



ADDITIONAL / TO FOLLOW AGENDA ITEMS

This is a supplement to the original agenda and includes reports that are additional to the original agenda or which were marked 'to follow'.

NOTTINGHAM CITY COUNCIL PLANNING COMMITTEE

Date: Wednesday, 17 June 2015

Time: 2.30 pm

Place: LB31/32 - Loxley House, Station Street, Nottingham, NG2 3NG

Governance Officer: Noel McMenamin **Direct Dial:** 0115 8764304

AGENDA

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PLANNING COMMITTEE

UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

17 June 2015

4a Broadmarsh Centre, Nottingham

1. Highway observations:

No objections subject to conditions requiring the following: the submission of a construction management plan; a travel plan, and; additional covered staff cycle parking on the service deck. Furthermore, two conditions are recommended requiring schemes to ensure interim pedestrian safety in the event of (a) works to pedestrianise Collin Street have not been completed prior to the closure of the subway under Collin Street, and (b) that the works to pedestrianise Collin Street and the associated works on Middle Hill have not been completed prior to the opening of the new entrance on Middle Hill.

The scheme involves amendment to Traffic Regulation Orders and a Stopping Up Order relating to the closure of the subway and the change to the pedestrian route through the Centre. Informatives are recommended providing the applicant's with advice on the procedures involved.

2. Email from planning agent for the applicant:

They have reviewed the decision notice and raised a number of queries in relation to the following conditions:

Condition 3. Surface water drainage. Request this condition be removed taking into account the nature of the development which means opportunities for SuDS features are limited. Refer to the introduction of a green roof on the Drury walk retail units.

Condition 6. North-south pedestrian route. Request part (c) be omitted which requires the submission of elevations on the basis that they internal to the development.

Condition 7. Details of pedestrian access to The Caves. Request this condition be omitted as not considered to be a planning matter and internal to the development.

Condition 11. No Man's Land survey and Management Plan. Request the removal of part (c) as consider this to be unreasonable and unnecessary given that this area is not affected by the proposed development. Furthermore, to be able to properly survey this area, access into No Man's Land would be required which would need extensive vegetation clearance. Have confirmed that if NCC wish to survey the area and draw up a Management Plan, they would be happy to discuss this, however this should not be a requirement of a pre-commencement condition which could unreasonably, prevent development proceeding for several months.

Condition 14. Request that this condition, which requires the provision of an accessible toilet prior to any part of the development being brought into use, be amended to provide more flexibility for the timing of its implementation.

Condition 18. North-south pedestrian route. Request an amendment of this condition to make it clear that the condition is only referring to the new street being kept open and not a route through the centre from Drury Walk.

Condition 19. Removal of permitted development rights within the centre and a restriction of non-A1 uses to those shown on the floorplans. Request an amendment to this condition to instead restrict the maximum percentage of non-A1 uses within the centre, as basing this restriction on the floorplan is overly rigid and does not allow for any flexibility when it is unknown at this stage which operators will take which units. The distribution of A1 and non-A1 uses within intu Broadmarsh cannot affect the vitality and viability of the centre as long as the overall mix of uses is maintained.

3. Revised Drury Walk proposals

Subsequent to the preparation of the committee report revised proposals have been submitted. These have focussed on the design of the corner building and have incorporated the following key changes:

- Replacing the ground floor arched shop fronts with flat lintels – appears less heavy and less historic
- Removing the stone string course between 1st and 2nd floors, therefore not subdividing the upper part of the building – giving the building a more vertical emphasis
- Material of the far-right end bay and gable is changed from stone to brick – believe this makes the building more unified and stronger
- Perhaps most significantly, have suggested an alternative version of the corner bay window – this replaces the overtly historic, stone framed window with a more generous, glazed curved bay – think this provides a more dramatic corner and again emphasises height
- Have also brought forward the pitched roof so that it is more visible from the street, creating more height, and terminating the top of the building

1. ***Additional conditions to address the Highway observations:***

***a) In the eventuality that Collin Street has not been pedestrianised, prior to the closure of the pedestrian subway between the Broadmarsh Centre and Carrington Street, the existing build out to the north of Collin Street shall be extended to the east in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: - In the interests of pedestrian safety along Collin Street.***

***b) In the eventuality that Collin Street has not been pedestrianised or the associated works on Middle Hill completed, prior to the opening of the new entrance onto Middle Hill, an interim traffic management scheme shall be implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: - In the interests of pedestrian safety in the vicinity of the Middle Hill and Collin Street junction.***

**c) One month prior to the occupation of the development, a Travel Plan covering the Broadmarsh Centre shall be submitted to and approved in writing by Local Planning Authority. As a minimum the Travel Plan shall contain the results of the 2015 staff travel survey. The Plan shall thereafter be implemented at all times when the Centre is operational in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: - To promote sustainable travel.**

**d) No part of the development shall be brought into use until an additional covered staff cycle parking has been provided, the details of which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: - To promote sustainable travel.**

2. Response to comments from the planning agent for the applicant:

Condition 3. It is recognised that the opportunities for the use of SuDs features are limited in the development and also that it is the intention to introduce a green roof at Drury Walk. It does seem however that there is the opportunity to investigate the use of SuDS features in the Drury Walk part of the development as this involves demolition and rebuilding. This is a view supported by the City Council's Drainage team. It is now suggested that the condition should be re-worded to relate to specifically to the Drury Walk part of the development. This would include reference to details of the green roof.

