



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 17 June 2015

Time: 2.30 pm

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

Councillors are requested to attend the above meeting to transact the following business

Acting Corporate Director for Resources

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

AGENDA

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| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTERESTS | |
| 3 | MINUTES
Meeting held on 27 May 2015 (for confirmation) To follow | |
| 4 | PLANNING APPLICATIONS: REPORTS OF THE HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION | |
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IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
17th June 2015

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Broad Marsh Centre, Lister Gate

1 SUMMARY

Application No: 15/00950/PFUL3 for planning permission

Application by: Nathaniel Lichfield & Partners on behalf of Broadmarsh Retail Limited Partnership

Proposal: Part demolition, alteration and extension of intu Broadmarsh shopping centre, including change of use and erection of new buildings to provide for uses within A1-A5 (shops, financial & professional services, restaurants & cafes, drinking establishments and hot food take-away), and D2 (assembly and leisure). Demolition of western pedestrian bridge and refurbishment of eastern bridge across Collin Street. Alterations to existing entrances on Collin Street, Lister Gate and Drury Walk. Creation of new entrance on Middle Hill and other ancillary works and operations.

The application is brought to Committee because it relates to a major development of critical significance to the City Centre site where there are important land use, design, heritage and regeneration considerations.

To meet the Council's Performance Targets this application should be determined by 7th July 2015.

2 RECOMMENDATIONS

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

Power to determine the final details of the conditions of planning permission be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

The site

- 3.1 The application site comprises the Broadmarsh shopping centre which forms the southern gateway to the city centre and is bounded by Collin Street to the south, Maid Marion Way to the west, Middle Pavement and Lister Gate to the north and Middle Hill to the east. The northern part of the site at 10-18 Middle Pavement is located in The Old Market Square Conservation Area, as is the Lister Gate entrance canopy. Other conservation areas in close proximity to the site include the

Lace Market Conservation Area to the east, the Castle Conservation Area to the west and Nottingham Canal Conservation Area to the south.

- 3.2 The site is also located in close proximity to a number of Grade II and II* listed buildings, including 4-25 Lower Pavement, 9-19 Lower Pavement, 1 and 15 Middle Pavement, a number of properties along Lister Gate, Bridlesmith Gate and Carrington Street. The Caves at Drury Hill are a Scheduled Ancient Monument.

Planning context

- 3.3 The Broadmarsh Centre is in critical need of investment to reinvigorate this important anchor in the City Centre and to enhance connectivity with the station and southern gateway. Regeneration of the Centre is the single most important development for the city centre and its delivery a priority for the City Council, which it is seeking to facilitate as a development partner.
- 3.4 The Centre has been the subject of a number of planning permissions for redevelopment (or resolutions to approve) since 2000, but none have been implemented. The applications submitted from 2002 onwards were made by the then owners Westfield, from whom Intu acquired the Centre in 2012. Intu are also the owners of the Victoria Centre and their acquisition of Broadmarsh forms part of a commitment towards the retail and leisure vision for Nottingham. Their proposals align with the Council's Time and Place Plan which sets out the vision for a thriving and sustainable 21st century European city, with the city centre as its 'shop window'. Transformation of the two centres, which form north and south bookends to the City's retail core, is a priority for strengthening the retail offer of the City and reversing a fall in national retail rankings. Intu's proposals are for two complementary shopping centres, the Victoria Centre to be refurbished (currently underway) and upgraded for mainstream and aspirational fashion, and ultimately enlarged, with the Broadmarsh Centre to be extended, refurbished and upgraded for mass market fashion, speciality retail, new leisure, dining, food and convenience shopping.
- 3.5 It is recognised that the retail market has changed significantly since the previous schemes for the Broadmarsh Centre were developed and the proposed development now aims to bring forward a sustainable and deliverable scheme that meets current retail and leisure demands within Nottingham.
- 3.6 By way of background, the previous planning applications referred to are summarised below.
- 3.7 Outline permission was granted in November 2000 for the redevelopment of the Broadmarsh Centre, along with land and premises to the south and east of Collin Street, to create a new regional shopping centre including a relocated bus station, multiplex cinema, leisure and restaurants uses and car parking (ref: 98/00089/POUT). The application proposed an increase in gross lettable floorspace of the existing centre from 44,227 sq m to 116,127 sq m. The proposal also involved relocation of the bus station to form a new public transport interchange with Nottingham Express Transit (NET) line 1, the closure of Collin Street with the reintroduction of two-way traffic into Canal Street and Middle Hill.
- 3.8 A further outline permission was granted in September 2004 for the extension and redevelopment of the Broadmarsh Centre and adjoining land. Access and siting were approved, with design, external appearance and landscaping reserved for

