

Report of Director of Planning and Transport

Site Of Multi Storey Car Park Sovereign House And Factories, Queens Bridge Road

1 Summary

Application No: 22/00083/PRES4 for approval of reserved matters

Application by: Carney Sweeney on behalf of Peveril Securities Limited

Proposal: Application for reserved matters in relations to details of appearance and landscaping for Phase 2 office development (Use Class B1) approved under hybrid planning application reference 18/02277/POUT

The application is brought to Committee because it relates to a major application on a prominent site, where there are important design considerations. The original hybrid application was approved at the January 2019 Planning Committee.

To meet the Council's Performance Targets this application should have been determined by 15th April 2022. An Extension of Time has been agreed until the 28th February 2023.

2 Recommendations

2.1 **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

- a) No adverse, material comments being received by the 25th February 2023 which arise from further publicity and consist of issues other than those already addressed by this report.
- b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 To delegate power to determine the final details of the conditions of planning permission to the Director for Planning and Transport.

3 SITE, SURROUNDINGS AND BACKGROUND

3.1 Unity Square occupies a triangular site which is located to the south of the City Centre. It has frontages to Queen's Bridge Road/Sheriffs Way, Burnham Way, and also adjoins the main railway line from which it is separated by the Tinker's Leen watercourse. It sits directly opposite the Grade II* Nottingham Midland Railway Station and the Station Conservation Area.

3.2 Adjoining the site to the south and west is the Vat and Fiddle Public House, the Castle Rock Brewery and manufacturing units and warehouses accessed either from Traffic Street or Queen's Bridge Road. On the east side of Sheriffs Way is a further industrial unit and the former Queens Hotel. Further to the south is the Meadows residential area.

- 3.3 In January 2019 planning permission was granted for a hybrid planning application (18/0277/POUT), meaning one that seeks full planning permission for part of a site and outline planning permission for the remaining part. The 'Unity Square' development comprised two office buildings which were to be constructed in two phases. Full planning permission was granted for Phase 1 and outline planning permission for the Phase 2. Details approved as part of the outline permission included layout, scale and access. Details of appearance and landscaping were reserved for future approval.
- 3.4 Phase 1 of Unity Square is now complete and occupied by HM Revenue and Customs (HMRC).

4 DETAILS OF THE PROPOSAL

- 4.1 This reserved matters application relates to Phase 2, to be positioned on the remaining cleared part of the site to the rear/west of Phase 1. It is immediately adjoined by the railway to the north and industrial/warehouse units to the south and west. The outline permission set the parameters for Phase 2, including its layout/siting, scale/height and access. This application seeks approval for the outstanding 'reserved matters', namely appearance and landscaping.
- 4.2 Phase 2 is to be a 12 storey (plus lower ground) office development. The lower ground floor is to accommodate parking for 30 cars (including 2 disabled parking spaces), 100 cycles (including ancillary changing facilities for their users), bin storage and plant. The ground floor has a double height main reception area aligned at the end of the colonnaded pedestrian route incorporated on the northern side of Phase 1. The remaining part of the ground floor and upper floors would provide open plan office floorspace. Vehicular access is via the new junction from Sheriffs Way, shared with Phase 1.
- 4.3 The originally submitted scheme proposed a more triangular shaped building with flat elevations, largely finished in a terracotta coloured, powder coated aluminium cladding. However, the form and architectural treatment of Phase 2 has subsequently been re-designed to more closely reflect the indicative proposals submitted as part of the 2019 hybrid application.
- 4.4 The revised proposal is characterised by a more legible base, middle and top. The base comprises double height curtain wall glazing with light bronze anodised cladding used to frame large vertical apertures its north and east elevations. The middle section comprises large glazed openings set within a frame of light bronze anodised cladding that also has a metallic gold edge. Certain horizontal elements of the frame are projected to further break down the mass of the building. The top is set back and finished in a gold anodised cladding. Plant is proposed to be accommodated at roof level screened by a dark grey aluminium screen. The northern elevation has a 'creased' form that replicates Phase 1, whilst the southern elevation has a recessed horizontal element and chamfered corners which also create a more interesting building form and help to break down its overall mass.
- 4.5 Landscaping is proposed along the northern and western boundaries of the site. Seating and planters are proposed on the elevated area of public realm around the entrance to the building.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Original application

Neighbouring properties were notified individually and the application was also publicised through press and site notice (final expiry date 10.02.22).

