

## **REPORT OF CHIEF PLANNER**

### **Shell For 23 And 23A , Goldsmith Street**

#### **1 SUMMARY**

Application No: 17/00565/PFUL3 for planning permission

Application by: Matt Greenhalgh on behalf of Jill Marlow

Proposal: 4 storey new build office and education building

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

To meet the Council's Performance Targets this application should be determined by 14th June 2017

#### **2 RECOMMENDATIONS**

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

Power to determine the final details of the conditions to be delegated to the Chief Planner.

#### **3 BACKGROUND**

- 3.1 The application site was previously occupied by a three storey red brick and pitched roof range of buildings that had been used as a restaurant prior to a serious fire in November 2010. The fire resulted in the majority of the buildings being demolished, leaving behind an unsightly remnant which has caused visual blight to the appearance of this part of Goldsmith Street. The recent purchase of the site by Nottingham Trent University (NTU) and immediate prospect for redevelopment is, therefore welcomed and the remnant of the building has also now been demolished.
- 3.2 The application site has frontages onto Goldsmith Street and Masonic Place. The adjoining building on Goldsmith Street is the Horn in Hand public house. Adjacent on Goldsmith Street and opposite across Masonic Place is the Masonic Hall and the Rescue Rooms and Stealth venues/nightclubs. To the side/rear is an area of hard surfaced land which has a frontage onto Talbot Street. Opposite across Goldsmith Street is NTU's substantial and prominent Newton Building (listed Grade II\*). The NET tram lines run along Goldsmith Street to the front of the site and there is a NET supply pole (Over Head Line Electrification: OHLE) immediately adjacent to the site's Goldsmith Street frontage.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 The application proposal is for the construction of a four storey office and education building, with a main entrance off Goldsmith Street. The proposed building would occupy all of the available site area with a linear plan. The ground floor would be centred on a large circulation foyer with lifts and stairs to the upper floors. A large flexible exhibition space is also provided towards the rear of the ground floor, with meeting rooms and facilities further to the rear. The plans of the three upper floors are similar, with meeting rooms to the front and to the rear, with a large central open plan office space between. The plan of the fourth floor is shortened, with a large area of the rear section being proposed as an external plant area.
- 4.2 The two primary elevations of the proposed building are towards Goldsmith Street and Masonic Place. The focal Goldsmith Street elevation is to have large glazed openings within a stone clad elevation at ground floor and a three storey, full width, oriel window above, being a fully glazed elevation within and expressed metal framed surround. Vertical glass fin louvers are arranged within the oriel window to break down the scale of the framed opening as well as providing solar shading across the elevation. In contrast to this, the elevation to Masonic Place is proposed as an ordered façade of floor to ceiling glazed openings within an all buff brick construction that rests on a black stone plinth. The design of the openings include chamfered brickwork surround details and a honeycomb brick pattern within the dummy openings at the rear upper floor level, being used to screen the proposed plant area behind. The other side and rear elevations would also be in buff brick on a black brick plinth, with the exception of the use of stone cladding on the section of side elevation that would be visible above the roof of the neighbouring Horn in Hand public house.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

The application has been publicised by site and press notices. Individual notification letters have also been issued to the following properties:

17, 21, 25, Flat Over Horn In Hand, Masonic Hall, Goldsmith Street  
Rescue Rooms, Stealth Night Club, Masonic Place  
1 (inc. Flats 1 & 2), 1A, 3, 8, Black Cherry Lounge, Talbot Street  
55 – 125 (consec.) Goldsmith Court, Chaucer Street  
Newton Building, Nottingham Trent University

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

**Urban Design:** The proposal is welcomed, on a site previously blighted by a fire damaged building.

The design has been substantially improved during the pre-application and planning process. The scale is appropriate, reflecting the heights of existing buildings. The building facades are well designed: appropriately proportioned, using contemporary materials at the front and bricks inventively used along the Masonic Place elevation. The proposal will contribute to the street scene.

**Pollution Control:** No objection. This site remains challenging in terms of mitigating current environmental noise levels, the main sources being the

tram and numerous pubs and clubs in very close proximity. The Design and Access Statement notes that noise from the pubs and clubs should not impact on the proposed use as “most of the anticipated noise however should be at night outside the working hours for this building”. It would, however, be prudent to draw these sources of current environmental noise to the applicant’s attention in the interests of the protection of future occupiers of the building.

**Highways:** No objection subject to conditions. The site is located within the central core of Nottingham on Goldsmith Street. The NET line runs along the sites frontage and the site is within easy walking distance of the transportation offer within the city centre. The lack of off-street parking associated with the development is therefore acceptable. Due to the NET line running along the sites frontage, the site will be difficult to develop. It is therefore essential that a Construction Management Plan is provided, with a management strategy to mitigate the impact of construction traffic on the local area. We have been informed that the applicant is seeking to gain vehicular access to the development via a yard area on Talbot Street, which would be welcomed.

