

Consultation Response to application 25/00065/PFUL3
Dominion House, Castle Boulevard.
February 2025

19th February, 2025

BY EMAIL

Dear Mr Mountain,

25/00065/PFUL3 | Partial redevelopment to create Purpose Built Student Accommodation and Retail units, retaining existing facade to Castle Boulevard and 49/51 Fishpond Drive | Dominion House Castle Boulevard Nottingham NG7 1FN

Nottingham Park Estate Limited (NPEL) have asked that a formal consultation response is prepared in response to the application for planning permission for the proposed development above, at Dominion House henceforth known as the 'Site'. This response specifically addresses issues of impact upon heritage assets.

As this consultation response is made by NPEL on behalf of residents within The Park, the Council are kindly requested to make the document available to view on the planning portal at the very earliest opportunity possible.

With due regard to the framework of local and national planning policy, NPEL **OBJECTS** to the scheme on the basis that the proposed development would:

- Harm the significance of the Grade I listed Nottingham Castle, failing to meet the statutory objective set out in section 66 of the Planning (Listed Building and Conservation Areas) act 1990.
- Harm the character and appearance of the Canal Conservation Area, failing to meet the statutory objective set out in section 72 of the Planning (Listed Building and Conservation Areas) act 1990.
- Harm the significance of The Park Conservation Area, a designed heritage asset of national importance as defined by Supplementary Planning Guidance adopted by the Council, through development within its setting. Therefore failing the objectives of the both the National Planning Policy Framework as well as local policies.
- By virtue of its scale, form, massing and overall design, be an intrusive and incongruous addition to the valued townscape of Castle Boulevard.

Beyond the drawings and plans comprising the applications for planning permission, additional information consulted includes:

- Historic England's Historic Environment Good Practice Advice in Planning 2 - Managing Significance in Decision-Taking in the Historic Environment (2015) (GPA 2)
- Historic England's Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets (2017) (GPA 3)
- Historic England Advice Note 12 - Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019)
- Heritage Impact Assessment (AHP Ltd, 2024)
- CiFA guidance
- Relevant legislation, policy and guidance as set out below.

RELEVANT LEGISLATION, POLICY AND GUIDANCE (HERITAGE)

The Site lies within the Canal Conservation Area, abuts the Nottingham Park Conservation Area, and falls within the setting of the Grade I listed building of Nottingham Castle.

For the sake of brevity, the full wording of the relevant legal and policy provisions are not repeated here. Where required and relevant, sections and paragraphs are set out in discussion below.

Specific legislation, beyond the Town and Country Planning Act 1990, are Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require local authorities to pay ‘*special attention...to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses*’ and ‘*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that (conservation) area*’ respectively.

Chapter 16 of the National Planning Policy Framework (Revised in 2025 since the application was submitted) sets out the government’s planning policies for conserving and enhancing the historic environment with Paragraphs 202, 203, 207, 208, 210, 212, 213, 215, 219 and 220 of particular relevance to the proposed application. Notably, and as established by the case of *Barnwell Manor Wind Energy Ltd v E.Northants DC, English Heritage, National Trust & SSCLG*, the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “*considerable importance and weight*” when the decision-maker carries out the balancing exercise.

National Planning Policy Guidance (PPG) offers advice on the enhancement and conservation of the historic environment in the planning process, with Paragraphs 001, 002, 006, 007, 008, 009, 013, 018, 019, and 020 of the historic environment chapter of most relevance.

Local policy associated with the conservation of heritage assets includes Policy 11 of the Greater Nottingham (Broxtowe Borough, Gedling Borough & Nottingham City) Aligned Core Strategies – Local Plan Part 1 (adopted September 2014) and Policy HE1 of the Land and Planning Policies – Local Plan Part 2 (adopted January 2020) apply. Bordering and lying within the immediate setting of The Park Conservation Area, the adopted SPD of The Park Conservation Area Appraisal and Management Plan (Adopted 2023).

The Nottingham Design Quality Framework is also of relevance to the development, with the principles of place-making enshrined within of critical importance to the determination of the application.

MATTERS OF HERITAGE

The Site is located within a prominent city centre location along Castle Boulevard, a gateway and significant route to the city laid out in the late 19th century, as set out on Page 5 of the DAS (Franklin Ellis, 2024). To the immediate north lies The Park, a designated conservation area of a national level of significance.