One representation was received which critiques the environmental design of the Phase 2 building. The Phase 2 carbon reduction proposals are seen as a huge improvement on Phase 1 and the 56% carbon reduction over 1990 levels is welcomed. Reliance on being all-electric and decarbonisation of the grid will in future be pressurised by demand. This means that greater emphasis should be placed on an all passive design, energy efficiency, embodied carbon and energy monitoring and maintenance, as well as the buildings carbon neutrality. Remaining issues relate to information on energy use, improvement on fabric standards, passive design, temperature parameters used in the modelling, exploration of the 'be green' approach and the use of ground source heat bores, confirmation of renewable energy generation, confirmation of the BREEAM level, embodied energy assessment, and monitoring and maintenance.

The Nottingham Civic Society: Continues to object to the height, massing and design of the Unity Square Phase 2 office building, because it overwhelms the setting of the Grade II* listed Station from its location just outside the Station Conservation Area. The building would also damage the setting of Nottingham Castle (listed Grade I) by asserting its height and bulk in the view over the River Trent plain thereby compromising the Castle's historic sense of pre-eminence over its surroundings. The verified views accompanying the application demonstrate how damaging the tall bulky building would appear from the Castle bastion vantage points, failing to acknowledge the Castle's setting and undermining its significance in the wider landscape.

Nottingham Local Access Forum: Concern that the cycle parking provision falls short of the standards set out in the LAPP. Cyclist facilities need to be shown on the plans. Appropriate provision should be secured by condition.

Historic England: Historic England do not wish to offer any comments. They suggest that the Council seeks the views of its conservation specialist with regard to the setting of listed buildings and the character of conservation areas.

Environmental Health and Safer Places: No comments to make in relation to the submitted information and the reserved matters. The conditions relating to noise and contaminated land on the 2019 outline planning consent would need addressing before the development commences.

Carbon Neutral Team: Overall, they consider this will have a positive impact on reducing the carbon emissions of the City and so support the application.

Key observations:

- Claims a 56% reduction in net emissions (above Building Regs)
- All energy/heat from ASHP
- Storage for 100 cycles with showers and charge points
- Use of passive design features inc. LED lights

- PV not specified but has been described as 'potential'. Roof space appears to be sufficient to accommodate a suitably sized array
- Water efficiency features
- No mention of roof gardens or BNG
- Soft landscaping looks limited with large paving/hard standing areas, no native species or wildflower areas specified
- Despite development being very close to excellent public transport, walking and cycling links, have specified 30 car parking spaces, 5 of which have EV charge points. See no need for any car parking at all except service/disabled vehicles

Revised application

All neighbouring properties have been individually re-notified regarding the revised application (final expiry date 25.02.23).

Nottingham Civic Society: Continues to object to the height, massing and design of Unity Phase 2 on the grounds outlined above. They consider that the application demonstrates the mistakes of granting outline permission for such a large building in advance of proper consideration of its impact on surrounding heritage assets.

Historic England: As above.

Environmental Health: As above.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2021) (NPPF)

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment. Paragraph 9 states that these objectives should be delivered through plans and policies and are not criteria against which every decision can or should be judged.

Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with an up to date development plan.

Achieving well-designed places: Paragraphs 126-136 are focused on achieving the creation of high quality buildings and places. 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 will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and

well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Conserving the Historic Environment: Paragraph 194 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 197 requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

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

Aligned Core Strategies (ACS) (2014)

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 17: Biodiversity

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

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 TR1: Parking and Travel Planning

Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

The site is not within but adjacent to the Station Conservation Area. It would also be seen within the context of a number of listed buildings. As such consideration needs to be given to Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66 places a duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings (including Grade II). However, it does not prevent the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring.