**NET:** No objection subject to conditions. A tram OHLE pole is located immediately adjacent to the development site and the developer has made initial enquiries about the option of introducing a building fixing in this location to replace the existing pole. The introduction of a building fixing would be preferable to the NET Promoter, and something that would be appropriate to incorporate into the detailed design. However, given discussions with the developer have not yet been concluded, we request that planning permission only be granted subject to details of the relocation of the tram OHLE being agreed prior to the commencement of the development. Given the proximity of the development site to the tramway, close liaison will be required throughout the design and construction process to ensure works can be carried out safely. We would therefore request that a condition be included requiring the applicant to liaise with the tram operator, and agree a method statement prior to commencing work.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place

and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

- 6.4 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.5 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

#### **Nottingham Local Plan (November 2005):**

ST1 - Sustainable Communities.

CE1 - Community Facilities

NE9 - Pollution

T3 - Car, Cycle and Servicing Parking

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

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

#### **Other Planning Guidance**

Nottingham City Centre Urban Design Guide (May 2009)

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

Whether:

- (i) the proposed development in terms of its use, layout, scale, massing and external appearance is appropriate to its position in the city centre and neighbouring properties.

- 7.1 Whilst the application site is located immediately adjacent to Nottingham Trent University, it falls outside the area land that is designated within the Local Plan as 'Land Safeguarded for Further & Higher Education', where Policy CE8 advises that planning permission will be granted for further and higher education facilities. It is, however, considered that the character of this part of Goldsmith Street is heavily influenced by the NTU campus and that the proposed office and education use would be both wholly compatible with this character and would see the development of a derelict and prominent city centre site with a meaningful and appropriate use in accordance with Policy CE1.

- 7.2 The layout plan of the proposed development occupies the full extent of the site and, as such, repeats that of the previous building. As proposed, it is appropriate that the frontages of the site to Goldsmith Street and Masonic Place are reinstated to provide enclosure and activity to those streets. The other two site boundaries are to the side Horn in Hand public house and area of hard surfaced land onto Talbot Street, and to the rear towards the Rescue Rooms where the simple and appropriate response is to address these boundaries with solid wall elevations. It is therefore considered that the proposed building layout is appropriate to the site and neighbouring developments.
- 7.3 The applicant has provided a detailed site analysis in support of the massing and external appearance of the proposed development, including regard to the scale and composition of the buildings on this section of Goldsmith Street, street scene views, and material studies. Thus, whilst the applicant makes reference to the potential maximum allowance of 6 storeys that is noted within City Centre Urban Design Guide, it is advised that the site analysis does not support this potential and that the applicant's conclusion is that a maximum development height of four storeys would be appropriate to the context of neighbouring buildings. This conclusion is welcomed and supported as there is a relatively consistent scale to the buildings on this side of Goldsmith Street, which defer to the significant scale of the Newton Building opposite and yet are collectively strong and interesting in their appearance due to their variety of ages and architectural styles. Whilst the height of the proposed building will be taller than the roof of the neighbouring Horn in Hand public house, it will not dominate its scale and will also remain below the height of other background buildings in the street scene view up Goldsmith Street. Accordingly, it is considered that the proposed height and mass of the building accords with Policy 10.
- 7.4 The design and external appearance of the proposed development is deliberately contemporary, but with its material finishes having reference to its local context. Most striking is the proposed three storey metal framed oriel window to the principal elevation onto Goldsmith Street. This pronounced feature will be highly visible in the street scene and its material quality will also be very evident. Glass louvers within the opening are used to break down its scale and to provide texture and interest in oblique views. The oriel window is to be surrounded with a stone cladding that will provide a robust quality of appearance and will act to ground the building, also having reference to the stone finishes and details that are used on the neighbouring Masonic Hall and Newton Building opposite. The large stone framed openings to the ground floor entrance onto Goldsmith Street are further strong elements that visually support the floors above.
- 7.5 The proposed elevation to Masonic Place contrasts with that onto Goldsmith Street and recognises the change in character that can be expected between primary and secondary streets. The proposed ordered rhythm of floor to ceiling windows within an entirely buff brick elevation is considered to be an appropriate response to the character of this enclosed narrow street, with visual interest being controlled to the use of more subtle detailing including the use of a chamfered surround details. It is considered that it is the quality of proposed buff brick used that will be most important feature of this façade and the applicant has already indicated their preferred choice. It is intended that a full sample materials palette will be made available for Committee. Subject to the use of a palette of appropriate quality materials, it is therefore considered that the proposed development accords with Policy 10.