Proposed revised wording of Condition 3:

No development on the Drury Walk element of the development shall commence until a detailed surface water drainage scheme for this element of the development, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development for the Drury Walk part of the development, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the green roof on the Drury Walk retail units. The scheme shall be implemented in accordance with the approved details before the development is brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Local Plan.

Condition 6. The quality of the north-south pedestrian route is critical to the overall success of the scheme and the view remains that part (c) of this condition should be retained.

Condition 7. The Caves have considerable potential as a visitor attraction for the City which are not fully utilised at the present time. The current Broadmarsh development presents an opportunity to enhance this and it is therefore considered that this condition should be retained.

Condition 11. The omission of part (c) of this condition is agreed as it is recognised that as a pre-commencement condition it could be unduly restrictive. However in recognition of the historical and botanical importance of the asarina procumbens (trailing snapdragon) population in the area referred to as No Man's Land it is proposed that an informative be added to the

decision notice requesting intu to consider the possibilities for the enhancement of this area, possibly working with a local partner.

Condition 14. Amendment agreed to enable more flexibility to be provided.

Proposed revised wording of Condition 14:

Unless otherwise agreed in writing the existing toilets, including disabled toilets, shall remain open until such time as the new toilets, including a changes places facility, have been provided in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Condition 18. Amendment agreed.

Proposed revised wording of Condition 18:

The following shall be open at all times:

- (a)The north-south pedestrian route through the development connecting Lister Gate and Collin Street;**
- (b)The Drury Walk open street.**

Condition 19. It is recommended that the condition remain unchanged. It is not considered that amending it to refer to the maximum percentage of non-A1 uses within the centre would achieve the objective of the condition, which is set out in the reason for the condition. This would also be very difficult to subsequently monitor and enforce. The currently proposed wording would enable the City Council to retain control over the location of the use, for example, to ensure that the north-south route maintains a primarily retail focus. It should also be noted that the reason for the condition is in part related to the vitality and viability of the Centre but, as importantly, to the vitality and viability of the City Centre as a whole. It is recognised that intu are likely to require some flexibility as the process of securing tenants for the Centre commences and this could be achieved by subsequent application to amend the floorplans.

Additional condition

The Environment Agency have requested a condition to ensure that groundwater is protected during the course of development.

Proposed wording:

If, during development involving the breaking of ground, contamination not previously identified is found to be present at the site, no further development shall be carried out until a remediation strategy has been to and approved in writing by the Local Planning Authority. The remediation strategy shall then be implemented as approved.

Reason: The site is underlain by superficial deposits of alluvium in the south of the site. The underlying solid geology is the Nottingham Castle Sandstone, classified by the Environment Agency as a Principal aquifer and the protection of the groundwater is therefore important.

(Additional background papers: Highway observations dated 05.06.2015
Email dated 11.06.2015 from NLP.)

4b Unit 2 The Pictureworks (5/00925/PVAR3)

1. A statement has been received, prepared by a planning agent, on behalf of DG Cars which is a response to the committee report. This sets out his view of the three most salient issues with regard to this application. These are:
 - *The applicant has been reasonable and has complied with all the planning conditions attached to the previous permission.*
 - *The objection responses provide no robust evidence to support their claims.*
 - *The City Council has examined all the material in front of them and concluded that a further temporary permission should be granted.*

They further advise that as a planning professional instructed to consider this application, they are of the opinion that the recommendation is sound, especially as a further temporary permission will allow for a further period of monitoring. They also comment that as it is no fault of the applicant that the NET system has not yet opened, a full permission could fairly be granted.

The statement makes detailed reference to the relevant sections of the NPPF which support the granting of planning permission for this proposal. It also refers to the Ministerial Statement: Planning for Growth which places emphasis on sustainable development to support economic growth and advocates that this should be allowed to proceed as easily as possible.

The statement concludes that there are no material planning considerations which would preclude the approval of planning permission for the extension of the use and advises that there is now an emphasis on growth and positive decisions on planning applications. They consider that the granting of planning permission would not compromise key sustainable development principles set out in planning policy and should be looked upon positively.

(Additional background papers: Email and attached statement from Dr Anton Lang on behalf of DG Cars received 11.06.2015)

4c Site Of Society Linen And Electricity Substation, Daleside Road

1. Report correction:

Paragraphs 4.1.1 and 5.1.1 refer to a draft decision notice at Appendix 3 that has not been attached. A draft decision notice has not been prepared for each because it is envisaged that a single version of the permission varying all three condition would be prepared in the event that recommendation at paragraph 6.1 is agreed. The paragraphs are amended as follows:

“4.1.1 The conditions imposed on planning permission 14/01140/POUT, subject to modified conditions 16 and 17 as set out in the report;”

And

“5.1.1 The conditions imposed on planning permission 14/01140/POUT, subject to modified condition S1 as set out in the report;”

2. Further response:

Virgin Media: Concerns regarding the anticipated significant increase/intensification in vehicular traffic levels along of Trent Lane and the impact this may have on access to and from Virgin Media's premises. Request copy of any traffic impact assessments.

1. **Notes:**

The further response of Virgin Media is noted. A Traffic Impact Assessment was provided as part of the previous planning application for the development of the site, to which these current planning applications are directly related. Highways have reviewed the previous TIA and advised that they have no objection to the proposed development. In the context of the limited changes being proposed, it has not been considered necessary to require a further TIA as part of the current applications. A copy of the previous TIA has been issued to Virgin Media.

(Additional background papers: Virgin Media, received 13.6.15.)