggested by the Planning Officer that the proposed development would have a neutral effect thereby confirming that the character of the conservation area would be preserved.

It is noted that there is a pending application for the buildings the subject of this application to be listed. If the buildings are listed then this application and any

necessary subsequent application for Listed Building consent would need to be referred back to Committee for consideration.

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

12 Equality and Diversity Implications

The provision of Disability Discrimination Act (DDA) compliant accessible buildings.

13 Risk Management Issues

None.

14 Strategic Priorities

Encourage purpose built student accommodation in places where it reduces pressure on family housing

Grow Nottingham's economy through attracting inward investment into the city to create jobs, bringing back into use vacant sites

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

1. Application No: 22/01204/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RDKF5DLY0MC00>

17 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)

City Centre Urban Design Guide (2009)

Management of the Caves of Nottingham Supplementary Planning Document (2019)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074



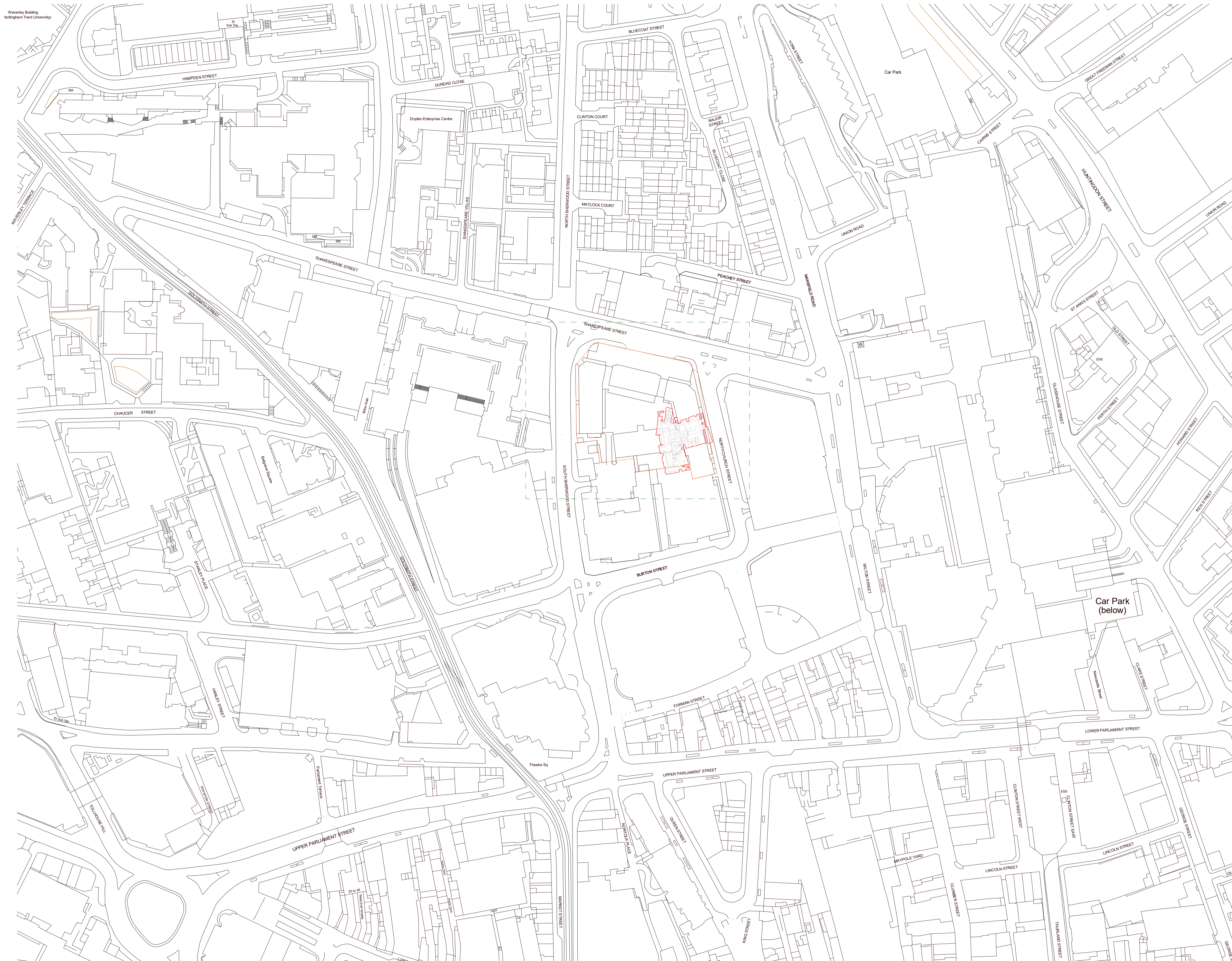
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Key
 City Boundary

