

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

23 High Pavement, Nottingham

1 SUMMARY

Application No: 18/00225/PFUL3 for planning permission

Application by: Globe Consultants Ltd on behalf of First Provincial Properties Ltd

Proposal: Change of use to mixed use development comprising retail (A1), restaurant with ancillary bar (Class A3/A4), office and meeting space with ancillary cafe/bar (Class B1) and 3 serviced apartments (Class C3), a single storey and first floor rear extension and associated works

The application is brought to Committee given the important heritage and land use considerations.

To meet the Council's Performance Targets this application should be determined by 31st October, for which an extension of time has been agreed.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the Police Architectural Liaison Officer raising no further community safety issues relating to material planning considerations and 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 Director of Planning and Regeneration.

3 BACKGROUND

3.1 23 High Pavement is located on the north side of the street opposite the Shire Hall. The application site is bounded to the west by a gap site which is currently used for contract car parking and to the east by the Grade II listed Cock and Hoop public house. To the north is an area of land which is at a higher level than High Pavement and also used for contract car parking, beyond which is the Halifax Place residential accommodation. Due north of the rear of 25 High Pavement is a residential property known as the Lace Makers House. The site is located within the Lace Market Conservation Area.

3.2 23 High Pavement is a Grade II* listed building known as County House. The property has a long and complex history and has overtime been the subject of significant change and extension. Originally it was a Georgian town house. However, in the early 19th century it was sold to the magistrates for conversion to

the Judges' Lodging and the notable dining room block at first floor on the east side of the building was added. In the early 20th century it became County Council offices and in 1930 the two storey east wing was added, followed by the addition of single storey offices to this block in 1949. The building was vacated by the County Council in 1992 and since that time has been unused. It is included on the Listed Buildings at Risk register due to its poor state and neglect.

- 3.2 The building is three storeys in height and comprises of three main elements; the front range facing High Pavement and, at the rear addressing an internal courtyard, are the west wing and the east wing.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission was originally sought for the change of use from vacant offices to a mixed use development comprising a restaurant (A3), bar (A4), private members club (Sui Generis), and 3 serviced apartments (C3). At that time the final location of the proposed mix of uses was not set and four potential layout options were put forward as part of the planning submission.
- 4.2 In light of concerns from officers, local residents and the Police Architectural Liaison Advisor (PALO), the planning application has been through two rounds of revision. The final proposal which members are now being asked to consider is for the change of use to a mixed use development comprising:
- retail (A1) and restaurant with ancillary bar (Class A3/A4) on the ground and rear section of the first floor
 - office and meeting space with ancillary cafe/bar (Class B1) on the remaining part of the first floor
 - 3 serviced apartments (Class C3) on the second floor
- 4.3 The applicant, in amending the proposal and providing further clarification on the mix of uses proposed, has clearly defined which parts of the building these uses would occupy. The proposed floor plans and mix of uses now reflect the general requirements of the potential end users, with whom negotiations are at an advanced stage. Regarding the proposed restaurant use, the lounge/ bar areas would be located in the rooms fronting High Pavement.
- 4.4 The remaining area of the first floor would operate as an office/workspace hub for businesses and professionals working in or visiting Nottingham. The hub would be served by its own café/bar area which would be accessible to clients using the office facilities only. The office/workspace hub is a business model offering shared work space, bookable meeting rooms, a library, break out spaces, printers and an ancillary café/bar. It would be used solely by private members.
- 4.5 A single storey extension is proposed to the rear west elevation of the building to form a ground floor glass link corridor, with external first floor terrace above. A first floor extension to form a small first floor glass lobby is also proposed.
- 4.6 A complementary Listed Building application for external and internal works associated with the change of use is to be considered in the following report (ref: 18/00226/LLIS1). The proposals involve significant repair of the existing building and restoration of key features.

5 **CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

Adjoining occupiers consulted:

66 Neighbouring properties on the following streets have been notified of the proposal:

Halifax Place
High Pavement
St Marys Gate
Sampsons Yard
Enterprise Way

The application has also been publicised through the display of a site notice and the publishing of a press notice.

Five comments have been received from local residents who live to the rear of the site, in and around Halifax Place. One letter has been written on behalf of 8 residents of Halifax Place. These comments were received in relation to the original planning submission.

Residents support the restoration of what is seen to be one of Nottingham's most beautiful buildings and an important part of the City's heritage. They consider that its restoration should be sympathetic and fully in line with the requirements of Historic England and Nottingham Civic Society. Residents are against any intrusive alterations to the building and consider it detrimental to move any staircase or divide the former Judges Dining Room. (*These matters are being considered as part of the Listed Building application.*)

The original proposal is seen by local residents to principally be a drinking establishment (Class A4), with some residential accommodation attached. Residents feel that High Pavement is already characterised by a series of bars and licensed premises which cause night time noise and disruption for those living in the Lace Market, particularly in the Halifax Place area behind the County House building. Issues regarding the exacerbation of community safety and anti-social behaviour are also raised.

Residents raise concerns that use of the rear, enclosed courtyard of the County House for social and entertainment purposes would add considerably to the noise problems that currently exist. Licensed premises on High Pavement are alleged by residents to exceed their licences by extending evening socialising into the rear alleyways or onto their terraces. These problems are seen to be compounded by the whole area being a natural amphitheatre, which amplifies noise disruption levels and reduces the quality of life. There are also concerns that this development would increase the number of people trying to access St Marys Gate through Halifax Place and adjacent car parks, resulting in further noise problems.

