

Report of Director of Planning and Regeneration

The Guildhall, Burton Street

1 Summary

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

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

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

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

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

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

2 Recommendations

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

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

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

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

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

3 Background

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

4 Details of the proposal

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

5 Consultations and observations of other officers

Adjoining occupiers consulted:

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

Additional consultations sent to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other consultation:

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

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

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

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

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

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

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

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

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

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

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

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

6 Relevant policies and guidance

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

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 17: Biodiversity

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

Policy CC1: Sustainable Design and Construction

Policy CC2: Decentralised Energy and Heat Networks

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

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

Policy RE5: Royal Quarter

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN6: Biodiversity

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

Policy HE2: Caves

Policy EN6: Biodiversity

Policy IN2: Land Contamination, Instability and Pollution

Policy SA1 - Site Allocations (SR53: Royal Quarter - Burton Street, Guildhall, Police Station and Fire Station)

Policy TR1: Parking and Travel Planning

Planning (Listed Buildings and Conservation Areas) Act 1990

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

NPPF (2019):

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

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

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

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

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

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

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

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

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

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

7. Appraisal of proposed development

Main Issues

Whether:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 8.1 A wide range of sustainable measures are to be provided within the proposed development including:

- Connection to District Heating
- Biosolar flat roof areas, which combine solar panels with green sedum roofs
- Green walls and roofs to be integrated as key design features at both lower courtyard and upper rooftop level
- Solar PV windows on the western and southern elevations, equating to a vertical surface area of approximately 620m²
- Rainwater harvesting and recycling for both irrigation and potential toilet flushing & washing
- Planting of approximately 30 no. new trees across the site as part of the soft landscaping strategy as well as new low level bushes and ornamental planting.
- AAA Rated Appliances and 100% use of LED Low Energy Lighting
- An efficient site waste management plan both during construction and occupancy

- 8.2 The application proposes a 30% betterment on surface water discharge rate, which the Drainage Officer supports subject to further full details. The Drainage Officer also welcomes the proposals for green sedum roofing/walls as well as rainwater harvesting and recycling, which will aid slow the flow from the site, again subject to further full details.

- 8.3 It is advised that the proposed development is to achieve BREEAM 'Very Good', with the potential that the assessment will be split into two parts to recognise the new construction and refurbishment elements of the scheme. It is recommended that a minimum of BREEAM 'Very Good' is required to be demonstrated as a condition of consent, with the prospect that this can be improved upon through the project development of further details. On this basis, it is considered that the proposed development would accord with Policy 1 of the ACS and Policies CC1, CC2 and CC3 of the LAPP.

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

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

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

10. Financial Implications (LAPP Policy EE4)

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

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

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

11. Legal Implications

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

Listed Buildings Duty

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

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

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

12. Equality and Diversity Implications

The provision of DDA compliant accessible buildings.

13. Risk Management Issues

None.

14. Strategic Priorities

Ensuring Nottingham's workforce is skilled.

15. Crime and Disorder Act implications

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

16. Value for money

None.

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

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

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

2. Historic England, 30.6.20

3. Victorian Society, 20.7.20

4. Nottingham Civic Society, 25.6.20

5. Design Review Panel, 13.1.20

6. Drainage, 5.6.20

7. Highways, 26.6.20

8. Environmental Health, 23.7.20

9. City Archaeologist, 2.6.20

10. Biodiversity, 11.6.20 &

18. Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2019)

Nottingham City Centre Urban Design Guide (May 2009)

Contact Officer:


Mr Jim Rae, Case Officer, Development Management.

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

NOMAD printed map



Key

 City Boundary

Description

No description provided

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

Your Ref:

Contact: Mr Jim Rae

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

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

Date of decision:

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

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

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

Time limit

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

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

Pre-commencement conditions

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



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Not for issue

Continued...

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

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

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

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

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

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

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

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

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

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



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

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

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

7. Prior to the installation and operation of any plant at the development, a detailed noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development. The noise levels that the plant for the entire development must achieve collectively has been determined in the submitted report 'Noise Impact Assessment' by BWB dated May 2020 (ref: NTS 2751) and these levels must be adhered to.

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

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

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



8. Other than the approved demolition the existing buildings, no development shall commence until a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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



Pre-occupation conditions

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

18. A detailed landscaping scheme for the development indicating the type, height, species and location of proposed planting, shall be submitted to and approved by the Local Planning Authority before the development is first brought into use. The submission shall include details of the green wall system to be used to new 13 storey building and details for its on-going management and maintenance. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any plants which die, are removed, or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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



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

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

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

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

Regulatory/ongoing conditions

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

21. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any trees which die, are removed, or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

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

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

Standard condition- scope of permission

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

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it



imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (EMAQ, 2018).

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

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

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

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

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

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

Adequate Ventilation

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

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

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

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

4. Noise Management Plan

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

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

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

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

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

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

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

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

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

5. Contaminated Land, Ground Gas & Groundwater

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

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

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

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

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

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

6. Commercial Noise

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

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

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

7. Mud on road

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

8. Highway licences

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

9. S278

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

10. Refuse collection

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

11. Traffic Regulation Orders

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

12. Electric Vehicle Charging Points

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

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

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

RIGHTS OF APPEAL

Application No: 20/01044/PFUL3 (PP-08721760)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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

Your Ref:

Contact: Mr Jim Rae

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

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

Date of decision:

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

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

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

Time limit

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

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

Pre-commencement conditions

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



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

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

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

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

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

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

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

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

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

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

<p>Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)</p>
<p>There are no conditions in this section.</p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p>There are no conditions in this section.</p>
<p>Standard condition- scope of permission</p>
<p>S1. Except as may be modified by the conditions listed above, the works shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 29 May 2020.</p> <p><i>Reason: To determine the scope of this permission.</i></p>

Informatives

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

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

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

RIGHTS OF APPEAL

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

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