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Notes & Key

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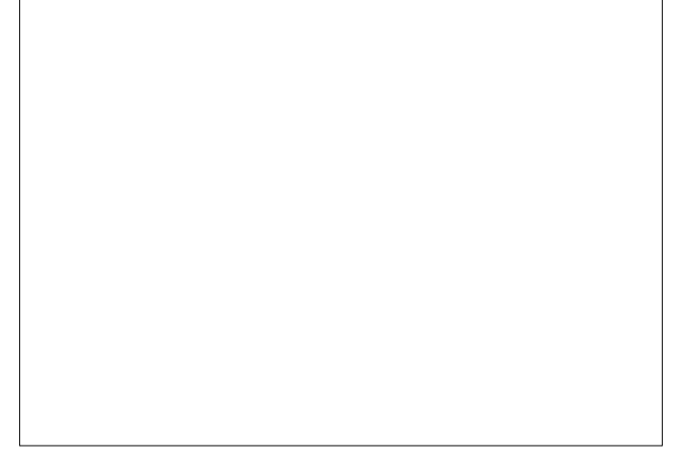
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Location Key



KEY

- Boundary of planning application ref 22/01204/PFUL3
- Site Boundary

Site Location Plan with Cave Locations

1 : 1250

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Wards Affected: Hyson Green and Arboretum

Item No:

**Planning Committee
18 January 2023**

Report of Director of Planning and Transport

Site of Garages South Of 140 Birkin Avenue

1 Summary

- Application No: 22/01954/PFUL3for planning permission
- Application by: Allan Joyce Architects Ltd on behalf of Framework Housing Association
- Proposal: Residential development of two and three storey building containing 8 one bedroom one person apartments.

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

To meet the Council's Performance Targets this application should have been determined by 29th November 2022.

2 Recommendation

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

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

3 Background

- 3.1 The site is a piece of land on the corner of Gregory Boulevard and Birkin Avenue. The site comprises partly an undeveloped area accessed from Birkin Avenue which has been informally used for car parking by the nearby health centre and which is enclosed by substantial timber fencing and, until recently, advert hoardings. Between this and Gregory Boulevard is a grassed area enclosed by a timber knee rail. To the north, west and east are houses and across Gregory Boulevard to the south are shops.
- 3.2 Outline planning permission was granted in March 2022 for 'Residential development comprising 4 no semi-detached family houses' (ref. 22/00095/POUT).

4 Details of the proposal

- 4.1 Planning permission is sought for a two and three storey, pitched roof building providing eight one-bed flats. The applicant, Framework Housing Association, have confirmed that the proposed flats would be occupied within Use Class C3 of the Use Classes Order and would provide living accommodation for single people partly

replacing existing Framework properties in the immediate area where residents have to share bathrooms and kitchens. Some of these previously shared properties would then be released for use by homeless families. There would be no on-site staffing and no direct care would be provided.

- 4.2 The proposed building as it faces Gregory Boulevard would be three storeys of red brick, with brickwork detailing, a gabled roof and two storey bays. The building as it faces Birkin Avenue would be two storeys, also with a pitched roof and also of brick. The building entrance would be on Birkin Avenue. Externally, bin and cycle storage is proposed to the rear of the building. 2.5m high close board fencing is proposed on the north and east boundaries (providing security and sound attenuation), as well as adjacent to the building but set back from the Gregory Boulevard boundary. The Birkin Avenue boundary would comprise a 0.9m high metal railing.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Adjoining occupiers on Premier Road, Leslie Road and Gregory Boulevard were notified of the application on 27.04.2021. Following the receipt of revised plans and additional information regarding the proposed use, residents were renotified on 09.08.2021, with the number of letters sent being increased to include the whole of Premier Road.