The use of the courtyard of the County House is seen by residents to be an additional amphitheatre for noise, due to it being set at a much lower level to Halifax Place at the rear. The courtyard is proposed to be used as an external drinking and socialising area, linking the restaurant and the bar at the other side. Residents are concerned that this use would be extended to weddings, parties and private celebrations to make the premises viable. They are concerned that for those living next door it would become a noise nightmare.

The same argument would apply to the use of the outdoor terrace on the first floor (though noise problems here could be overcome if the space was developed as a closed extension of the existing building).

Mention is made by residents about long running noise disruption from the former BZR club on St Mary's Gate and concerns about the Council's difficulties in dealing with ongoing noise issues from such premises when granted planning permission.

Finally, residents question whether the Lace Market needs further drinking establishments at the expense of reinforcing its cultural heritage. They consider that this runs counters to the City's second objective for the Lace Market; namely making it a safe and attractive place to live. Residents consider a restaurant (not bar), residential or heritage centre use would suit the building better. Planning permission has previously been granted for its use as a hotel. Residents feel that the lack of a 5-star hotel in the City is a real drawback, and they consider that that this would still make a great deal of sense.

One immediate neighbour has stated that the rear boundary with their property and emergency access arrangements is incorrect. They state that the rear gateway as shown on plan cannot serve as a potential fire exit and the location of proposed brick planters are not within the applicants ownership (*this has now been rectified*).

In summary local residents concerns in relation to the original planning submission are as follows:

- Support for County House being brought back to its former glory but residents would prefer it to be have a civic use to reflect its historic location within the Lace Market Conservation Area.
- Objection to its principal use as a Class A4 drinking establishment.
- Residents state that High Pavement is already characterised by a series of bars and licensed premises which cause night time noise and disruption for those living in the Lace Market. The proposed use would in their opinion exacerbate noise, disturbance and issues of anti-social behaviour.
- The use of external areas in what is seen as an enclosed 'amphitheatre' would add considerably to the noise problems that currently exist.
- Query over the proposed rear boundary of the site.

Residents were re-consulted on a first set of revised plans and three further letters of objection were received, including a petition from residents of Halifax Place with 10 signatures. The letters largely repeat the concerns of local residents set out above regarding noise, general disturbance and anti-social behaviour. They consider the proposal to be a disappointing scheme which lacks vision and creative decision making. Residents re-emphasise their wish for the building to be brought back into a dignified civic use.

The final scheme is currently out to re-consultation and further representations received will be reported in the Update Sheet.

Nottingham Civic Society welcomes the proposals for reuse and repair/alteration of this rapidly deteriorating key Grade II listed building in the Lace Market Conservation Area. They consider alterations proposed in the rear courtyard to be acceptable in principle, in return for the restoration of this important Listed Building at Risk. The Civic Society would like to ensure that every opportunity is taken to

record and recover archaeological deposits from the courtyard, given the sensitivity of the site at the heart of the Saxon 'Lace Market' settlement. The Civic Society supports the application, subject to the Conservation Officer being satisfied.

Additional consultation letters sent to:

Police Architectural Liaison Officer (PALO): The PALO expressed concerns regarding the originally proposed scheme. The area in which these premises are located are within the City Centre Saturation Zone for Licencing. The Lace Market offers two faces to the City; by day the area is busy with shoppers and visitors but at night, especially at weekends, it becomes one of the City's main Night Time Economy areas with high levels of crime & disorder. The reason for the Saturation Zone is to address the cumulative impact of premises licensed to sell alcohol to help reduce the high levels of crime & disorder.

The Police would not like to see large bar areas and would be likely to object to any such proposal. The use as a restaurant with attached bar maybe acceptable, but further information would be required. Their other concern is with the private members club, which appears to occupy the majority of the first floor. Other than the title of Private Members Club, no other information is known, ie. will members be vetted, proposed and accepted; what facilities and privileges will members have; what would be the cost of membership etc.

As there appears to be no firm proposals for these premises, the PALO does not see how the Police could support the original proposal and would be likely to raise an objection. Further information as to the firm proposals for this building would be required before they could respond appropriately.

The PALO has been re-consulted on the final scheme and comments will be reported on the Update Sheet.

Environmental Health and Safer Places: No objections. Conditions requiring the submission of a noise assessment, sound insulation scheme, details mechanical ventilation and extraction of cooking odours are recommended.

City Archaeologist: No objection, subject to conditions. There is potential for surviving medieval and post-medieval structures, features and deposits within the proposed development site, which could be impacted upon by the proposals. A cave is known to exist within the site and is accessible from the rear of 23 High Pavement. Access to this cave should be maintained in accordance with current and emerging policy. The possibility of further caves within the site boundary should not be ruled out. A programme of archaeological monitoring of groundworks (in the form of a watching brief) is required as a condition of planning permission. Monitoring and recording of works impacting upon historic building fabric should also be required.

Conservation Officer: No objection, subject to conditions. Fundamentally it would secure the future of a grade II* listed building at risk and repair the damage caused by years of neglect to the structure by making it fit for a number of potential uses. The scheme would bring wide ranging and long term benefits and on the whole the scheme results in a minimal degree of physical impact on the historic fabric and character of the building. The introduction of a Georgian style garden is a very welcome enhancement of the rear courtyard area.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

- 6.1 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 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); 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.
- 6.2 Paragraph 85 requires planning policies and decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 91 states that planning policies and decisions should aim to create places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 185 requires plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. It should take account (amongst other criteria) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation. Paragraph 193 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.