## **Highways & NET (Policy T3 and Policy 10)**

- 7.6 The Highways consultation response notes the sustainable, central location of the application site, which is accessible by a range of public transport and other modes. As such, Highways have no objections to the absence of car parking within the proposed development. The constraints of access to the site and adjacency to the NET line on Goldsmith Street is also noted within both the Highways and NET responses and the management of construction traffic and deliveries to the site is important to both parties. A planning condition requiring the submission and approval of a Construction Management Plan also including liaison and approval of the NET Team is provided in the draft decision notice appended to this report. As such, the proposed development is considered to accord with Policy T3.
- 7.7 The opportunity to replace the existing OHLE pole on Goldsmith Street with a building fixing is also noted and a planning condition is provided to ensure that further details are provided in accordance with Policy 10.

## **Environmental Health (Policy NE9)**

- 7.8 The comments of Environmental Health in relation to neighbouring noise sources to the proposed development are noted and the applicant has also acknowledged this as a major consideration. An informative in relation to the proximity of neighbouring noise sources is attached to the draft decision notice in accordance with the request of Environmental Health. The proposed development is therefore considered to accord with Policy NE9.

## **8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)**

- 8.1 The applicant advises that the proposed building has been designed to target BREEAM "Excellent" standard and is also targeting an Energy Performance Certificate A grade. Predicted CO2 emissions have been calculated and a range of passive and active technologies are being considered in order to achieve these targets, including solar photovoltaic, solar thermal, and air source heat pumps. The applicant also advises that the proposed building will optimise energy use and will reduce consumption of both energy and water through a variety of measures including the provision of a building management system (which will control and manage the building's mechanical and electrical equipment), water and energy efficient equipment, and passive design measures. A pre-assessment of the performance of the proposed building is advised to have achieved a score of 74.39%, which translates into a BREEAM rating of Excellent. The proposed development is therefore considered to accord with Policy 1.
- 8.2 Whilst the application site noted as being of low or negligible ecological value, the applicant has noted the potential to improve biodiversity with elements of green roof and the provision of bird nesting boxes in accordance with Policy 17.

## **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**

The provision of DDA compliant accessible buildings.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

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: 17/00565/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OMSM54LYJT200>

2. Environmental Health, 7.4.17

3. NET, 10.4.17

4. Highways, 27.4.17

5. Urban Design, 8.5.17

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

Nottingham Local Plan (November 2005)

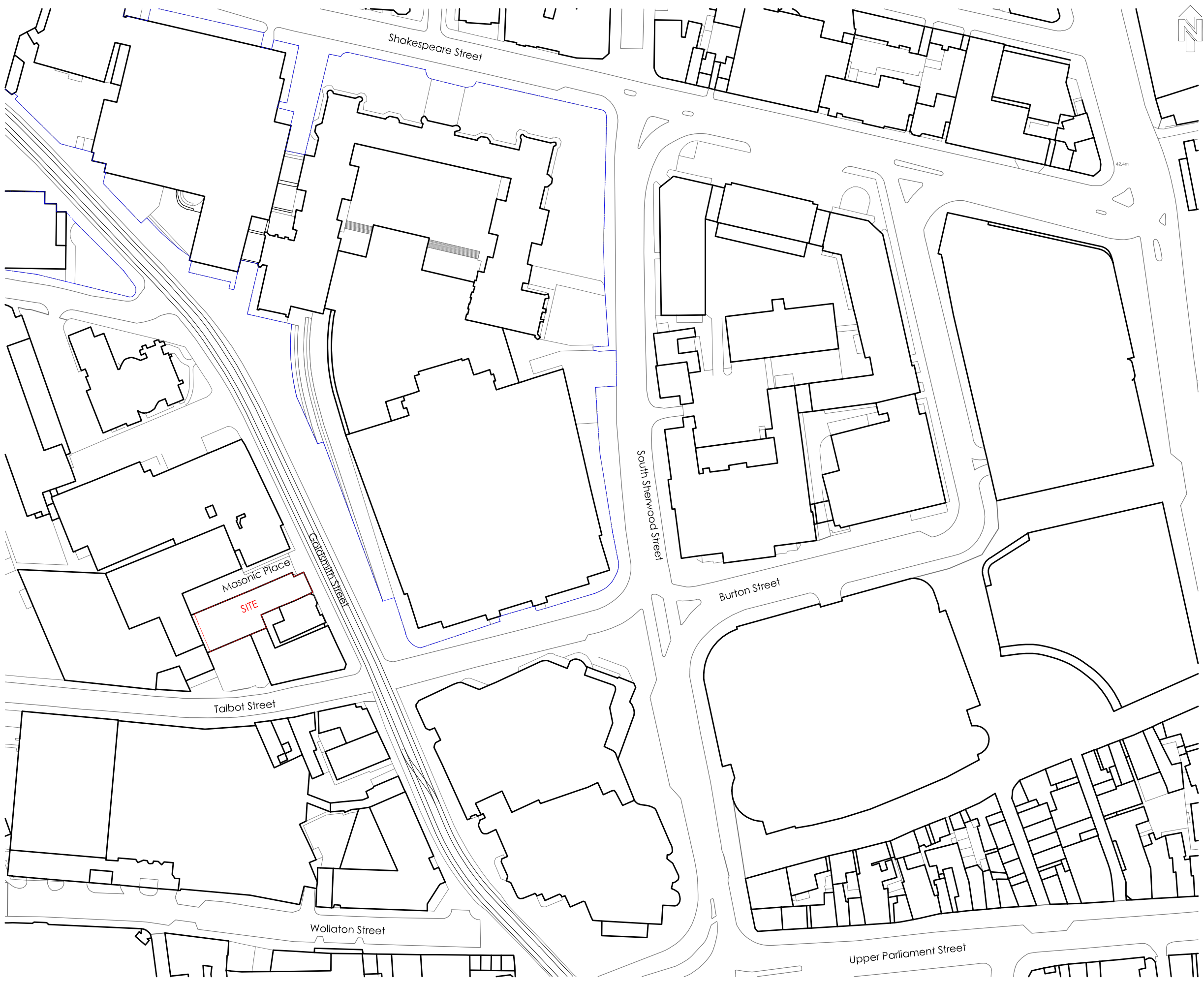
Aligned Core Strategies (September 2014)