Consequently, the Site forms part of the significance of multiple known and potential heritage assets, each of which are considered in turn below:

- Archaeology
- Canal Conservation Area
- The Park Conservation Area
- Nottingham Castle and the Castle Conservation Area

Notably, the scope of this consultation response exceeds those considerations raised in the Archaeological Desk Based Assessment (ADBA) (AHP, 2024) and Heritage Impact Assessment (HIA) (AHP, 2024). As evidenced below, it is the view of the Park Estate, that the ADBA and HIA are so lacking in content that they cannot be considered to fulfil Paragraph 207 of the NPPF, nor do they meet with industry guidance, including GPA 2 and GPA 3. Importantly, and in accordance with relevant planning practice guidance (specifically PPG - Paragraph: 008 Reference ID: 18a-008-20190723) and general good practice, inadequate contextual analysis has likely led to a scheme that has not sought to avoid or mitigate its impacts upon the city's valued historic environment.

Archaeology

The Archaeological desk-based assessment (ADBA) is lacking and unorthodox in its approach in evaluating the archaeological potential of the Site. Early aspects of the city's history are overlooked and known information, including that from the Nottinghamshire Historic Environment Record, is not assimilated to building an understanding of the historical development of the area in which the Site is located. Instead, it the ADBA simply reflects that there are no known or recorded features within the Site's boundaries. Notably, the earliest historic mapping consulted is the First Edition Ordnance Survey map in the late 19th century despite the availability of Chapman's and Sanderson's Map providing valuable insight into the development of the Site in 1794 and 1836 respectively. These maps demonstrate the early history of the Site as located on the northern banks of the River Leen and immediately east of rock houses of the type and date not dissimilar from those housed within Castle Rock. The mapping shows that the Site lay within, or at the edge of, the Deer Park associated with Nottingham Castle and the interaction of the reserved space, public uses and the River Leen are of interest.

Whilst it is beyond the scope of this consultation to undertake an archaeological desk-based assessment, it is clear that that ADABA (AHP, 2024) provided by the applicant is deficit and does not meet with the standards of the Chartered Institute for Archaeology as purported. A more thorough study, that meets industry standards, should be undertaken in order to inform the requirement for further fieldwork so that the principle of development can be established.

Nottingham Canal Conservation Area

The HIA (AHP, 2024) recognises the varied character of the conservation area, including its subdivision into character areas, but does not offer any further insight into the character and appearance of the western stretches along Castle Boulevard or the Site's contribution to it. Instead, the HIA somewhat arbitrarily defines the entire conservation area to be of 'medium significance' and this is derived from *'its age, intactness of its built fabric and its historic connections'*.

As a baseline, it must be recognised that the conservation area was taken off Historic England's National Heritage at Risk Register only last year. Furthermore, specifically in relation to the Castle Boulevard Character Area within which the Site is located, the Paragraph 9.34 CCCAAMP recognises the *'over scaled'* and *'unimaginative'* nature of modern development that *'significantly dulls down the character of the street'*. The requirement for high quality design of an appropriate scale that engages with the street scene is therefore set by the CCAMP, DQF and statutory objective.

Looking to the Site, the architectural interest of the current building is modest, with a functional designed-aesthetic that reflects an era of the city's commercial growth in the early 20th century. The Site forms part of an observable group of purpose-built showrooms, the highly fenestrated form of which open onto Castle Boulevard seeking to draw in passers-by. The buildings' city centre location at the edge of the prestigious Park suburb clearly reflects the area's elevated importance and status, the urban form of which was of mutual appeal to retailers and shoppers alike. To this end, the current character of the Site and its immediate surrounds is of both historical and architectural interest, and they make a positive contribution to the street scene and the character and appearance of the conservation area.

Acceptably, car parking to easternmost parts of the Site forms a poor and functional aspect of the conservation area's character. However, the lack of built form here creates a valuable hiatus that permits views deep into and across The Park Conservation Area, providing a contextual link to the wider city and enabling views of the upper parts of original estate houses dispersed within a rich green canopy. Paragraph 9.32 of the CCCAMP recognises the value of these views, most notably at the junctions of Fishpond Drive and Peveril Drive. Whilst the views across the easternmost part of the Site are of lesser quality, they remain positive aspects of the area's character and appearance. Owing to its easterly extension, the extent and character of these views would be markedly reduced by the proposed development.