Nottingham Local Plan (November 2005):

ST3- City Centre

BE10 – Development within the Curtilage, or Affecting the Setting, of a Listed Building

BE12 - Development in Conservation Areas

BE15 - Archaeology

BE16 - Archaeology

NE9 - Pollution

S6 – Non Retail Users

S7 – Food and Drink

H2 – Housing Density

Aligned Core Strategy (September 2014):

Policy A - Presumption in favour of sustainable development

Policy 2 – The Spatial Strategy

Policy 5 - Nottingham City Centre

Policy 8 – Housing Size Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 11 - The Historic Environment

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) The principle of the proposed mixed use development;
- ii) Listed Building and Conservation Issues;
- iii) The impact upon the amenity of nearby occupiers and community safety issues.

(i) Principle of the proposed mixed use development (NPPF, Policies A, 2, 5 and 8 of the Aligned Core Strategy and Policies ST3, S6, S7 and H2 of the Local Plan)

- 7.1 The NPPF and Historic England both recognise that finding a viable economic use is critical to the success of the regeneration and long term preservation of heritage assets. Securing investment and a new use(s) are an essential step in returning a historic building to its former glory and safeguarding its architectural and historical interest for the future. It is commonly accepted that bringing a heritage asset into viable economic use that can secure investment for the initial repair/refurbishment of the heritage asset, provide the owner or developer with a reasonable return on their investment, and which generates sufficient income to ensure the long-term maintenance of the building fabric, will underpin sustainable urban renewal. At this stage no alternative funding streams for the restoration of this building have been identified.
- 7.2 A scheme of this scale and nature has the opportunity to transform a key heritage asset at the heart of the Lace Market Conservation Area. The proposals would bring about substantial public benefits, which include securing the future use of the building and the general repair and restoration of key features of historic merit. It would help to provide confidence to other businesses in the Lace Market, which in turn will help to enhance the physical and economic fabric of the area.
- 7.3 County House is situated in a highly accessible location within the core of the Lace Market, an area generally characterised by a range of uses including commercial, educational and residential. The proposed mix of uses, namely Class A1 (retail),

Class A3 (restaurant with ancillary bar), Class B1 (office, work space and meeting hub with ancillary café/bar) and Class C3 (residential), are key City Centre uses and appropriate to this context. The proposed range of uses would accord with Policy 2 and 5 of the Aligned Core Strategy which place emphasis on the City Centre as the focus for new development to enhance its role as the region's principal shopping, leisure and cultural destination; the need to ensure it maintains its attractiveness, accessibility and vibrancy; ensuring that proposals concentrate development on areas well served by a choice of transport and by minimising traffic generation. Policy 5 (c) of the Aligned Core Strategy in particular mentions the need to create an inclusive and safe City Centre by having regard to crime and disorder issues through managing the scale and concentration and regulation of bars. In this instance the proposed mixes of uses, given the existing concentration of bars along High Pavement have been amended to restrict the scale of proposed bar use within the final scheme.

- 7.4 The proposed mix of uses have the potential to provide the necessary commercial yields required to secure the financial investment needed to carry out the essential repair and enhancements works to this Grade II* Listed Building, whilst also being able to demonstrate that that they could be accommodated within the historic fabric of the building, consistent with its conservation. The more commercially viable uses such as Class A1, A3 and the Class B1 office/meeting and workspace hub would occupy the first two floors and would maximise the use of the highly decorative and large reception rooms on these floors.
- 7.5 The Council would welcome the civic use of County House, however such a use has not come forward and is unlikely to secure the necessary investment required to bring this unique Listed Building back to its former glory and ensure its long term preservation.
- 7.6 Residential use is proposed on the second floor with its more modest room sizes. The revised floor plans propose 2 x one bedroom and 1 x two bedroom apartment which would be served by a separate living, kitchen area and bathroom. All three apartments are considered to be of a good size.
- 7.7 This composition of the proposed uses are all considered to be compatible with this City Centre location. The proposed range of uses would accord Policies A, 5 and 8 of the Aligned Core Strategy and Policies ST3, S6, S7 and H2 of the Local Plan.

(ii) Listed Building and Conservation Area issues (Para 193 NPPF Policies 10 and 11 of the Aligned Core Strategy and Policies , BE10 and BE12 of the Local Plan)

- 7.8 County House has recently been upgraded by Historic England to a Grade II* Listed Building. Assessment of the planning application requires the consideration of the effect of the proposals upon the setting of this and adjacent Listed Buildings in the context of Policy BE10, and as to whether the proposals would preserve or enhance the character or appearance of the Lace Market Conservation Area, in accordance with Policy BE12.
- 7.9 It is considered that the information submitted as part of the application demonstrate that proposed internal and external alterations required to facilitate the proposed change of use would be classified as 'less than substantial harm' to the significance of this heritage asset in terms of the NPPF. As such, the NPPF

requires that this harm should then be weighed against the public benefits of the proposals and the ability to secure property's optimum viable use.