subsequent approval (ref: 02/01261/POUT). This consent increased the gross lettable floorspace of the existing centre from 44,227 sq m to 121,000 sq m. It involved the relocation of the bus station to form a new public transport interchange with the NET line 1 and the closure of Collin Street with the reintroduction of two-way traffic into Canal Street and Middle Hill.

- 3.9 In 2007 an application (ref: 07/00117/PVAR3) was submitted to modify the outline permission ref: 02/01261/POUT, by varying conditions attached to that permission. The revised planning application sought to increase the gross lettable floorspace by 15,000 sq m over the 121,000 sq m approved by the original outline permission. Other revisions included increasing the heights of buildings by up to 9.5m, modifying access arrangements to the main car park from Middle Hill and a revised highway scheme. This application was approved in September 2007.
- 3.10 In 2009 an application was submitted (ref: 09/02714/POUT) to renew the 07/00117/PVAR3 permission. This received a resolution to approve at committee in May 2011 subject to the completion of a S106 agreement. This S106 agreement was not completed and permission not therefore issued.
- 3.11 An application (ref: 10/03458/PFUL3) for the redevelopment of Drury Walk received a resolution to approve at Committee in January 2011, subject to a S106 agreement. The proposals included the demolition of the existing Drury Walk retail and office space, retention of the Severns House structure and upper floors and rebuilding to provide a new open street from Middle Pavement. The S106 agreement was not signed and permission not therefore issued.
- 3.12 Also in 2011 Committee resolved to approve a further application for the demolition of the structure above Lister Gate Square to form an open north/south pedestrian street (ref: 11/02546/PFUL3), subject to the completion of a S106 agreement. The S106 agreement was not signed and permission not therefore issued.

4 DETAILS OF THE PROPOSAL

- 4.1 The current application proposes a comprehensive scheme of refurbishment and alteration including part demolition, alteration and extension of the Broadmarsh shopping centre (the Centre). Intu's key aims for the redevelopment are to provide:
 - Enhanced leisure and food/beverage facilities, and more generally diversify the uses in and around the Centre
 - A multi-screen cinema
 - A new and improved dedicated space in Lister Gate Square to accommodate community events and activities
 - A new open street at Drury Walk to complement and align with Bridlesmith Gate and Middle Pavement
 - An improved north/south route through the Centre from the station and Carrington Street, through Lister Gate Square, to Lister Gate and the wider city centre
 - A new entrance on Middle Hill new toilets, parent and child facilities, accessible for wheelchair users
 - New larger shop units to secure new brands to Nottingham, to enhance and compliment the shopping experience of the City
 - A catalyst for further investment and enhancement in the area, having regard to future plans of the Council in this part of the city