Turning to the character and appearance of Castle Boulevard, which the Site forms an elongated part of, the road forms one of the key Victorian gateways into the historic city. It has a very clear designed aesthetic, with a broad carriageway flanked by generous pavements which carry an avenue of mature Plane trees. The lower scale and density of building's along the north side of the street, including the Site, emphasises the enclosing natural canopy formed by the avenue of trees which is a valued aspect of the conservation area as identified in Paragraph 9.31 of the CCCAAMP. Section and elevation drawings (25_00065_PFUL3-SECTIONS_CROSS_SECTION_A-1762328 (1) and 25_00065_PFUL3- PLANNING_ELEVATION_SITE_CONTEXT-1762331 of the proposed development show how the increased height of the apartment blocks will edge up into the upper canopy of the trees, drawing the building line to a remarkably high level. The associated sense of enclosure would far exceed that of the existing building line. The trees have been pollarded previously, although not for some time, and will need to be again in coming years. In this case, the proposed scheme would rise clear over the height of the avenue, severely impacting upon its character as a sylvan approach to the city centre.



Figure 1 Line at approximately twice the height of the ridgeline of the existing building on Site (not to scale).

As the avenue is considered to be a key element of the conservation area, the degree of harm that would arise would be elevated, as per Paragraph 019 Reference ID: 18a-019-20190723 of the PPG.

The street's primary destination and appeal is captured by its eponymous name, Castle Boulevard, which it has held for over a century. The route should be considered as a formal and designed approach to the Grade I listed asset, which appears in views when moving from east to west. There are clear views of the castle in relation to the Site, and these make a high positive contribution to the character and appearance of the conservation area.

Owing to the four-storey height of the proposed buildings, which is approximately twice the height of the ridgeline of the existing building, views of the castle from western reaches of Castle Boulevard within the conservation area would be lost. It is accepted that the view above is indicative, and that an Accurate Visual Representation should be provided to understand the precise scale and placement of the development. It does, however, provide some sense of the likely impact of the proposed scheme.

Regards to the design of the proposed scheme, there is little that might identify it as a scheme that responds to the local character of the conservation area. Whilst student accommodation of has been successfully built along Castle Boulevard to the west of the Site, this lies wholly outside of the conservation area where the qualities of the townscape are of lesser interest. Moreover, the Site lies at the intersection between two conservation areas and is a sensitive area of townscape where the parameters controlling issues of design are radically different to those along western stretches of Castle Boulevard. Consequently, no precedent can be usefully drawn from schemes to the west of the Site, which are examples of what can be achieved in areas where the statutory objectives to preserve and enhance the significance of heritage assets are not so immediately relevant.

The proposed scheme has five uneven flat roofed blocks, of uneven gauge, which are separated by recessed grey brick fillets. There is no articulation to the roof, with the only alleviation of the building's monolithic form achieved by some minor stepping to the front façade and a slight crank at the western end. In scale and mass, the development unit is incomparable with any other residential scheme in the surrounding area, save perhaps the 3 to 4 storey waterside development at Park Wharf which respond to a wholly different context. The impact of the building's massing is exacerbated by the uniformity of the elevations and a poor material treatment including the inclusion of 'Glass Lookalike Spandrel Panels'. Furthermore, the decision to scale up to such a degree generates issues of overlooking, with a large bay overlooking Number 51 Fishpond Drive and the western and eastern ends of the development presenting as near blank areas of brickwork. A reduction in scale, especially to the eastern end, modulation of the overall massing and more traditional articulation to the roof space would quickly tend to these aspects of the design.

Looking to the evidence presented, the proposed development can only be considered to bring harm to the character and appearance of Castle Boulevard Character Area by virtue of its unparalleled scale, repeated and uniform elevation treatment, high density, reduction of lateral views into The Park Conservation Area, and erosion of views of the Castle as a landmark feature. The degree of harm is less than substantial, however, owing to the multiple elements of the conservation area's character that would be impacted upon, the degree of harm unquestionably lies at the upper end of the scale.