- 7.10 The following paragraphs consider the Listed Building and conservation issues for the individual elements of the proposals as set out in the proposals section of the report. The detailed internal and external works which would facilitate the range of uses currently proposed, are considered separately under the Listed Building Consent application, which follows this report.
- 7.11 County House is on the Listed Building at risk register. It is in a state of serious dereliction and without an immediate and substantial injection of capital there are genuine concerns about its long term sustainability. Although the current owner has secured necessary repairs to the roof, highly significant features like the early 18th Century staircase and late 18th Century staircase above it, are close to the point of collapse. Several floors have also collapsed as a result of water ingress, prior to the recent repair of the roof. Safe access to the second floor is currently not possible and the extent of damage is not fully known.
- 7.12 The importance of finding a long term viable use for County House which could secure the necessary investment to restore the building and secure its long term use have been discussed in the previous section.
- 7.13 In terms of the current planning application, minimal external alteration is proposed to the listed facades of the building, which are essentially to be repaired and restored. The main external alterations are proposed to the rear courtyard area where a small single storey extension is proposed to provide a glazed link between the main building and the east wing. The existing single storey 1930s addition is to be altered to provide a fully glazed frontage to the internal courtyard, to match the proposed extension. Part of the roof area of the 1930's extension is proposed to be used as a roof terrace with glazed balustrade. A further small glazed extension is proposed at first to provide a lobby and link at this level.
- 7.14 The internal courtyard is to be restored to replicate a small Georgian garden.
- 7.15 The Conservation Officer considers that from a heritage conservation perspective the scheme would bring wide ranging and long term benefits. Fundamentally it would secure the future of a Grade II* listed building at risk and repair the damage caused by years of neglect to the structure by making it fit for a number of potential uses. The scheme results in a limited degree of physical impact on the historic fabric and character of the building. The one exception to this is the demolition and reorientation of an early 19th century staircase (the secondary staircase) which is being considered as part of the Listed Building Consent application.
- 7.16 The long term preservation of this Listed Building also would make a significant contribution towards the preservation and enhancement of the Lace Market Conservation Area along High Pavement. The building has been vacant for over 20 years and is now in a serious state of repair. No viable use of this heritage asset has come forward in the short and medium term to enable its conservation. Grant funding sufficient to cover its conservation is also unlikely to come forward. It is considered that the proposed internal and external alterations required to facilitate the proposed change of use would result less than substantial harm' to the significance of this heritage asset in terms of the NPPF and on this basis any 'harm' to this heritage asset would be outweighed by the substantial public benefits of bringing the site back into use.

- 7.17 The proposal is therefore considered to accord with the requirements of the NPPF, Policies 10 and 11 of the Aligned Core Strategy and Policies BE10 and BE12 of the Local Plan, subject to the conditions recommended by the Conservation Officer.

iii) Impact on Residential Amenity (Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan)

- 7.18 Policy 5 (c) of the Aligned Core Strategy refers to the need to create a safe and inclusive City Centre. Policies S6 and S7 of the Local Plan also require consideration of a proposed development to assess whether it would be harmful to the living or working conditions of nearby occupiers and residents. Policy S7 in particular states that planning permission will be granted for food and drink uses where the effect of noise, disturbance, anti-social behaviour, smells and litter on the amenities of nearby occupiers and residents, is capable of being adequately controlled by means of planning conditions.
- 7.19 Issues relating to possible noise disturbance arising from the use of the building and specifically the courtyard area and first floor terrace, have been identified by both the occupiers of the Lace Makers House and residents of the Halifax Place housing development, which is located further to the north of the site. Particular concerns relate to the use of the building and external areas as part of a Class A4 bar.
- 7.20 Concerns regarding the extent of Class A4 bar and its potential impact on community safety issues have also been raised by the PALO given its location within a Saturation Zone for Licencing.
- 7.21 The final revised scheme now shows the ground floor sections of the building which surround the courtyard, together with the first floor section of the east wing (with access to the first floor roof terrace), to be used as Class A3 restaurant. Only a small section of the ground floor fronting High Pavement is shown as Class A4 bar and this is to be ancillary to the Class A3 restaurant use. The remaining part of the first floor would form a Class B1 office hub with ancillary Class A3/A4 café/bar, available for use by members of the office hub only.
- 7.22 Given the relationship with Lace Makers House and Halifax Place it is considered appropriate to carefully control the type of uses that are accommodated within the two rear wings of the building and external areas, to minimise potential noise and disturbance. The use of external areas in association with a Class A4 bar would raise concerns for the reasons raised by local residents. In addition, the creation of a large Class A4 bar at ground and first floor level, together with the cumulative impact of existing bars on High Pavement, would raise community safety concerns as stated by the PALO.
- 7.23 The applicant has stated that the use of external areas is essential to attracting tenants for the building. As a result of concerns from local residents, the applicant is proposing that the area surrounding the courtyard and access to the first floor terrace be 'fixed' by condition to Class A3 restaurant use only. They have suggested that the use of the proposed external garden and first floor terrace also be conditioned to solely relate to the restaurant use, and that this be subject to a 12 month temporary period, to allow their use to be monitored. An hours of use condition restricting use of external areas (08:00 till 23:00 Monday to Saturday and 08:00 till 22:00 on Sundays) is also proposed. The use of the bar areas are also

proposed to be conditioned to be ancillary to the proposed restaurant and first floor office hub.

- 7.24 The PALO has been involved in detailed discussions regarding the final mix of uses currently proposed. Their formal comments on the revised scheme have been sought and will be reported in the Update Sheet.
- 7.25 Environmental Health and Safer Places have raised no objections to the proposal in terms of noise and disturbance, subject to the conditions outlined in the consultee section above.
- 7.26 It is therefore concluded that the proposed restaurant use to the rear section of the building, with the inclusion of the proposed restrictive conditions relating to use of external areas, would provide sufficient protection to neighbours' amenities. It is also considered that the office and residential uses are compatible with the neighbouring residential properties and furthermore, that the proposed bar area is acceptable on the basis that it would be ancillary to the restaurant use and located at the front of the building, in limited areas on the ground floor only. The proposals are therefore in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan in this regard.