Nottingham City Centre Urban Design Guide (May 2009)

**Contact Officer:**

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job title  
**23 Goldsmith Street  
 Nottingham Trent University**

drawing title  
**Site Location Plan**

drawing status  
**PLANNING SUBMISSION**

drawn by	date	checked by	scale
MG	13.03.2017	MP	1:1250
job no.	drawing no.	revision	media
8134	70-001	-	A3

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**My Ref:** 17/00565/PFUL3 (PP-05898419)  
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Date of decision:

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

**Application No:** 17/00565/PFUL3 (PP-05898419)  
**Application by:** Jill Marlow  
**Location:** Shell For 23 And 23A , Goldsmith Street, Nottingham  
**Proposal:** 4 storey new build office and education building

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. No development shall commence until details of a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The Construction Management Plan shall include details of deliveries (storage arrangements and timings), contractor parking, traffic management and dust suppression measures. The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

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



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3. No development shall commence until a Construction Method Statement, providing details on how the development will be managed in relation to the operation of the adjacent NET tram line has been submitted to and approved by the Local Planning Authority. Development shall then be carried out in accordance with the approved document.

*In the interests of highway safety and to ensure the uninterrupted operation of the NET tram line.*

4. Implementation of the approved development is likely to affect an existing Nottingham Express Transit Overhead Line Equipment (OHLE) post on Goldsmith Street. The existing OHLE post shall not be moved until details of its temporary and permanent relocation (including building fixings) have been submitted to and approved by the Local Planning Authority. The approved temporary and permanent details shall be implemented in accordance with a programme that shall also be submitted to and approved by the Local Planning Authority before the existing OHLE post is moved.

*Reason: In the interests of ensuring the continuity of service of Nottingham Express Transit throughout the duration of the construction of the approved development and post-completion.*

5. No above ground development shall commence until large-scale elevation and section drawings to confirm the detailed design of the building (e.g. scale 1:50 and/or 1:20) have been submitted to and approved in writing by the Local Planning Authority. The submission shall incorporate details of all elevations, including the large metal framed oriel window frame and glass louvers to Goldsmith Street, chamfered window openings to Masonic Place, all glazing systems and reveals; and all entrance doors. The development shall thereafter be implemented in accordance with the approved details.

*Reason: In order to ensure that the detailed design of these elements are consistent with the high quality of the development and in accordance with Policy 10 of the Aligned Core Strategy.*

6. No above ground development shall commence until a large scale sample panel of all proposed external materials to be used in the construction of the approved development has been submitted to and approved by the Local Planning Authority in writing before any above ground development commences. The development shall thereafter be carried out in accordance with the approved materials.

*Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.*

**Pre-occupation conditions**

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

There are no conditions in this section.

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 15 March 2017.

*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. Adjacent Noise Sources**

There are adjacent sources of environmental noise that may have an impact on the future users of the approved development. It is appropriate that the approved development is constructed with a view to protecting future users from noise sources including: trams [including potential vibration issues], pubs open during the daytime, and music venues and clubs holding sound checks.

4. Planning permission is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at [highway.agreements@nottinghamcity.gov.uk](mailto:highway.agreements@nottinghamcity.gov.uk) to ensure all necessary licences and permissions are in place.

5. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

### **6. Nottingham Express Transit/NET**

All works must be carried out in accordance with the instructions contained within the "Working Near NET" leaflet, a copy of which is attached.

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: 17/00565/PFUL3 (PP-05898419)

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](http://www.planningportal.gov.uk/pes).

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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## **Not for issue**