

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Victoria Centre, Milton Street

1 SUMMARY

Application No: 13/01092/PFUL3 for planning permission

Application by: Nathaniel Lichfield & Partners on behalf of Intu Properties Plc

Proposal: External alterations to the Lower Parliament Street/Milton Street entrance of intu Victoria Centre.

The application is brought to Committee because it is a scheme of local interest.

To meet the Council's Performance Targets this application should have been determined by 27th June 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions be delegated to the Head of Development Management.

3 BACKGROUND

The application site is the southern entrance into the Victoria Centre, which is on the corner of Milton Street and Lower Parliament Street. The entrance is glazed on the ground floor, with a canopy over. There are three upper floors in a concrete façade and ribbon glazing.

4 DETAILS OF THE PROPOSAL

- 4.1 The central entrance is proposed to be expressed with a projecting box in polycarbonate cladding over glazing. The entrance doors would be repositioned. It is also proposed to over-clad the façade with perforated tensile fabric panels, applied to a steel structural frame that would be fixed to the building. The fabric panels would be in a geometric form, with feature lighting being provided behind that is intended to express the 3-dimensional form of the façade. The fabric panels are proposed in a selection from the grey palette. The extent of the cladding is proposed to be terminated by two totem features, to be partly clad in polycarbonate. Signage zones are indicated but are to be the subject of a separate application for advertisement consent.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by site notices.

The following response has been received:

Nottingham Civic Society: Objection. Proposals represent an unsightly and unsustainable development. Proposed cladding in tensile fabric is a blank canvas for advertisements. Temporary and superficial nature of material gives the appearance of a building site, whilst distorting the scale of the building to a more 'lumpen' mass than exists already. Contention that fabric panels will 'break up the mass' is not borne out by illustrative images. Indicative signage is at odds with scale and character of city centre's retail streetscape – a bludgeoning effect to get noticed. Cladding will screen existing windows to staff accommodation, which will then need more artificial light. Calibre of architectural vision gives rise to concern over future proposals.

Urban Design Team: No objections. The scheme represents an improvement on the existing entrance. The lighting will help to provide interest and will animate the building. Full details of materials and lighting will need to be agreed.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 Paragraph 134 of the NPPF is also relevant to this application. This advises on the need to weigh the extent of harm to the significance of a designated heritage asset against the public benefits of the proposal.

Nottingham Local Plan (November 2005):

ST3 - City Centre.

BE3 - Building Design.

BE12 - Development in Conservation Areas.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) The design and appearance of the development
- (ii) The impact on the adjacent Old Market Square Conservation Area

Issue (i) The design and appearance of the development (Policy BE3)

- 7.1 The existing 1972 façade to the Victoria Centre is tired and dated and is in need of upgrading. The proposed investment in the external appearance of the southern entrance is to be welcomed.
- 7.2 The southern entrance does not currently have a significant presence in the street scene of the area. The proposal to express this entrance with a simple contemporary box in a lightweight material is considered to be appropriate and will transform its appearance.
- 7.3 The proposed fabric cladding system is noted to be a product that has been tested and proven capable of being used to great effect in the transformation of other similar buildings, and precedent images of its use have been provided. It is also recognised that, due to the structure of the building and the need to maintain levels of natural light to the occupants of the upper floors, there are constraints in the range and type of systems that can be used.
- 7.4 The use of feature lighting is also considered to be appropriate in conjunction with the use of the fabric cladding and will provide the opportunity for a dynamic quality to the building's appearance.
- 7.5 The objection of the Nottingham Civic Society is recognised. However, it is considered that the proposed alterations represent a significant improvement upon the existing dated appearance of the façade, being contemporary, lightweight, and durable in their quality.
- 7.6 It is considered that the proposed alterations will enhance the local environment, townscape and character of the area in accordance with Policy BE3(a). Planning conditions are proposed to govern the final selection of materials and lighting of the building.

Issue (ii) The impact on the adjacent Old Market Square Conservation Area (Policy BE12)

- 7.7 The southern entrance of the Victoria Centre is adjacent to the boundary of the Old Market Square Conservation Area, which runs along the southern side of Lower Parliament Street. The Victoria Centre is prominent in views from the Conservation Area and its impact upon its character and appearance has also, therefore, been considered. The dated quality of the current façade of the Victoria Centre could be considered to be detrimental to the character and appearance of the Conservation Area. It is considered that the contemporary and lightweight quality to the proposed alterations would enhance views from the Conservation Area in accordance with Policy BE12. The application would have no adverse impact on the character of the conservation area and therefore complies with the NPPF.

8. SUSTAINABILITY / BIODIVERSITY

None.

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

Neighbourhood Nottingham: Providing a high quality and sustainable development.