OTHER MATTERS

- 7.27 Archaeology (Policies BE15 and BE16 of the Local Plan): The Council's Archaeologist has requested a programme of archaeological monitoring of groundworks and the historic fabric of the building (in the form of a watching brief) that can be secured by condition.

8. SUSTAINABILITY / BIODIVERSITY

The proposal would lead to the restoration of a building of significant historic interest and secure its sustainable and viable future use.

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

Great City – Create a vibrant and attractive city centre and ensure people are even safer.

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: 18/00225/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P3KBGLLYIP800>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

23 High Pavement, Nottingham

1 SUMMARY

Application No: 18/00226/LLIS1 for Listed Building Consent

Application by: Globe Consultants Ltd on behalf of First Provincial Properties Ltd

Proposal: Single storey rear extension, internal works including removal and reversing of an existing staircase and external works

The application is brought to Committee as it relates to the preceding planning application and concerns a significant heritage asset.

To meet the Council's Performance Targets this application should be determined by 31st October, for which an extension of time has been agreed.

2 RECOMMENDATIONS

GRANT LISTED BUILDING CONSENT 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 Director of Planning and Regeneration.

3 BACKGROUND

- 3.1 23 High Pavement is a Grade II* listed building known as County House. The house has a long and complex history and has over time been the subject of significant change and extension. Originally, it was a Georgian town house. However, in the early 19th century it was sold to the magistrates for conversion to the Judges' Lodging and the notable dining room block on the first floor in the east portion of County House was added. In the early 20th century County House became County Council offices and in 1930 the two storey east wing was added followed by the addition of single storey offices to this block in 1949. The building was vacated by the County Council in 1992 and since that time has been unused. It is included on the Listed Buildings at Risk register due to its poor state and neglect.
- 3.2 The building is three storeys in height and comprises of three main elements; the front range facing High Pavement and at the rear addressing an internal courtyard are the west wing and the east wing.
- 3.3 The site is located within the Lace Market Conservation Area.

4 **DETAILS OF THE PROPOSAL**

- 4.1 Listed building consent is sought for external and internal works required to facilitate the conversion of County House to a mixed use development comprising retail (A1), restaurant with ancillary bar (Class A3/A4), office and meeting space with ancillary cafe/bar (Class B1) and 3 serviced apartments (Class C3) . A complementary planning application for the proposed use has been considered by Planning Committee in the previous report.
- 4.2 External works would include the following:
- Removal of most of the covered walkway of *circa* 1930 on the lower northern rear elevation;
 - A single storey ground floor extension is proposed to the northern rear elevation and would have a glazed front and glass balcony, with a roof terrace above.
 - New glazed lobby to the first floor on the rear elevation.
 - The existing single storey 1940s extension to the east wing is proposed to be retained in form, with Crittall glass extension and glazing to ground floor, and a modern cladding of bronze or copper to the remainder.
 - Existing brickwork to be repointed and existing stucco render is proposed to be replaced and made good.
 - Repair of existing windows is proposed where possible but like for like replacement of windows will take place where windows are beyond repair.
 - The existing internal courtyard is proposed to be re-landscaped to reinstate a Georgian style garden.
- 4.3 All other works are internal and largely consist of repair and restoration works. Key internal interventions include:
- The demolition and reorientation of an early 19th century staircase (the secondary staircase) and its extension up to the second floor.
 - Provision of a new lift to serve the first and second floors.
 - Removal of stud partition walls where necessary.
 - Layout changes and to second floor rooms to create three serviced apartments.

5 **CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

The application has been publicised through the display of a site notice and the publishing of a press notice.

Nottingham Civic Society welcomes the proposals for reuse and repair/alteration of this rapidly deteriorating key Grade II listed building in the Lace Market Conservation Area. They consider alterations proposed in the rear courtyard to be acceptable in principle, in return for the restoration of this important Listed Building at Risk. The Civic Society would like to ensure that every opportunity is taken to record and recover archaeological deposits from the courtyard, given the sensitivity of the site at the heart of the Saxon 'Lace Market' settlement.

Additional consultation letters sent to:

Conservation Officer: No objection subject to conditions. The scheme would bring wide ranging and long term benefits and on the whole the scheme results in a limited degree of physical impact on the historic fabric and character of the building.

In terms of the main staircase the intention to restore this to its former glory is welcomed. However it is noted that the preferred scenario for the end use of the building would restrict this magnificent feature's use to a fire escape route. While the staircase would be visible from the entrance hall it would not be regularly used, something which would impact on its significance as the primary historic route between floors.

The introduction of a Georgian style garden is a very welcome enhancement of the rear courtyard area.

It is also considered appropriate to add a condition requiring a Conservation Management Plan (CMP) for the building to account for how the usage of the building might change and evolve over time. A CMP would be useful in helping to manage future change. It would set out clear principles for the building's ongoing management and maintenance at the outset and inform any new tenants or occupiers about the sensitivity and significance of individual elements. In particular the CMP should reassert the significance of the main staircase and emphasise the desirability of using it as the primary route between floors whenever new/alternative uses are proposed in future.

The following conditions are recommended by the Conservation Officer:

- A detailed condition survey of all building elements with room by room recommendations for remedial works.
- A detailed set of demolition plans and elevations showing the extent of unsalvageable historic fabric to be removed.
- A detailed schedule of works for the conservation and repair of historic fabric on a room by room basis. Details of works to chimneys and replacement chimney pots.
- Samples of all new or replacement facing and roofing materials.
- Sections of new lift shaft showing its exact position and relationship with existing structural fabric.
- Sections and elevations of new curtain wall glazing system and glazed doors.
- Sections and elevations of new glazed balustrades.