Representations have been received from the occupiers of twelve properties on Premier Road, objecting to the proposal for the following reasons:

- Most objectors state that a Freedom of Information request from the City Council in 2021 showed that Hyson Green and Arboretum Ward has almost three times as many Framework properties as any other ward (Basford 8, Berridge 27, Bestwood 16, Bilborough 8, Castle 13, Clifton East 5, Dales 33, Hyson Green and Arboretum 90, Lenton and Wollaton East 3, Mapperley 23, Meadows 1, Radford 7, Sherwood 4, St Anns 24). It is noted that the applicants Framework have contested these figures.
- Hyson Green is an area with high levels of deprivation and some significant social problems. It already has a disproportionate number of Framework properties. This is unfair and unhelpful to both local residents and potential service users with complex needs.
- Difficult for people to address their alcohol and/or drug problems in an area where there is entrenched street drinking and visible drug dealing. Placing vulnerable people with complex needs in an area with high crime rates will only put them further at risk and will be detrimental to their recovery.
- Higher numbers of social housing properties, HMOs, etc places greater pressure on public services such as GPs in the Mary Potter Centre.
- ASB resulting from some Framework tenants already has a detrimental impact on the local community. Police at community meetings have confirmed that most of the ASB outside Asda in Hyson Green is caused by Framework tenants. Again, the applicants Framework have noted that this comment is hearsay rather than evidenced.

- It is noted by the Planning Officer that most of the objectors state that they support the work of Framework but consider this location in Hyson Green to be inappropriate.

Nottingham Civic Society supports the proposed development on a prominent corner site in Hyson Green. The scheme's design which will make a positive contribution to the appearance of the streetscene. The new building take references from the nearby traditional terraces with prominent bay windows but interprets the design in a modern idiom.

Additional consultation letters sent to:

Environmental Health and Safer Places: no objection subject to conditions regarding environmental noise assessment and sound insulation and verification of contaminated land mitigation.

Highways: no objection.

Flood Risk Management: no objection following receipt of additional information regarding the drainage strategy.

Planning Policy: no objection. Policies HO1 and HO4 of the Local Plan have been satisfactorily addressed by the applicants.

Housing & Regeneration: this form of accommodation is the recognised best model for supporting rough sleepers and the single homelessness. From a Strategic Homelessness Perspective these flats are important in delivering the Council's objectives and obligations for rough sleepers.

6 Relevant policies and guidance

National Planning Policy Framework (2021):

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 126 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 130 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 17 - Biodiversity

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

- Policy CC1 - Sustainable Design and Construction
- Policy CC3 – Water.
- Policy HO1 - Housing Mix
- Policy HO4 - Specialist and Adaptable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy EN6 – Biodiversity
- Policy IN2 - Land Contamination, Instability and Pollution

7. Appraisal of proposed development

Main Issues

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

Issue (i) Principle of the Development (ACS Policy 8 and LAPP Policies HO1 and HO4)

- 7.1 The applicants have confirmed their belief that the flats would be occupied within Use Class C3 of the Use Classes Order (that is, use as a dwellinghouse by a single person). They point to individual tenancies, independent living and a low level of support. It is noted that Class C3 allows for a level of support to be provided for occupiers of a house or flat (for example, social care provided to allow an elderly person to live in their own home). This is accepted, the proposed units comply with the Nationally Described Space Standards, and there is no reason why the flats could not be occupied as a 'stand-alone' unit of accommodation. Planning permission is sought for C3 use and so it would be granted on this basis, and any alternative use, such as a hostel or house in multiple occupation, would require separate planning permission.
- 7.2 It is accepted that there is a need for more housing types, of all tenures, in almost all wards in Nottingham; this includes affordable/social one bedroom self-contained homes, the need for which is presented in both the council's Housing Strategy and the city's Homelessness Prevention and Rough Sleeping Strategy. Supporting people into independent, settled accommodation is a key feature of the strategic

approach to rough sleeping and single homelessness, providing a transition from supported accommodation to fully independent living. An identified need exists for one bedroom self-contained residential accommodation within Class C3, particularly of a type which Registered Providers such as the applicant do provide to help the council deliver and meet local need. As the flats are considered to be within Class C3, the proposal itself is considered to comply with Policy HO1 and the council's Housing Strategy and therefore acceptable in principle.

