

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

### **273 Castle Boulevard, Nottingham**

#### **1 Summary**

Application No: 20/02298/PFUL3 for planning permission

Application by: Freeths on behalf of Carlton St Trading/Bmor Ltd

Proposal: Conversion and extension to provide 27 apartments

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

To meet the Council's Performance Targets this application should have been determined by 12th February 2021. An extension of time has been agreed until 12<sup>th</sup> November 2021.

#### **2 Recommendations**

- 2.1 **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:
- 2.2 Prior completion of a Section 106 Planning Obligation which shall include:
- (i) An affordable housing scheme or contribution for off-site provision
  - (ii) A financial contribution of £37,966.18 towards new or improved open space or public realm
  - (iii) Local employment and training opportunities during the construction of the development, including a financial contribution of £4,684
- 2.3 Power to determine the final details of both of the Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Regeneration.
- 2.4 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 The application site relates to the Grove Public House ("The Grove"), formerly known as the Grove Hotel. It is a three storey public house located at the far western end of Castle Boulevard that has been vacant and boarded up for many years. It is a corner plot bounded by Castle Boulevard and Grove Road. The Grove was built around 1886 and is an attractive red brick Victorian building that is

identified as a non-designated heritage asset by its inclusion on the Local List. The building sits at the back edge of the highway and accommodated a pub on the ground floor and hotel rooms on the upper two floors. The building covers a large part of the site apart from a small car park with room for approximately 5-6 vehicles located to the rear, accessed from Grove Road.

- 3.2 The Grove sits at the southern side of the Abbey Bridge roundabout, a major arterial route in and out of the city centre. To the southwest are residential properties in the form of two storey terraced houses along Grove Road. On the opposite side of Grove Road to the south east is the rear elevation of the Castle Gardens apartments. Further along Castle Boulevard there are a number retail and commercial units.
- 3.3 Vehicular access from Grove Road onto Castle Boulevard is now prevented by the new cycle way which runs along Castle Boulevard, and so vehicular access from Castle Boulevard is currently via Alderney Street and Grove Road.
- 3.4 A previous application for a 38 bedroom student scheme, including the retention of the public house on the ground and three storey extension, was reported to Planning Committee in 2018 (18/01082/PFUL3). This application was refused due to the impact that the proposal would have on the balance and sustainability of the community and the impact that the proposal would have on living conditions of the neighbouring property. The decision was subsequently upheld at appeal.

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

- 4.1 The current scheme proposes the conversion of the existing building, together with a three/four storey extension, to provide 27 apartments comprising of 1 studio, 23 x 1 bed and 3 x 2 bed apartments.
- 4.2 The extension would be located to the south of the existing building and occupy the former car park. The extension has been revised during consideration of the application in terms of its design. The external appearance and scale of the proposed building is now very similar to the previous 2018 scheme. The extension would be constructed in red brick to complement the existing building. Similar to the previous scheme the ground floor of the extension would include the main entrance to the student accommodation at the junction of Castle Boulevard and Abbey Bridge, along with secure cycle parking and waste/recycling store to serve the development.

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

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

45 individual properties were notified of the application in writing and received a further neighbour re-consultation letter in relation to the revisions to the scheme. The application was also publicised through press and site notices. The notification period expired on the 30 August 2021. As a result of this publicity 5 letters of representation have been received.

Four of those representations have raised objection to the proposal and their concerns are summarised below:

- Little confidence for an apartment scheme with one and two bedroom

apartments which is not managed by a registered social provider. There is the belief that these will inevitably be occupied by students and therefore leading to a further exacerbation of students concentration in an area already suffering with an imbalanced community. Recent developments at the Cottesmore School and the former Red Cross site confirm these fears.

- Concern over the ambiguous nature of the term 'keyworkers'.
- Detrimental impact on residents on Grove Road.
- The building is designated as a Building of Local Interest. The proposed extension does not reflect the façade of the Victorian building.
- Preference for the Grove to be retained as a pub/eatery, which is much needed in Lenton.

One representation in support of the scheme has been received. They consider that on balance the proposal is better than leaving the building derelict. The scheme retains the building which is a strong and prominent architectural feature and contributes to the local character. The application is clearly better than demolition which realistically is the alternative. They think it's a pity that the building can't be retained at least in part as a pub/bar/restaurant along the lines of the previous 2018 application. They however consider that the scheme would be improved by reducing the number of apartments.