Historic England (HE): Historic England is supportive in principle of the proposed change of use and bringing the building back into use. They welcome the retention of the historic internal layout and restoration of features within. They however expressed concerns regarding the removal and re-orientation of the staircase to the judges' lodgings as an intrusive intervention that would have a negative impact on both the building's historic floor plan and historic fabric which would cause harm to its significance. The staircase is a notable element of an important phase in the building's history, given the significance of the staircase and panelling they do not consider these proposals to be justified or outweighed by public benefit in accordance with the NPPF. They recommend that this element is omitted from the proposals and the floor plan re-worked to utilise the staircase in its current location and orientation.

HE were re-consulted after revisions were made to the proposed works and further justification submitted to address their concerns regarding the removal and re-orientation of the secondary staircase. They consider that the proposed amendments better respect the proportions and historic features of the listed building. Their concerns regarding the proposals to remove and revise the secondary staircase however remain.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

- 6.1 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 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 and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 6.2 Paragraph 185 requires plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. It should take account (amongst other criteria) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation. Paragraph 193 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.

Nottingham Local Plan (November 2005):

BE9 – Demolition of Listed Buildings

BE11 – Alteration/Extension to Listed Buildings

Aligned Core Strategy (September 2014):

Policy 11 - The Historic Environment

7. APPRAISAL OF PROPOSED DEVELOPMENT

Impact of Proposed Works on the Listed Building (NPPF, Policy 11 of the Aligned Core Strategy and Policies BE9 and BE11 of the Local Plan)

- 7.1 The proposed external and internal works are required to facilitate the change of use to a mixed use development outlined in the previous report. From a heritage conservation perspective the scheme would bring wide ranging and long term benefits. The principle of the proposed change of use and bringing the building back into use is fully supported by the Conservation Officer and Historic England (HE). Fundamentally it would secure the future of a grade II* listed building at risk and repair the damage caused by years of neglect to the structure by making it fit for a number of potential uses. The significance of the proposed scheme and the current condition of this listed building has been outlined in the previous report but

are equally relevant and important in the consideration of the proposed works outlined in this report.

- 7.2 The proposed scheme of external and internal works are largely considered to have a limited degree of physical impact on the historic fabric and character of the listed building. The one exception to this is the demolition and reorientation of an early 19th century staircase (the secondary staircase), which is discussed below.
- 7.3 Amendments have been made to the original scheme of works that better respect the proportions and historic features of the listed building. HE welcome these amendments which include; re-configurations to the second floor layout to better respect the existing walls, reduction of the bar in the dining room to prevent it encroaching on the fireplace, alterations to the glazed walkway and the retention of more of the historic wall on the ground floor in the bar area.
- 7.4 The intention to fully restore the main staircase are wholeheartedly welcomed. However, the end use of the building would restrict this magnificent feature's use to a fire escape route. While the staircase would be visible from the entrance hall it would not be regularly used, something which would impact on its significance as the primary historic route between floors. The submission of a Conservation Management Plan to help manage future change and to set out clear principles for the building's ongoing management and maintenance at the outset is to be required by condition. In particular the CMP should reassert the significance of the main staircase and emphasise the desirability of using it as the primary route between floors whenever new/alternative uses are proposed in future. This is to be required by condition.
- 7.5 The introduction of a Georgian style garden is a very welcome enhancement of the rear courtyard area.
- 7.6 The condition of the secondary staircase is currently very poor. It is proposed to demolish and reverse the staircase, extend it to the second floor and add a lift to create a new access stack.
- 7.7 The applicant has stated that a sustainable future for County House may not lie within a single prolonged use by an individual user. The proposed programme of works embraces a key design philosophy formed around the sustainable restoration and future re-use of the building. The key concept is to introduce greater degrees of flexibility into the building so that it can respond to the changing requirements of future tenants. The reversal of the secondary staircase is seen as key to this design philosophy. The access stack would enable the full breadth of the building to be used effectively, either as a series of smaller subdivided units or by a more restricted number of tenants. The access stack helps secure private access to residential areas on the top floor, a use which is likely to be one of very few options for the uppermost storey's use. The stack also provides lift access to second and first floors.
- 7.8 The Conservation Officer agrees that a good justification for the turning of the staircase exists in that it would facilitate a more varied mix of uses for the building and more versatile access arrangements. Furthermore, the overall public benefits associated with the scheme can be weighed favourably against the degree of harm to the staircase. Some mitigation for the harm can be secured through re-use of existing fabric, adequate recording and by leaving the blocked opening as a recessed alcove denoting the staircase's former position in the entrance hall. An

alcove would provide an ideal opportunity for interpretation materials expanding on the refurbishment project, as recommended in the Heritage Impact Assessment (Addendum).

- 7.9 HE have however raised initial concerns that the removal and re-orientation of the staircase would be an intrusive intervention that would have a negative impact on both the building's historic floor plan and historic fabric which would cause harm to its significance. The staircase is considered by HE to be a notable element of an important phase in the building's history and given the contribution the staircase and panelling make to the significance of this highly important heritage asset, great weight should be given to its conservation and the proposed works should require clear and convincing justification. Upon submission of the application an end user was not evident to provide a requirement for these works and on this basis HE did not consider there to be justification for this harmful element of the scheme.
- 7.10 Further discussions have now taken place with HE regarding the secondary staircase and they have subsequently visited the property. A further addendum to the Heritage Impact Assessment has been submitted in light of these discussions and the applicant has suggested that the staircase be conditioned to ensure that works associated with the removal of the staircase only occur after the significant investment proposed is secured. The applicant has also stated that they are at an advanced stage of discussion with a potential tenant for the ground floor restaurant. The final comments of HE will be reported on the Update Sheet.
- 7.11 For the reasons set out above the proposed scheme is considered to comply with the relevant paragraphs of the NPPF, Policy 11 of the Aligned Core Strategy and Policies BE9 and BE11 of the Local Plan, subject to the above recommended conditions.