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: 13/01092/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01092/PFUL3>
2. Nottingham Civic Society, 27.6.13

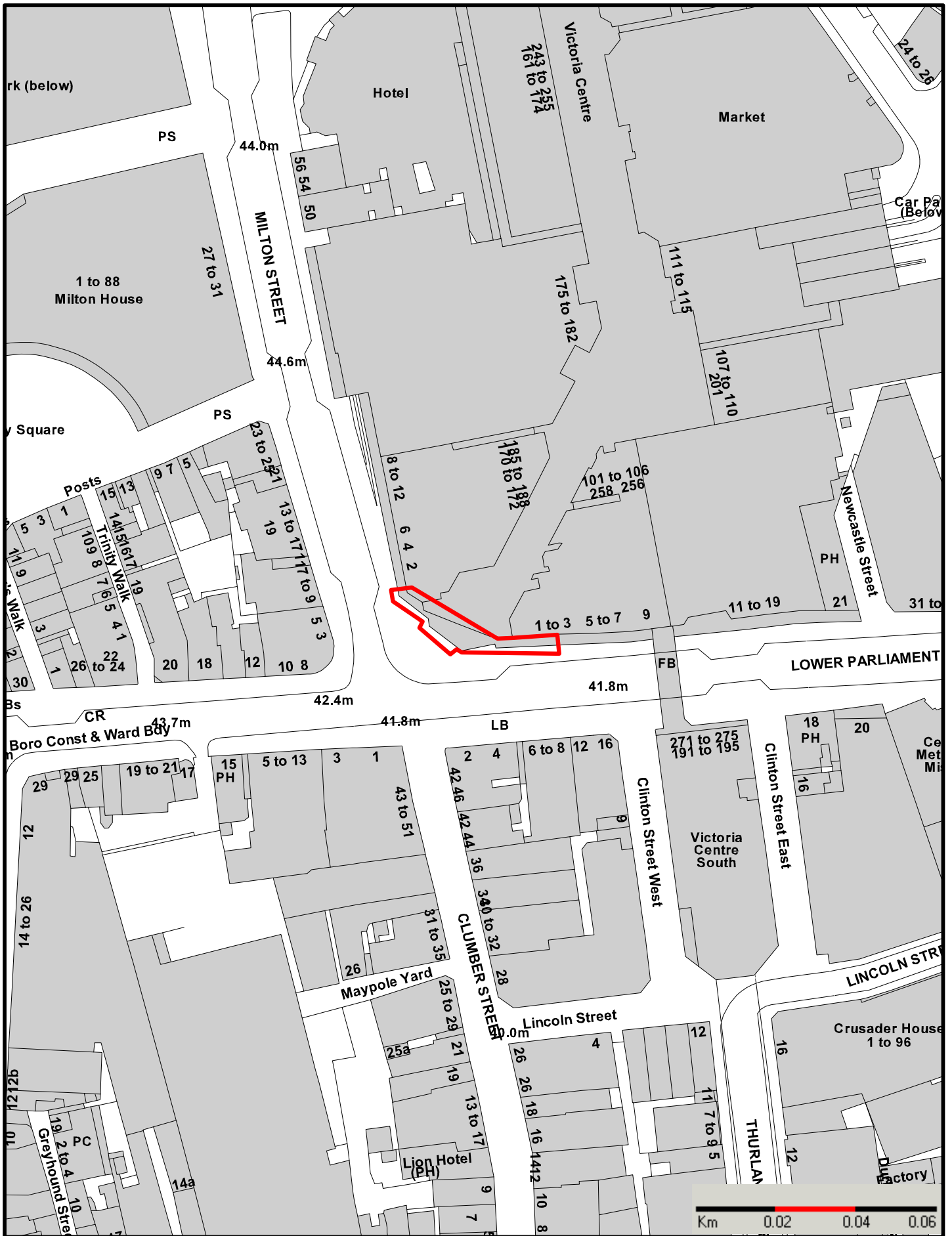
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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Nottingham
City Council

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Date of decision:

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

Application No: 13/01092/PFUL3 (PP-02599373)
Application by: Intu Properties Plc
Location: Victoria Centre, Milton Street, Nottingham
Proposal: External alterations to the Lower Parliament Street/Milton Street entrance of intu Victoria Centre.

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

Time limit

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

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

Pre-commencement conditions

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

2. The approved development shall not be commenced until samples of the proposed polycarbonate and tensile fabric materials to be used to over-clad the facade of the building have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and to comply with Policy BE3 of the Nottingham Local Plan.

3. The approved development shall not be commenced until details of the scheme for the lighting of the facade of the building have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and to comply with



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Not for issue

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Policy BE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

Regulatory/ongoing conditions

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

Standard condition- scope of permission

S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:

Drawing reference 3478-AP(04)1502P02

Drawing reference 3478-AP(03)1305P02

Drawing reference 3478-AP(04)1503P02

Drawing reference 3478-AP(04)1504P02

Drawing reference 3478-AP(04)1505P02

Drawing reference 3478-AP(05)1600P03

Drawing reference 3478-AP(02)1000P01

Drawing reference 3478-AP(02)1001P01

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.

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.



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Not for issue

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RIGHTS OF APPEAL

Application No: 13/01092/PFUL3 (PP-02599373)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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