Presumably with regard to the balancing exercise, the HIA (AHP, 2024) also concludes that the works '*are designed to facilitate the optimal viable use of the space*' and that the works '*will constitute as an enhancement due to the resulting ongoing maintenance that will be a result of continuous inhabitation*'.

In this specific respect, Paragraph: 016 Reference ID: 18a-016-20190723 provides important guidance in this respect, expressly stating that "*Area-based' designated heritage assets such as World Heritage Sites and conservation areas will not themselves have a single use (though any individual heritage assets within them may). Therefore, securing the optimum viable use of the area-based asset as a whole is not a relevant consideration in assessing the public benefits of development proposals affecting such heritage assets.*"

The Park Conservation Area

Despite the rear of the Site abutting The Park Conservation Area, no consideration is given by the HIA (AHP, 2024) to the designated heritage asset which is accepted by the Council and other stakeholders to be of national significance.

Critically, The Park Conservation Area Appraisal & Management Plan (PCAAMP) is adopted as SPD by the local authority. The PCAAMP clearly states that *'Development sites within the setting of The Park Conservation Area can contribute to its heritage significance, most commonly through comprising an element of a view'....and that....'Applications for planning permission that have the ability to indirectly impact upon the experience of The Park's character and appearance must equally provide sufficient information to understand a development's potential impact'.*

Furthermore, the SPD firmly establishes The Park as a designated heritage asset of national significance, not all conservation areas are of the same level of significance and the elevated degree of protection afforded to The Park within the city's local planning framework means its conservation carries considerable weight in decision-making.

The document identifies 5 Core Elements that combine together to afford The Park its unique character and appearance, two of which are particularly relevant to the Site.

Core Element IV: Setting

The Site lies in the immediate and southerly setting of The Park, and the value of the southerly prospects and a sense of openness which has prevailed within designed views in this part of the city since the foundation of Nottingham Castle is well set out on Pages 70 – 72 of the PCAAMP. The low open uninterrupted skyline to the south creates a sense of space that locates the estate topographically in the lee of the castle and enables outward views to the south. This experience is in direct contrast to the defensively enclosed elevated skyline to the north and west. Looking to the PCAAMP a 'Key Aspects of Character' under Element V is identified as *'i. Dramatic natural topography with long and uninterrupted prospects to the south enable views into and out of the Estate'.*

Core Element II - Scenes Gardens and Gateways and Element IV – Setting

The Site and immediate surrounds to the north falls within TC Hine's phase, and the Site forms a terminating feature to Park Ravine from the north, a dramatic and broad street scene named for its sublime qualities, that descends from the north and is flanked by heightening boundary walls to Original Estate Villas. The Site is also apparent as a terminating feature when looking west along Fishpond Drive and Hamilton Drive, which form late 19th and early 20th century phases of the estate's development. Two Key Aspects of Character set out under Element II are relevant to the Site including:

II. Hine's phase has broad boulevards which combine with trees and planting in private gardens to create verdant street scenes beneath a high-level natural canopy, intentionally designed to be enjoyed as perambulations as well as a means of access, and;

IV. High quality internal views that unfold along curving streets that navigate the underlying topography, intentionally unveiling longer distance views of key landmarks and distant open space to the south

As set out by mapping on Pages 41 and 42 of the PCAAMP Park Ravine makes a high positive contribution to the character and appearance of the conservation area, with the character of plots and public/private boundaries along the steeply sloping street generally retaining a high or partly diminished integrity.

Due to the steeply sloping street, the sense of space within outlook views to the south is particularly strong along the street. These views are characterised by a low semi-natural skyline to the south formed by the

canopy of trees along the canal and Castle Boulevard, providing a sylvan terminus to views that complement the designed aesthetic of The Park itself. To the mid ground, and forward of the canopy in the view lies the Site and development to the east, separated by the open surface car park. These low-lying built aspects form a poor quality but unobtrusive element of the view, acceptably raising opportunity for redevelopment of the land with a suitably formed scheme. As such, whilst the character of the Site itself is a minor and poor-quality component of valued southerly views from The Park, the low scale and largely inconspicuous nature of existing built form ensures that the positive qualities of the street scene and southern setting of Park Ravine are sustained.