**Nottingham Civic Society:** Nottingham Civic Society welcomes in principle the new use but has some design reservations about the scheme. The Grove building is now on Nottingham's Local List because of its elaborate Edwardian architecture and its striking position addressing the apex of the site at the convergence of two streets. Re-opening the ground floor entrances will help to enliven the street.

Whilst the extension proposed defers sufficiently to the original building, the adjoining house on Grove Road will appear somewhat overwhelmed by the greater mass of most of the extension to which it will be attached. In addition, the design would be improved if the extension was visually separate from the original building. The glazed link should be more robust, comprised of continuous glazing without the intermittent cladding panels.

**Nottingham Access Forum:** The Forum welcome the inclusion in the proposals of secure, indoor cycle parking for 27 cycles. We suggest that a planning condition is applied to see that these spaces are provided.

#### **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objections. Conditions relating to contamination, noise assessment and air quality are recommended.

**Highways:** No objections. Conditions relating to a construction management plan, cycle provision and redundant vehicular crossings to be reinstated, are recommended.

**Drainage:** The development would be required to reduce surface water run-off by 30%, in comparison with its previous use. Methods of sustainable urban drainage should be used.

**Biodiversity Officer:** In line with the adopted SPD the development should provide for ecological enhancements. It is recognised that the opportunities on this restricted site are limited but proposals for integrated bird and bat boxes are

possible within the new build element of the scheme and should be conditioned.

No further comments have been received following re-consultation on the revised scheme.

## **6 Relevant policies and guidance**

### **National Planning Policy Framework (2021):**

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible.

Paragraphs 63 and 64 relate to the provision of affordable housing. Where a need is identified, planning policies should specify the type required. Affordable housing should only be sought for major developments (other than in designated rural areas) and to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

Paragraph 126 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

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

In determining applications that may affect heritage assets, paragraph 194 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 197 of the NPPF then states that in determining applications, local planning authorities should take account of:

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

Paragraphs 199 – 202 indicate that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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.

Paragraph 200 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraphs 203-205 require that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

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

Policy 1 - Climate Change  
Policy 8 - Housing Size, Mix and Choice  
Policy 10 - Design and Enhancing Local Identity  
Policy 11 - The Historic Environment  
Policy 14 - Managing Travel Demand  
Policy 17 - Biodiversity  
Policy 19 - Developer Contributions

## **Land and Planning Policies (January 2020)**

Policy CC1 - Sustainable Design and Construction  
Policy CC3 - Water  
Policy HO1 - Housing Mix  
Policy HO3 - Affordable Housing  
Policy DE1 - Building Design and Use  
Policy DE2 - Context and Place Making  
Policy HE1 - Proposals Affecting Designated and Non-Designated Heritage Assets  
Policy EN2 - Open Space in New Development  
Policy EN6 - Biodiversity  
Policy TR1 - Parking and Travel Planning  
Policy IN2 - Land Contamination, Instability and Pollution  
Policy IN4 - Developer Contributions

## **7 Appraisal of proposed development**

### **Main Issues**

- (i) Principle of the development
- (ii) Design considerations
- (iii) Impact on residential amenity and quality of accommodation
- (iv) Highways considerations
- (v) Planning obligations

**(i) Principle of Development** (Policy 8 of the ACS and Policies HO1 and DE1 of the LAPP)

- 7.1 Policy 8 of the ACS and HO1 of the LAPP both promote the creation of sustainable communities and recognise the need for a balanced mix of housing size and type. Policy 8 of the ACS also requires site circumstances to be taken into account. The type of residential development is felt to be appropriate given the desire for the building's retention as a local heritage asset, the restricted and triangular shape of the site, and its position on the roundabout of three major roads within the city. Given these factors, it is not considered to be a site on which it would be either practical or attractive to develop a scheme of family housing. The urban context of this site is therefore felt to better lend itself to a higher density apartment scheme.
- 7.2 The previous scheme for this site proposed student accommodation in the form of 38x1 bed studios. Given the over-concentration of students within the surrounding area, this type of accommodation was not considered to be appropriate to the development of a sustainable community and therefore in conflict with Policies 8 of the ACS and Policies HO1 and HO6 of the LAPP. The current proposal is for a Build to Rent scheme comprising largely of 1 bedroom apartments (with separate

living area, bedroom and bathroom), thereby offering a different typology of residential accommodation. The apartments are in themselves of an acceptable size and meet National Described Space Standards (NDSS) as required by Policy DE1 of the LAPP, thereby providing an appropriate standard of living accommodation for future occupants. As student accommodation is not proposed, policy HO6 (Student Housing) is not relevant to the consideration of this application.