- 4.2 In physical and land use terms the proposals comprise:
- (i) Change of use within the Centre to uses within Classes A1-A5 (shops, financial and professional services, restaurants and cafes, drinking establishments and hot food take-away), and Use Class D2 (assembly and leisure);
 - (ii) The reconfiguration of Lister Gate Square and creation of a north/south street through the Centre connecting Carrington Street and Lister Gate;
 - (iii) Alterations to the entrances on Collin Street and Lister Gate;
 - (iv) The reconfiguration of the Drury Walk entrance to create a new open street aligned with Bridlesmith Gate;
 - (v) The demolition of the western pedestrian bridge and the refurbishment of the eastern bridge which link the Centre with the multi storey car park on the southern side of Collin Street;
 - (vi) The creation of a new entrance on Middle Hill and recladding of part of the Collin Street and Middle Hill elevations.
- 4.3 The site area is approximately 3ha. The existing internal floorspace of the Centre is 55,026 sq m of which 24,814 sq m will be subject to change of use, redevelopment or reconfiguration. The Centre currently has 42,977 sq m of Class A1 retail, 1321 sq m of financial and professional services, restaurants and cafes, drinking establishments and hot-food takeaways, 84 sq m of Class D2 (leisure) and 10,644 sq m of other (which includes Severns House, the management suite, service corridors, ancillary accommodation etc).
- 4.4 As a result of the proposal there would be a net reduction in the gross internal floorspace by 2192 sq m. The amount of Class A1 floorspace would decrease by 10,900 sq m due to an increase in Class A2-A5, Class D2 and 'other' floorspace, including improved pedestrian circulation and dining space and enhanced customer toilet facilities. There would be 2644 sq m of additional Class A2 –A5 floorspace and 5970 sq m of additional Class D2 floorspace.
- 4.5 The scheme represents an £114 million investment in the Broadmarsh Centre. The construction phase would generate 450 jobs (plus 230 indirect jobs and an economic output of £7.1m) and the completed scheme would provide over 2260 jobs (plus 1,155 indirect jobs and an economic output of £55.4m). Local employment and training opportunities are proposed as part of the development, with a financial contribution to the City Council's Employer Hub that will help to deliver these.
- 4.6 The application is accompanied by the following documents: Planning Summary; Planning Statement (including Statement of Community Involvement), Design and Access Statement; Transport Statement; Townscape and Heritage Impact Assessment; Energy Statement; Joint Ventilation/Extraction, Foul Sewerage and Utilities Statement; Site Waste Management Plan; and an Ecological Assessment.

In more detail, the scheme comprises the following elements:

Uses and layout

- 4.7 The proposals are entirely contained within the boundary of the existing Broadmarsh Centre. The existing centre comprises four main levels (Ground floor – Collin Street/ Lister Gate, Level 1 –upper mall level, Level 2 –service deck level and Level 3 – Drury Walk).
- 4.8 Ground floor - It is proposed to create a new widened entrance from Collin Street aligned with Carrington Street and a new pedestrian route through the Centre connecting to the south east corner of a reconfigured Lister Gate Square. Enclosing the new pedestrian route and Lister Gate Square would be double height retail units. Lister Gate Square is rotated 90° from existing and increased in size, and would be a new public events space. The new Lister Gate entrance opens on to the space from the north. The corner of the Boots unit is proposed to be removed to re-establish a street width connection with Stanford Street.
- 4.9 On Broad Walk, the east/west mall within the Centre, the options would remain to access Level 1 via relocated escalators or to continue towards a new food and beverage area in East Square. The public area is increased and the entrance / exit corridor to Cliff Road is proposed to be opened up.
- 4.10 Level 1 – It is proposed that this would be substantially refurbished with the existing malls reconfigured and rebuilt as a restaurant and leisure destination. Internal works include: reconfiguring units; realigned vertical circulation; new customer facilities; new retail operators, new leisure uses including a five screen cinema, widened malls and a new roof light. The existing lifts and escalators providing the connection to Drury Walk are proposed to be repositioned to respond to the realignment of Drury Walk westwards in line with Bridlesmith Gate.
- 4.11 As part of the works on Level 1, part of the southern elevation of the Centre, facing Collin Street, is proposed to be demolished and re-built to house the new cinema. A new entrance is proposed on Middle Hill, close to the corner with Collin Street. There would also be access to the new entrance from the existing pedestrian bridge on the level above which connects the Centre to the Broadmarsh multi storey car park. The Nottingham ‘City of Caves’ leisure attraction would be retained as part of the proposals.
- 4.12 Level 2 - The volume of the cinema would extend up to the existing service deck level. The existing service provision to the Centre would be retained and redistributed within the roof space, together with any proposed new servicing and plant provision. A further leisure use is also proposed at this level between the new pedestrian route and the cinema.
- 4.13 Level 3 –It is proposed to demolish everything at this level, leaving only the ground structure of the Severns House office building, and the service corridor to the east. It is proposed that a new pedestrian ‘route’ is moved westwards so that it realigns with Bridlesmith Gate with the new retail units located to the east of this alongside Severns House. The new retail units are set over two levels with the floors occupying the ground and first floor of Severns House. A free standing café is proposed on the western side of Drury Walk with a new entrance into the Centre at it’s the southern end. It is proposed to reconfigure the entrance to Severns House to provide access to the upper levels which, in part, would house the management suite for the Centre.