Section 72 places a duty on local planning authorities, in exercising their planning functions in relation to Conservation Areas, to give special attention to the desirability of preserving or enhancing the character or appearance of that area.

7. APPRAISAL OF THE PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the Development
- ii) Appearance and Landscaping Considerations

i) Principle of the Development

- 7.1 The 2019 hybrid planning permission established the principle of the development to which this application relates. At that time approval was given to parameters setting the layout/siting and scale/height of the building, following a consideration of its townscape/visual impact and impact on surrounding heritage assets. Consideration was also given to its relationship with neighbouring properties, access arrangements and flood risk implications.
- 7.2 This 'reserved matters' application relates solely to the elevational treatment of the building and landscaping proposals within the site.

ii) Appearance and Landscaping Considerations (Policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP)

- 7.3 Since submission of the application at the beginning of 2022, the proposed scheme has been the subject of extensive discussion and amendment to address concerns raised in relation to the elevational treatment of the Phase 2 building. The layout/siting and scale/height of the building have not changed and are aligned with the parameters approved under the 2019 planning consent.
- 7.4 The following revisions have been incorporated into the design of the Phase 2 building:
 - The shape and form of the building has taken a greater reference from Phase 1, the 'creased' elevations of which are felt to create a more interesting building form that also helps to break down the mass of the building
 - The southern elevation has been broken down with a triangular shaped, horizontal recess positioned centrally, along with chamfered corners
 - A clear base, middle and top have been provided to the facades of the building
 - Certain horizontal elements of the frame are projected to further break down its mass and apparent scale
 - The proposed cladding material has been changed to match the quality of that used in Phase 1. A powder coated aluminium cladding finish was originally proposed but this has been amended to an anodised finish

- The top floor has been recessed and finished in a contrasting gold anodised cladding
- 7.5 The revised scheme does not mirror but now more closely follows the architectural language of Phase 1. This is felt to have been successful in breaking down the mass of the building and creating a complimentary neighbour to Phase 1, but with more subtle differences in terms of its detailing and materiality.
- 7.6 The 2019 planning consent and its accompanying Environmental Statement addressed the impact of Phase 2 in terms of its siting, scale and mass following a consideration of its townscape/visual impact and impact upon surrounding heritage assets. The current application concerns the ‘appearance’ of Phase 2, namely its elevational treatment. In reflecting the architectural language of Phase 1 and creating a complimentary neighbouring building, it is considered that the proposed appearance of the building would preserve the character and appearance of the Station Conservation Area and setting of surrounding listed buildings. In granting permission for the scheme, it is considered that the statutory duty imposed by sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, would be complied with.
- 7.7 In terms of landscaping, Phase 1 occupies the public frontage of the site and has delivered new and enhanced public realm along Sheriffs Way. The area remaining for landscaping associated with Phase 2 is limited to the northern and western boundaries where native trees and shrub/grass mix are proposed. Additionally, planters and seating are proposed to the elevated area of hard surfaced public realm around the main entrance to the building.
- 7.8 More information on the design detail of the building and external materials will be secured by condition, along with details of the planting and hard surfaced materials.
- 7.9 In conclusion, it is considered that the proposed appearance of the building and landscaping proposals would make a positive contribution to the site and its surroundings. The development therefore accords with Policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP, and the NPPF.

OTHER MATTERS

7.10 Highways (Policy TR1 of the LAPP)

The application site is in a highly accessible location that reduces the need to travel by car. The access arrangements are as approved under the 2019 planning consent, which also set out the provision of a maximum of 30 parking spaces for Phase 2. Notwithstanding the proposed 100 with cycle parking spaces, this matter will be conditioned to allow for further discussion regarding the total amount of cycle parking.