On review of the impact of the proposed development upon the character of Park Ravine and the southerly views from it would be considerable. The elevated eaves height of the building rising to four storeys would develop a very strong sense of enclosure within the open views, creating a hard urban edge and reducing the semi-natural terminus to valued street views. Due to the topography of The Park, plan views will likely develop from high points, where solar array would become apparent. The change in character from the steeply pitched roofscape of traditional buildings within The Park and along Castle Boulevard set within a tree canopy, to that of an elongated linear flat roof characterised by photovoltaics would be palpable and severely detrimental to the valued street scene. Altogether the open southern boundary of The Park would be turned in on itself, eroding a primary quality of the conservation area that has existed since its use as a medieval deer park.

Reciprocally, as already covered off in discussions regards the Canal Conservation Area, views into The Park from Castle Boulevard would be lost, reducing its legibility as a city centre suburb in the lee of Nottingham Castle.

The eastern façade of the proposed development would also become very clearly apparent as a terminating feature to westerly views along Fishpond Drive and Hamilton Drive. Again, the existing character of the Site, comprising low rising plain light industrial buildings and a plain brick boundary wall, are not remarkable subjects of the views, which are instead dominated by their semi-natural qualities and sense of openness. The proposed development would upset the existing balance developing a high level and urban terminus to the views as shows by the inarticulate treatment to the western elevation of the proposed building.

Overall, accounting for the combination of impacts that the proposed development would bring to two Core Elements of The Park, including Key Aspects of Character, the degree of harm arising to the character and appearance of the conservation area is less than substantial, around the centre of the scale.

Nottingham Castle

Nottingham Castle the city's most venerated landmark and is enshrined in folklore that holds global appeal. The Ducal Palace is a Grade I listed building and the subject of many views in the city and, in relation to the Site, usurped as a focal point within Arcadian views from The Park and Castle Boulevard. It's mystique, in part, is recognised alluded to in the HIA (AHP, 2024), yet consideration of its setting is overlooked by the study.

As set out earlier in this consultation, there are views of the Castle from Castle Boulevard directly in relation to the Site which make a positive contribution to its significance. A simple appraisal of proposed development in relation to the view shows that the valued and designed experience of the castle will be severely truncated if not lost. Consequently, the proposed development will bring about a degree of harm to the significance of the Grade I listed building, an asset of the highest significance as identified by Paragraph 213 of the NPPF. The degree of harm is less than substantial at the lower end of the scale. Notwithstanding and in accordance with Paragraph 212 of the NPPF (that the more important the asset, the greater the weight should be), accounting for the highest grading of the asset, the degree of weight afforded against the development in the planning balance is remarkable.

CONCLUSIONS

As it stands, the proposed scheme in its current form has failed to account for the sensitivities of heritage assets around the Site and within which it is located and have overlooked the valued contribution these assets make to the identity of the city. In so doing, the design of the proposed scheme has not been informed by the parameters that are pertinent to the development, and this is patent in the scale, form, massing and material treatment of the submitted scheme which deeply overestimates the Site's capacity for development.

Review of the scheme shows that it will harm the significance of the Canal Conservation Area, The Park Conservation Area and the Grade I listed building of Nottingham Castle. The degree of harm is less than substantial and varies from effects at the lower end of the scale to effects through the centre and upper end.

The scope and method of HIA and ADBA (AHP, 2024) submitted fail to attain the required by Paragraph 207 of the NPPF.

In accordance with Paragraph 215 of the NPPF, the degree of harm should be justified and weighed against the public benefits of the scheme. As noted above, the level of harm is at the centre to upper end of less than substantial scale. No clear justification for harm is provided by the Applicant and a more informed design approach is clearly capable of avoiding, minimising and mitigating harm.

In undertaking that balancing exercise the Council must be minded to the statutory objectives of the Planning (Listed Building and Conservation Areas) Act 1990 and the considerable importance and weight that should be applied to the conservation of heritage assets, including the contribution made by their settings. In this instance, given the number of assets affected and the degree of harm arising, any such public benefit would need to be compelling. In the absence of any such compelling case, the Park Estate objects to the proposed development of the Site.

Kind Regards,

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Director-Built Heritage