Design and appearance

- 4.14 The changes to the external design and internal appearance of the Centre can be divided into three distinct areas. These can be described as:
- (i) Collin Street and Lister Gate entrances and new pedestrian route/Lister Gate Square;
 - (ii) Cinema/Middle Hill;
 - (iii) Drury Walk
- (i) Collin Street and Lister Gate entrances and new pedestrian route/Lister Gate Square
- 4.15 *Collin Street* - The main change is the creation of triple height frameless glazed entrance with entrance doors leading to the new pedestrian route through the Centre. This is raised higher than the general height of the Collin Street elevation and either side of the entrance the appearance of the Centre is to be changed to create two “bookends” with differing architectural treatment. To the east of the entrance two double height display windows are proposed. A window is also proposed to the leisure use at Level 2. To the west of the entrance an area of triple height glazing is proposed which would be part of the shop front of the corner retail unit. The remainder of the elevation to the west of the entrance would be refreshed and upgraded.
- 4.16 *Lister Gate entrance* - It is proposed to remove the existing Lister Gate entrance to the Centre to be replaced by a metal clad, bronze coloured portal structure. Within this and to either side would be frameless glazing. The glazing would be of a fritted design that fades from 100% transparency at ground level to 0% transparency at the top of the glazed wall. This will obscure the parapet wall of the service bridge behind, which would be rendered. It is proposed that the glazing to either side of the portal will not have entrance doors. As part of this work it is also proposed to chamfer the corner of the existing Boots unit to create a better connection with Stanford Street. It would have a new glazed shopfront.
- 4.17 *New pedestrian route/Lister Gate Square* - It is proposed that Lister Gate Square and the new pedestrian route connecting Collin Street and Lister Gate would include the following elements – external materials on ground floor surfaces to coordinate with those materials of Lister Gate and Collin Street / Carrington Street; use of external materials in the facades that form the enclosure to Lister Gate Square and the pedestrian route; use of a transparent glazed roof to both Lister Gate Square and route and maximise active frontages to the edges that form Lister Gate Square and the route.
- (ii) Cinema/Middle Hill
- 4.18 The creation of the cinema on the south east corner of the Centre, at the junction of Collin Street and Middle Hill involves partial demolition and rebuilding of this part of the Centre. Externally, the part of the building which houses the cinema is proposed to be finished with aluminium rainscreen cladding in shades of silvery grey. The Collin Street elevation is split horizontally by a band of glazing that is aligned with the footbridge to the Broadmarsh car park. It is also proposed to create a double height frameless glazed entrance on Middle Hill, close to the junction with Collin Street. The cladding extends along part of the Middle Hill elevation and incorporates double height vertical strip windows.