8. SUSTAINABILITY / BIODIVERSITY

The proposal would lead to the restoration of a Grade II* listed building of significant historic interest and secure its sustainable and viable future use.

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

None.

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: 18/00226/LLIS1 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P3KGBTLYIP900>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

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Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 18/00225/PFUL3 (PP-06691659)

Your Ref:

Contact: Mrs Jo Bates

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990 APPLICATION FOR PLANNING PERMISSION

Application No: 18/00225/PFUL3 (PP-06691659)
Application by: First Provincial Properties Ltd
Location: 23 High Pavement, Nottingham, NG1 1HF
Proposal: Change of use to mixed use development comprising retail (A1), restaurant with ancillary bar (Class A3/A4), office and meeting space with ancillary cafe/bar (Class B1) and 3 serviced apartments (Class C3), a single storey and first floor rear extension and associated 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.

2. The use of the all external areas, associated with the restaurant use (Class A3), including the internal garden area and first floor terrace hereby permitted, shall be discontinued on or before 31st October 2019 unless upon subsequent application the Local Planning Authority grants a further permission.

Reason: To allow review and monitoring of the use of external areas during the temporary period in order to protect the amenities of future occupiers and neighbouring residential properties in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan.

Pre-commencement conditions

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

3. No development involving the breaking of ground shall take place within the site until a programme of archaeological works, consisting initially of a Written Scheme of Investigation (WSI), to be scoped by the City Archaeologist, has been submitted to and approved in writing by the Local Planning Authority.

The scheme of evaluation shall determine the character, extent and condition of any archaeological remains and provide an evidence base to determine what further archaeological work may be required in advance of and/or during groundworks.

The approved Written Scheme of Investigation shall also inform a programme of archaeological monitoring of groundworks (in the form of a watching brief) which shall be submitted to and approved in writing by the Local Planning Authority. The watching brief shall include monitoring and recording of works impacting upon historic building fabric and possibility of further caves within the site boundary.

The development shall be carried out in full accordance with the approved programme of archaeological works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policy BE16 of the Nottingham Local Plan.

4. Prior to the commencement of the development, an environmental 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 include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating.

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the of the residential element of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- 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.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

5. Prior to the commencement of the development, an environmental 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.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

6. Prior to the commencement of the development, 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 agreed 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 protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

7. No above ground development shall be commenced until a sample of all proposed external materials to be used on the external elevations of the approved development has been submitted to and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials including details of all new windows/doors, means of enclosure and hard surfaced areas of the site, shall also be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall thereafter be implemented 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 and 11 of the Aligned Core Strategy and Policies BE10 and 12 of the Local Plan.

Pre-occupation conditions

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

8. 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 protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

9.	<p>Prior to the development being first brought into use or the residential apartments being occupied, verification 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, shall be submitted to and agreed in writing with the Local Planning Authority.</p> <p><i>Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.</i></p>
10.	<p>Prior to the development being first brought into use or the residential apartments being occupied, verification that the approved sound insulation scheme have been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.</p> <p><i>Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.</i></p>
11.	<p>The development shall not be occupied until details of the refuse facilities to serve the proposed development have been submitted to and agreed in writing with the Local Planning Authority.</p> <p>The development thereafter shall be implemented in accordance with the approved details.</p> <p><i>Reason: In the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategy.</i></p>
12.	<p>The development shall not be occupied until a scheme of landscaping and works to the retained trees have been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs, including appropriate replacements for the mature trees to be removed. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development 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.</p> <p><i>Reason: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy.</i></p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>	

13. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to "permitted development", the ground and first floor space, as set out in the approved plans, shall not be used for any purpose other than as follows without the prior express permission of the Local Planning Authority:
1. Ground floor and first floor rear east wing: the Class A3 restaurant element of the Class A3/A4 use only;
 2. Remaining first floor: the Class B1a office use;
 3. First floor former Judges dining room (Room FO4): the ancillary cafe/bar element of the Class B1a office;
 4. Ground floor rooms fronting High Pavement: the ancillary Class A4 bar element of the Class A3/A4 use.
- Reason: To protect the living conditions of future occupiers and neighbouring properties in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan.*
14. The use of all external areas including the garden area and first floor terrace by customers of the Class A3 restaurant element of the Class A3/A4 use, shall not take place outside the hours of 08:00 to 23:00 hours Monday to Saturday and 08:00 to 22:00 on Sundays and Bank Holidays.
- Reason: To protect the living conditions of future occupiers and neighbouring properties in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan.*
15. The external areas including the garden area and first floor terrace shall only be used in association with the Class A3 restaurant element of the Class A3/A4 use and not for the ancillary Class A4 bar element of this use.
- Reason: To protect the living conditions of future occupiers and neighbouring properties in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan.*
16. The proposed Class A4 bar element of the Class A3/A4 use shall remain ancillary to the Class A3 restaurant and shall not be operated as a separate use.
- Reason: To protect the living conditions of future occupiers and neighbouring properties in accordance with Policies 5 and 10 of the Aligned Core Strategy and Policies S6, S7 and NE9 of the Local Plan.*
- 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 23 February 2018.
- 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. Environmental Noise Assessment

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

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

4. 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.