- 7.3 Planning permission was granted for 4 no semi-detached family houses in 2022. Policy HO1 expresses a general preference for family housing. The applicant notes that the site was marketed with outline planning permission for family houses but is understood not to have attracted any offers. They note the increased level of land remediation required for family housing, which would affect viability. This is accepted. Policy HO1 also states that in assessing suitability for family housing other criteria will be taken into account (whether the alternative development would fulfil other regeneration aspirations and whether local evidence of housing need and demand indicates that an alternative mix of housing is appropriate). In this case, it is accepted that these criteria are met and that the proposal complies with Policy HO1.

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

- 7.4 The proposed building is considered to be visually acceptable. The scale of the building, the bays, window proportions, chimneys etc reflect the surrounding area, as noted by the Civic Society. Materials (red brick and slate) and detailing (brick and render) are appropriate. Railings is an acceptable treatment for the front boundary. The proposal is therefore considered to comply with ACS Policy 10 and LAPP Policies DE1 and DE2.

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

- 7.5 The relationship between the proposed building and the adjacent properties is considered to be acceptable. The neighbouring houses on both Birkin Avenue and Gregory Boulevard and the flats on Pleasant Row present blank gables to the application site. It is not considered that the proposed flats would lead to noise nuisance any more than other residential properties. The proposal does not provide any off-street parking spaces for residents. It is noted, however, that this is a very sustainable location close to bus stops, to the tram network, to the Forest park and ride site and to shops and other facilities. There is no Highway objection.
- 7.6 The objectors point that a Freedom of Information request from the City Council in 2021 shows that Hyson Green and Arboretum Ward has almost three times as many Framework properties as any other ward is noted, as is Framework's contention that this is not the case. Nevertheless, these are Class C3 flats and cannot be compared in policy terms to hostels and houses in multiple occupation. Framework and the Council's housing teams note that the 'housing first' model being used here is intended to reduce the number of houses in multiple occupation operated by registered housing providers. This model of housing provision – of individual flats – can be seen as part of an aim to reduce anti-social behaviour and deprivation. It is accepted that additional housing of any kind potentially places greater pressure on public services such as GPs, although for a development of this scale it is not considered that the additional residents would place

unreasonable or excessive demands on GP services. It is also noted that NHS funding is made available locally taking into account various factors, including population growth in an area. In any case, provision of good quality accommodation for rough sleepers and the homeless is most likely to reduce such pressure.

- 7.7 The proposal is therefore considered to comply with ACS Policy 10 and LAPP Policies DE1 and DE2.

8. Sustainability / Biodiversity

- 8.1 As part of the design of the scheme the existing street trees on Gregory Boulevard are retained and their root protection areas are protected during construction to minimise the impact of the works. Whilst some clearance of planting is required for construction there is a net increase in the amount of green space on the site as part of the development reducing surface water run-off.
- 8.2 SUDs planters and surface water attenuation are provided as part of the drainage design to further reduce the amount of surface water entering the mains drainage system. All paving within the site is designed to be permeable except to refuse bin hardstanding areas.
- 8.3 The application notes that the presence of an existing drain easement and the proposed surface water attenuation limit the scope for planting on the site but it is nevertheless the case that an acceptable level of landscaping, using native species beneficial to biodiversity, can be achieved by condition.
- 8.4 The building fabric has been designed to exceed the requirements of Building Regulations Part L1A 2021 to retain heat and reduce the heating load and running costs for residents. Units are designed to achieve a Design Emission Rate of 50%, or less, of the Target Emission Rate, this equates to a total annual reduction in CO₂ emissions of 53% (2.36 tonnes CO₂/year) when compared with Part L1 2021.
- 8.5 All space and water heating will be by electricity. To reduce carbon emissions and running costs for residents, two photovoltaic panels per unit are proposed on the south facing roof slope onto Gregory Boulevard. These will be grid connected to export surplus electricity.
- 8.6 Lower water consumption is to be secured by condition.
- 8.7 It is considered that this is sufficient to satisfy the requirements of Policies 1 and 17 of the Aligned Core Strategies and Policies CC1 and CC3 of the Nottingham Local Plan.