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

- 8.1 In addition to its highly sustainably location, a wide range of sustainable measures are to be incorporated within the built development, including:
- Fabric first, high-performance envelope
 - Energy efficiency to exceed Building Regulations by 56%

- Air source heat pumps to meet heating and cooling demand
- Highly efficient glazing to manage solar gain
- 70% improvement on air permeability requirements
- A low energy ventilation strategy with passive ventilation and cooling
- High water efficiency fixtures and fittings
- Incorporation of Sustainable Urban Drainage (SUDs) permeable pavements and below ground attenuation tanks to achieve a 30% reduction in surface water run-off
- A comprehensive waste management strategy for the reuse and recycling of materials
- The provision of Electric Vehicle Charging Points
- Landscaping and building design to adopt flood mitigation features
- Ecological enhancements proposed to both the building and landscaping

8.2 The final details of sustainability measures and ecological enhancements are to be secured by conditions 14 and 15 of the 2019 planning consent. On this basis, the proposed development accords with policies 1 and 17 of the ACS and policies CC1, CC3 and EN6 of the LAPP.

9 Financial Implications

None.

10 Legal Implications

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

11 Equality and Diversity Implications

None.

12 Risk Management Issues

None.

13 Strategic Priorities

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: 22/00083/PRES4 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5OU5OLYGA400>

17 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

Contact Officer:

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Nomad printed map



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Key

 City Boundary

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Description

A map printed from Nomad.

My Ref: 22/00083/PRES4 (PP-10521219)
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TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR APPROVAL OF RESERVED MATTERS

Application No: 22/00083/PRES4 (PP-10521219)
Application by: Peveril Securities Limited
Location: Site Of Multi Storey Car Park Sovereign House And Factories, Queens Bridge Road, Nottingham
Proposal: Application for reserved matters in relations to details of apperance and landscaping for Phase 2 office development (Use Class B1) approved under hybrid planning application refrence 18/02277/POUT

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

Pre-commencement conditions

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

There are no conditions in this section.

Pre-occupation conditions

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

1. Notwithstanding the submitted plans, no part of the development hereby permitted shall be occupied until details of the car parking, secure cycle parking and changing facilities have been submitted to and approved in writing by the Local Planning Authority.

The approved car parking, secure cycle parking and changing facilities shall be provided prior to first occupation of the development.

Reason: In the interests of promoting sustainable travel in accordance with Policy TR1 of the LAPP.

Regulatory/ongoing conditions

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

DRAFT ONLY
Not for issue

There are no conditions in this section.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
- Planning Layout reference 05903 B1_02_2203 revision Rev 0
 - Planning Layout reference 05903 B1_02_2204 revision Rev 0
 - Planning Layout reference 05903 B1_02_2205 revision Rev 0
 - Elevations reference 05903 B1_04_2200 revision Rev 0
 - Elevations reference 05903 B1_04_2210 revision Rev 0
 - Elevations reference 05903 B1_04_2211 revision Rev 0
 - Drawing reference 05903 B1_05_2200 revision Rev 0
 - Drawing reference 05903 B1_05_2210 revision Rev 0
 - Drawing reference 05903 B1_10_3210 revision Rev 0
 - Location Plan reference 05903_MP_00_1000 revision Rev 0
 - Planning Layout reference 05903_MP_00_1010 revision Rev 0
 - Planning Layout reference 05903 B1_01_2199 revision Rev 0
 - Planning Layout reference 05903 B1_01_2200 revision Rev 0
 - Planning Layout reference 05903 B1_01_2201 revision Rev 0
 - Landscaping reference 05903 B1_02_2199_SK100 revision Rev 0
 - Planning Layout reference 05903 B1_02_2199 revision Rev 0
 - Planning Layout reference 05903 B1_02_2200 revision Rev 0
 - Landscaping reference 05903 B1_02_2200_SK100 revision Rev 0
 - Planning Layout reference 05903 B1_02_2201 revision Rev 0
 - Planning Layout reference 05903 B1_02_2202 revision Rev 0

Reason: To determine the scope of this permission.

Informatives

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.

DRAFT ONLY
Not for issue

RIGHTS OF APPEAL

Application No: 22/00083/PRES4 (PP-10521219)

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.

DRAFT ONLY
Not for issue