5. 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 (Defra, 2005).

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.

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: 18/00225/PFUL3 (PP-06691659)

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/pcs.

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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DRAFT ONLY

Not for issue

My Ref: 18/00226/LLIS1 (PP-06691659)

Your Ref:

Contact: Mrs Jo Bates

Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Date of decision:

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

Application No: 18/00226/LLIS1 (PP-06691659)
Application by: First Provincial Properties Ltd
Location: 23 High Pavement, Nottingham, NG1 1HF
Proposal: Single storey rear extension, internal works including of existing main staircase and external works

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)

2. Prior to the commencement of the development a detailed condition survey of all building elements with room by room recommendations for remedial works shall be submitted to and agreed with the Local Planning Authority.

The development shall be carried out in full accordance with the recommendation set out in the conditions survey.

Reason: To ensure that the alterations will not harm the character or appearance of the listed building or any feature of special architectural or historic interest it possesses in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Local Plan.



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Continued...

3. No works or demolition [or alteration by way of partial demolition] to the listed building shall be commenced until a detailed set of demolition plans and elevations showing the extent of unsalvageable historic fabric to be removed has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the alterations will not harm the character or appearance of the listed building or any feature of special architectural or historic interest it possesses in accordance with Policy 11 of the Aligned Core Strategy and Policies BE9 and BE11 of the Local Plan.

4. Prior to the commencement of the development a detailed schedule of works for the conservation and repair of historic fabric on a room by room basis shall be submitted to and agreed in writing with the Local Planning Authority.

The schedule of works shall include the following detailed elements:

- a) Recording of the main staircase and the salvage of joinery elements to inform its faithful reinstatement. This should include specifications of timber to be used in restoration work.
- b) Mortar and render mix specifications and method statements for their application.
- c) Product specifications for exterior masonry paints and render.
- d) Details of carpentry repairs and structural timber replacement.
- e) Method statements for the refurbishment and upgrading of windows and doors and detailed drawings at 1:5 scale of any replacements.
- f) Large scale sections of all internal joinery profiles to be reinstated.
- g) Large scale sections and elevations of secondary glazing arrangements at 1:10 scale.
- h) Large scale drawings of the glazed cupola to be reinstated over the rear stairwell.
- i) Recording of historic wall panelling and details of materials to be used in reinstatement works.
- j) Recording and salvage of joinery elements to be used in reconstruction of the secondary staircase.
- k) Internal plaster specifications informed by recording and salvage of existing mouldings and analysis of existing plaster mixes. Specification of backing materials for ceiling work (eg. lath, reed).
- l) Method statements for the repair of historic floor finishes and details of new flooring materials.
- m) Method statements and materials specifications for the repair of stonework elements.
- n) Details of new or reinstated fireplaces.
- o) Description of works to exterior metalwork.
- p) Details of exterior lighting.
- q) Details of the landscaping scheme for the rear yard.
- r) Details of new or replacement rainwater goods.
- s) Details of works to chimneys and replacement chimney pots.

The development shall be carried out in full accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the alterations will not harm the character or appearance of the listed building or any feature of special architectural or historic interest it possesses in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Local Plan.

5. The development shall not be commenced until a sample of all new or replacement materials to be used on the external elevations of the approved development has been submitted to and agreed in writing with the Local Planning Authority. Details of the proposed external materials shall include all new or replacement facing and roof materials, details of all new/replacement means of enclosure and hard surfaced areas of the site.

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

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Local Plan.

6. The development shall not be commenced until details and sections of the new lift shaft showing its exact position and relationship with existing structural fabric of the building have been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the alterations will not harm the character or appearance of the listed building or any feature of special architectural or historic interest it possesses in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Local Plan.

7. The development shall not be commenced until large scale elevations and sections of the following details have been submitted to and agreed in writing with the Local Planning Authority:

- a) The new curtain wall glazing system and glazed doors.
- b) New glazed balustrades.

Reason: To ensure that the appearance of the development is satisfactory and to protect the character and appearance of the listed building in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Nottingham Local Plan.

8. No works or demolition [or alteration by way of partial demolition] to the existing secondary staircase edged red on Drawing Reference 0370-AM2-EFP-2 - REV A and 0370-AM2-EFP-3 - REV A, submitted to the Local Planning Authority on 18th September 2018, shall proceed until evidence demonstrating that a binding contract has been made for the occupation of the ground and first floor of the building in accordance with the proposed development hereby approved has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the alterations will not harm the character or appearance of the listed building or any feature of special architectural or historic interest it possesses in accordance with Policy 11 of the Aligned Core Strategy and Policy BE11 of the Local Plan.

Pre-occupation conditions

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

9. The development shall not be commenced until a Conservation Management Plan (CMP) for the building has been submitted to and agreed in writing with the Local Planning Authority.

The CMP should set out clear principles for the listed building's ongoing management and maintenance at the outset and inform any new tenants or occupiers about the sensitivity and significance of individual elements. In particular the CMP should aim to reassert the significance of the main staircase and emphasise the desirability of using it as the primary route between floors whenever new/alternative uses are proposed in future.

Reason: To protect the character and appearance of the listed building in accordance with

Policy 11 of the Aligned Core Strategy and Policy BE11 of the Nottingham Local Plan.

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 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 5 February 2018.

Reason: To determine the scope of this permission.

Informatives

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

RIGHTS OF APPEAL

Application No: 18/00226/LLIS1 (PP-06691659)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of consent for the proposed works, 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.