4.19 There are currently two pedestrian footbridges connecting the Centre to the Broadmarsh multi-storey car park. The western bridge is to be removed but it is proposed to retain and refurbish the eastern bridge which will provide a connection from the car park to the Centre on Level 2. The proposals remove the servicing route and open up the whole bridge for pedestrian use. The bridge would be stripped back to its truss structure and re-clad with geometric shapes in toughened glass to complement the architectural form of the cinema façade and entrance.

(iii) Drury Walk

4.20 The existing Drury Walk part of the Centre is to be demolished and rebuilt. This has been conceived as an open street to follow the alignment of Bridlesmith Gate as closely as possible. The approach to the new buildings to be constructed on the corner of Middle Pavement and the east side of the new Drury Walk has been to adopt a historic vernacular using traditional materials. The corner building which addresses both Middle Pavement and Drury Walk, is three storeys in appearance and includes a double height corner bay on the upper floors.

4.21 The historic approach continues on the east side of Drury Walk but with two storey buildings broken up by gables. The design approach then changes to contemporary at the southern end of Drury Walk where there is a new entrance to the Centre and retail store. It is proposed that this elevation would be double height frameless glazing and whilst the entrance to the Centre would remain transparent it is anticipated that the occupier of the retail unit would modify this to create a distinctive shop front.

4.22 On the west side of Drury Walk a pavilion café building is proposed. This would be a mix of frameless glazing, polished concrete and a standing seam metal roof using the existing boundary wall of 24-26 Low Pavement (Jamie's Restaurant) as a backdrop. Aluminium louvres on the south side would protect the cafe from solar gain.

4.23 Drury Walk would become a new area of public realm and includes an area adjacent to the entrance to the Centre which is proposed to be an "urban pocket square." Glimpsed views would be available from this space to the garden at the rear of 24-26 Low Pavement.

Pedestrian access, parking and servicing

4.24 The Centre has a number of entrances for pedestrians which provide routes into and through the Centre. The principal pedestrian access points are:

- From Lister Gate into Lister Gate Square;
- From Collin Street into a corridor leading to Lister Gate Square;
- From Carrington Street via an underpass under Collin Street and ramp to the corridor to Lister Gate Square;
- From the north side of the Bus Station into the southern end of Tanners Walk;
- From the west end of Cliff Road into the a corridor leading to the northern end of Tanners Walk;
- From Middle Pavement into Drury Walk;
- From the Broadmarsh car park (*Level 3*) via bridge stairs or lift to the upper mall level;
- An unused second pedestrian bridge link from the car park.

- 4.25 There is a public right of way on foot between the Lister Gate and Collin Street entrances which has recently been the subject of a new Footpath Order. There is also a public right of way between the Collin Street entrance and Carrington Street via the ramp and underpass. All other routes through the centre are private and are available to the public only during the normal opening hours of the Centre.
- 4.26 The principal change to access resulting from the development is the relocation of the Collin Street access further east, to align more directly with the junction of Carrington Street. This would reinstate a more direct pedestrian route into the city centre from the south and will entail the stopping up of the existing right of way between Lister Gate and Collin Street, and the dedication of the new public right of way on its new alignment. It is also proposed to formally stop up the ramp and underpass to Carrington Street, to remove the western bridge over Collin Street and to relocate the Drury Walk entrance. All other public pedestrian entrances are to be retained or reinstated in their existing locations.
- 4.27 Servicing and delivery arrangements would remain largely as at present, with the same vehicular access and egress and route across the rooftop service deck.
- 4.28 The site currently provides no public parking on site. There are approximately 120 private parking spaces marked out at roof level. The alterations on the roof and re-arrangement of some service bays would necessitate the removal of some of this parking which is not extensively used at present.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 Nottinghamshire Chamber of Commerce, Nottingham BID, Nottingham Means Business, Experience, Nottingham City Business Club, Creative Quarter, Caves of Nottingham, Nottingham Contemporary, Weekday Cross
2, 6-10, 12, 18, 20, 22-26 Carrington Street
1, 3-7, 10, 15, 18 Middle Pavement
15, 20-22, 24-26 Low Pavement
15-17, 31, 33,35, 37, 38, 39, 39A, 41 Lister Gate
Big City Tyres Ltd, 1 Collin Street
49, 51, 58 Bridlesmith Gate
Ocean Night Club, Greyfriar Gate
- 5.2 The application has also been advertised on site and in the press and adjacent occupiers notified. The expiry date for comments was 13.05.2015. In response to consultation the following comments have been received:
- 5.3 **Historic England:**
Summary: The move away from the massive retail proposals previously envisaged is welcomed as part of the renewed vision for this entrance to the city but while the submitted proposals offer some enhancements to the existing situation, they fall short in terms of the quality of the architecture.
Collin Street: Extension of the retail environment into Collin Street via the “wrapping” of the blank southern elevation of the shopping centre with retail units would narrow Collin Street to a more intimate scale, create active frontages and resolve the “split level” between the floors of the shopping centre and the street, allowing better corner treatment with Middle Hill.
Footbridge: The proposed pedestrianisation of Collin Street would make a safe