- 7.3 Whilst it is acknowledged that these apartments could be occupied by up to two students per unit without this constituting a change of use, this is not typical student accommodation. As a Build to Rent Scheme it is aimed at a different target market, with a particular focus in this area for employees at the QMC and Nottingham University. The applicant is currently in discussion with Nottingham City Homes to manage the properties.
- 7.4 The proposed scheme does not include retention of the pub use as part of the development. Having considered this option, the applicant considers it to be both unviable and impractical due to the relationship it would have with the residential element of the scheme.
- 7.5 In conclusion, having regard to the site constraints and typology of the accommodation proposed, the scheme is considered to be an appropriate and well considered solution for this site that is responsive to the aims of Policy 8 of the ACS and Policies HO1 and DE1 of the LAPP.

**(ii) Design Considerations** (Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP)

- 7.6 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.7 The Grove is an attractive Victorian building located in a prominent position. The building has been vacant and boarded up for a long period. Its retention and refurbishment as part of the proposed development is very much welcomed and would result in an enhancement in heritage terms. The proposal would provide a long term viable use for the building and ensure that its importance as a non-designated heritage asset on the Local List is retained for the future in accordance with Policy 11 of the ACS and Policy HE1 of the LAPP.
- 7.8 The extension to the building has been the subject of significant design amendment in terms of its scale, massing and architectural treatment. Great weight has been given to the retention of the existing building as the main feature of the site, with the scale, density and external appearance of the extension respecting both this and that of the terrace housing on Grove Road, with which it sits comfortably within the streetscene.
- 7.9 The design aesthetic of the extension is contemporary and derived from its two distinctly different frontages and the neighbouring buildings. Its aim is not to compete with the highly decorative detailing of the Grove's primary facades, yet also to respect the scale and character of the terraced housing on Grove Road. The proposed elevational treatment to Abbey Bridge Road presents a more striking façade to this prominent frontage that provides visual interest and articulation. The Grove Street frontage is quieter and respects the more regular rhythm and character of the adjacent terrace, which it also steps down too. The final details of

the materials would be dealt with by condition, together with hard and soft surfacing.

- 7.10 It is noteworthy that the scale and appearance of the building were not reasons for the previous student scheme being dismissed on appeal; the Planning Inspector raised no concern about the scheme in this regard. The current proposal is designed by the same architect who has adapted the previous scheme to accommodate the different residential typology now proposed. They have largely maintained the same footprint, scale and design aesthetic, which in general terms is welcomed. The extension is considered to be an appropriate addition to this non-designated heritage asset that would not harm its significance but would instead facilitate its renovation with a long term viable use.
- 7.11 Overall the scale, density, layout and design of the proposed development are considered to be a positive and well-considered response to the site and its context, in accord with Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP.

**(iii) Impact on Amenity of Surrounding Residents and Future Occupants**  
(Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP)

- 7.12 The current scheme has been designed to take into account adjacent residential properties and to ensure that there would be no adverse impact upon the amenities of existing residents in terms of light, outlook and privacy. This is particularly so with the neighbouring 4 Grove Road, given the concerns raised by the Planning Inspector in relation of the previous student scheme and its impact upon this property. Accordingly, the nearest part of the scheme to this property has been re-designed with an element cut-away to respect its occupants' amenities. Since that decision, permission has also been granted on appeal for conversion of this property into two apartments.
- 7.13 As mentioned above, all of the apartments meet NDSS requirements and are provided with an appropriate outlook. Environmental Health have recommended the usual conditions requiring the approval and provision of measures to address the impact of air quality and noise.
- 7.14 On this basis, it is felt that the proposal would have an acceptable relationship with neighbouring residential properties in accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

**(iv) Highways Considerations** (Policy 14 of the ACS and Policy TR1 of the LAPP)

- 7.15 Policy TR1 of the LAPP seeks to ensure that journeys by private car are minimised and journeys by sustainable modes are supported in line with the transport hierarchy set out within Policy 14 of the ACS. There is no parking provision for this development. The site sits in a highly sustainable location with access to public transport. In addition, the scheme incorporates secure cycle storage with a space per apartment, and is well placed next to a primary cycle route. In light of these factors, the development is considered to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.
- 7.16 The requirement for a construction management plan together with the other matters requested by Highways are reasonable and will be addressed by condition.