9 Financial Implications

None.

10 Legal Implications

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

11 Equality and Diversity Implications

None.

12 Risk Management Issues

None.

13 Strategic Priorities

Strategic Council Plan 2021-23 Outcome Nine: Better Housing - increasing the number of homes for the homeless and aiming to provide settled homes for homeless people and work towards no rough sleeping in the city.

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: 21/00726/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQTKPFLYKIG00>

17 Published documents referred to in compiling this report

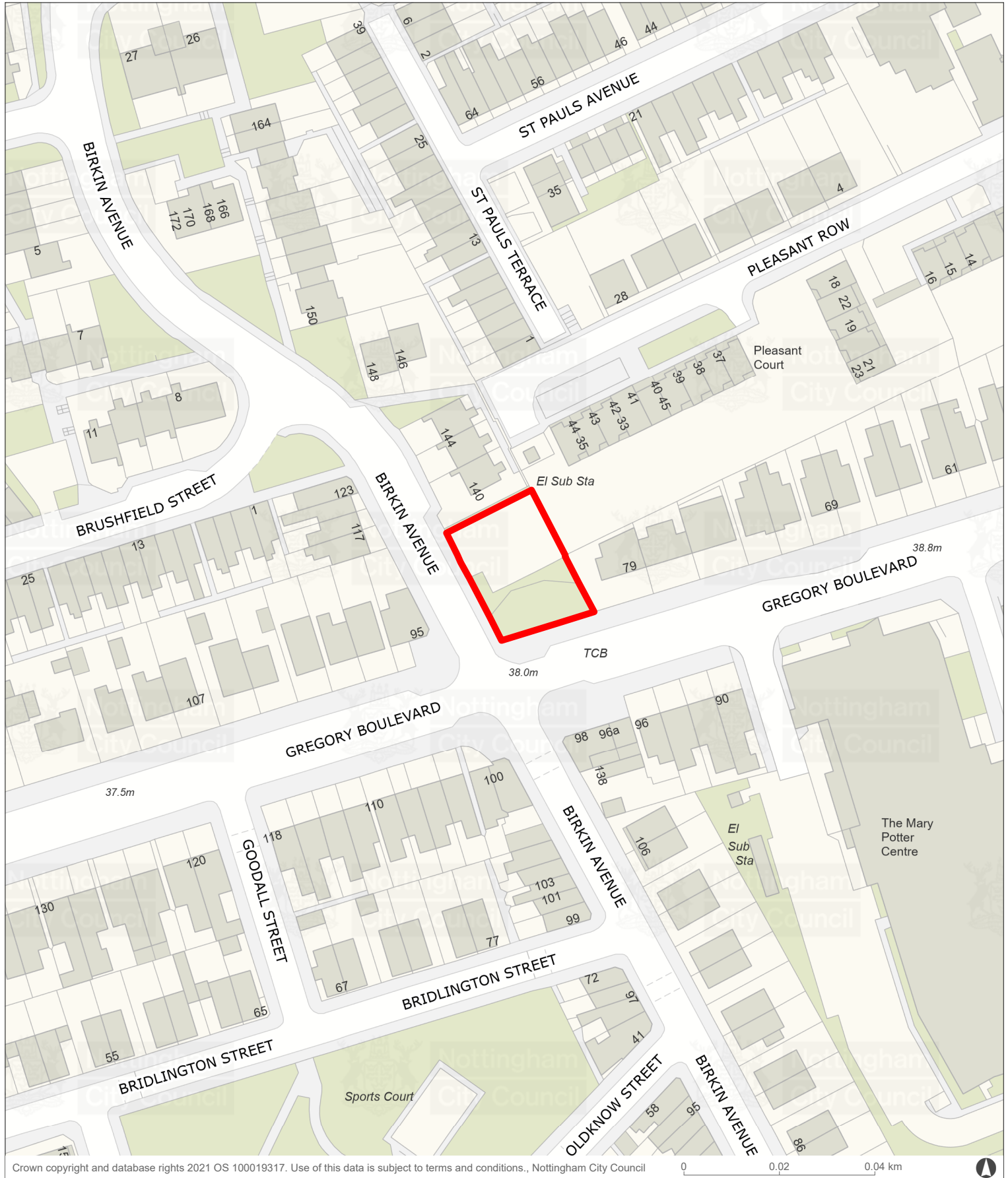
Nottingham Local Plan Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2021)

Contact Officer:

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Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

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My Ref: 22/01954/PFUL3 (PP-11576041)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Tel: 0115 8764447
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Allan Joyce Architects Ltd
16-20 Bath Street
Nottingham
NG1 1DF
United Kingdom

Date of decision:

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

Application No: 22/01954/PFUL3 (PP-11576041)
Application by: Framework Housing Association
Location: Site Of Garages South Of 140, Birkin Avenue, Nottingham
Proposal: Residential development of two and three storey building containing 8 one bedroom one person apartments.

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. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) the external materials of the new building;
 - b) the design, appearance and materials of the hard surfacing within the site;
 - c) the design, appearance and materials of the enclosures around and within the site;
 - d) the design, appearance and materials of the cycle store.

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

Reason: To ensure that the appearance of the development is acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan.

3. No groundworks shall commence until protection of the adjacent lime tree has been put in



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A city we're all proud of

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Not for issue

Page 41

Continued...

place in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure protection of the adjacent street tree in accordance Policy EN7 of the Local Plan.

Pre-occupation conditions

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

4. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) 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
 - c) 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 Local Plan.

5. No dwelling shall be occupied until the following have been submitted to and approved in writing by the Local Planning Authority:

a) verification that the approved sound insulation and ventilation scheme as prescribed within the Noise Impact Assessment by Nova Acoustics limited, dated August 2022, referenced 8180FH, version 2 has been implemented and is fully operational;

b) a Verification Report based on the detailed mitigation measures prescribed within the Phase I & II Geo-Environmental Assessment report by Erda associates limited, dated September 2022, Project Ref: EAL.88.22 , which shall include the data referred to in the Verification Plan, demonstrating that the approved Remediation Strategy to deal with ground contamination of the site has been fully implemented and completed.

Reason: In the interests of public health and safety and in the interests of the living conditions of future occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Local Plan.

Regulatory/ongoing conditions

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

6. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.

(Note: This condition affects the requirements of the Building Regulations that apply to



this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)

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 October 2022.

Reason: To determine the scope of this permission.

Informatives

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

2. 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.

3. Environmental Noise Assessment

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

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;

- The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme
- example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
- photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

4. Contaminated Land & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, 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 compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved



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Not for issue

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- 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 and groundwater contamination of the site.

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.

5. Highways

1. Demolition & construction traffic management plan

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

2. Off-site highway works

No part of the development hereby permitted shall be brought into use until all damaged or altered areas of footway or other adopted highway have been restored to the satisfaction of the City Council as local planning authority. This is to be secured through a Section 278 Agreement. Reason: In the interests of highway safety.

3. Residential Welcome Travel Packs

Travel packs MUST be provided to each new household within the development, as well as notice boards placed in any communal areas, promoting sustainable forms of transport to occupants (for the life of the development). Reasons: This is in accordance with Policy T1 of Nottingham City Council Development Plan LPP2 (Jan 2020) and Nottingham City Councils Carbon Neutral Action Plan. To obtain further information on expectations please email HighwaysDM@nottinghamcity.gov.uk.

4. Mud on the road

The applicant should provide a Demolition/Construction Traffic Management Plan as per condition above. 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 Highway Network Management by email HighwayApprovals@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

5. Section 278 agreement - highway works

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 the Technical Services Team at highway.agreements@nottinghamcity.gov.uk to initiate 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.

6. Residents Parking Permit Schemes

New occupants of the development must be made aware that they will not qualify for a permit to park in the existing on-street residents parking scheme.

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: 22/01954/PFUL3 (PP-11576041)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,



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Not for issue

Page 46

- 6 -

quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.



DRAFT ONLY

Not for issue

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