**(v) Planning Obligations** (Policies 8 and 19 of the ACS and Policies EE4, HO3, EN2 and IN4 of the LAPP)

- 7.17 In order to comply with the requirements of the development plan and relevant Supplementary Planning Guidance and Documents, the developer is required to enter into a section 106 obligation to secure the following:
- An affordable housing scheme or contribution for off-site provision
  - A financial contribution of £37,966.18 towards new or improved open space or public realm
  - Local employment and training measures, including a financial contribution of £4,684
- 7.18 Residential development of this scale requires affordable housing provision in accordance with Policy 8 of the ACS and HO3 of the LAPP. These policies would normally require 20% of the units to be provided as affordable housing, which would equate to 5 units in the current scheme. However, paragraph 64 of the NPPF, to support the reuse of brownfield sites with vacant buildings, allows for any affordable housing contribution to be reduced by a proportionate amount, equivalent to the gross floor space of the existing building. The “Vacant Building Credit” has been applied in this instance and the applicant has stated that to meet the reduced requirement they are proposing to provide 2 units within the scheme at an affordable rent. Discussions regarding the affordable housing element of the scheme are still ongoing and an update will be reported to Committee.
- 7.19 An open space contribution of £37,966.18 is to be provided in accordance with Policies EN2 and IN4 of the LAPP and The Provision of Open Space within New Residential and Commercial Development Supplementary Planning Document (SPD).
- 7.20 The applicant is to engage with the Council’s Employment and Skills team in relation to creation of local construction and operational job opportunities resulting from the construction of the development. A financial contribution of £4,684 shall also be secured to facilitate this, in accordance with Policy EE4 of the LAPP.
- 7.21 The NUH NHS Trust have requested a S106 contribution of £12,518 towards secondary health care provision. It is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities) and Policy INV4 of the LAPP. Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise from the request, in particular that the contribution sought relates solely to secondary/acute care rather than wider healthcare infrastructure, particularly primary care (GP provision). There are also queries regarding the basis of the calculation being used to arrive at the figure requested, and reassurances required that any monies sought would be spent on healthcare provision reasonably and directly related to occupants of this development. In the absence of these matters being satisfactorily resolved, is not therefore considered that the requested NUH NHS Trust contribution should be sought in this case.
- 7.22 The proposed obligations accord with planning policy and are therefore necessary, reasonable, and directly related to the development meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

**8. Sustainability / Biodiversity** (Policies 1 and 17 of the ACS and Policies CC1, CC3 and EN6 of the LAPP)

8.1 The Energy Strategy accompanying the application sets out the strategy proposed to address the requirements of Policy 1 of the ACS and CC1 of the LAPP. By reusing an existing building the scheme has an inherently beneficial effect on carbon reduction and a “fabric first” approach is being adopted to the new build element, resulting in betterment on part L of the Building Regulations. Measures are also to be taken to reduce surface water run-off.

8.2 In terms of biodiversity, the site has been surveyed by CBE Consulting who found no evidence of protected species associated with the building and therefore no mitigation is required in this respect. The site contains no biodiversity interest at present and the new scheme takes the opportunity to improve this with soft landscaping as part of the amenity space. As requested by the Biodiversity Officer, a condition is proposed to provide bird and bat boxes. As such, biodiversity on the site is to be enhanced in accord with Policy 17 of the ACS and EN6 of the LAPP.

**9 Financial Implications**

None.

**10 Legal Implications**

The Grove is a property on the Local List and is therefore a non-designated heritage asset. It is not therefore afforded the special statutory protection that exists for designated assets under s 66 of the, Planning (Listed Buildings and Conservation Areas) Act 1990, i.e there is no need to 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*. Nevertheless, where development affects a non-designated heritage asset or would result in its demolition or loss, a balanced judgment on the acceptability of the proposal must be made, having regard to the scale of any harm (substantial or less than substantial) or loss and the significance of the heritage asset.

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

**11 Equality and Diversity Implications**

The provision of a DDA compliant accessible building.

**12 Risk Management Issues**

None.

**13 Strategic Priorities**

Delivering housing and neighbourhood development. Redevelopment of a longstanding vacant and brownfield site, incorporating the renovation of a local heritage asset. Ensuring that all planning and development decisions take account of environmental and sustainability considerations. Ensuring Nottingham’s workforce is skilled.

**14 Crime and Disorder Act implications**

None.

**15 Value for money**

None.

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

1. Application No: 20/02298/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QINK0XLY11400>

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

Aligned Core Strategies (September 2014)

Land and Planning Policies (January 2020)

The Provision of Open Space Within New Residential and Commercial Development SPD

Affordable Housing and Developer Contributions SPG

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