route from the Centre to the car park and remove necessity to retain bridge. Its removal would also remove one of the obstacles to a clear view of the Castle. *Drury Walk*: The proposed re-alignment of the northern entrance to Bridlesmith Gate has potential to be successful but much depends upon the architectural treatment. The other three corners of this cross-roads are all listed buildings with 24 and 26 Low Pavement being Grade II*. Consider that the designs for the new frontage here do not succeed in this. Have previously suggested that an extra storey and simple, modern brick design would give the corner building greater presence, and therefore disappointed that intu have not decided to proceed on this basis. The precise relationship with 26 Low Pavement and the removal of the existing structure attached to it will require careful handling. Any consent(s) will therefore need to ensure that this is forthcoming.

Recommendation: With the threat of demolition removed, the historic buildings on Carrington Street are shortly to undergo a renaissance, while the catalytic effect of the railway station project has already aided the regeneration of nearby commercial premises on this important entrance to the city centre. The reconfiguration of the Broadmarsh Centre is a once in a generation opportunity, and it is disappointing that the architectural vision is not more ambitious and aspirational. The radical remodelling of the former Drury Hill corner is welcomed, as is the re-alignment of the southern entrance and the construction of a cinema on the corner of Middle Hill, but in each case the architecture does not achieve the “place making” that these changes should make possible.

- 5.4 **Environment Agency**: No objection subject to a condition requiring a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.
- 5.5 **Nottingham Regeneration Ltd**: An improved and upgraded Broadmarsh shopping Centre is vital to the regeneration and vitality of much of the surrounding area. Improved connectivity through and around the scheme, particularly on the important north-south route is vital to improving linkages between the station area and other parts of the city centre. The relationship with the historic castle area will be enhanced particularly through opening up and improving sightlines and views. The provision of new and re-configured retail space is vital in providing units to fulfil modern retailers’ requirements, particularly the proposal for additional space at the Drury Walk/Bridlesmith Gate part of the scheme. Note the proposal for leisure facilities with an improved A3 offer and cinema, which will enhance the offer both within the centre and the southern part of the city centre generally. These leisure proposals may provide an opportunity for an attraction within the centre of benefit to the wider Nottingham city and/or enhance the existing Caves attraction.
- 5.6 **Notts Wildlife Trust**: No objection. Support incorporation of biodiversity enhancements where possible. Section 4.4 of the Ecological Assessment gives recommendations regarding breeding birds and bats which should be secured by way of condition, should the application be granted.
- 5.7 **Biodiversity and Greenspace Officer**: No objections. Recommend enhancement measures as part of the landscaping of Drury Walk and a condition to ensure the use of native species and plants of known value to pollinators. Note that the development does not include an opportunity for open space creation and very minimal suggestions for ecological enhancement. Query whether there is there any scope for a green or brown roof, or a roof garden on part of the main flat roof of the building and refer to a similar successful feature in the Cornerhouse development.

Recommend the creation of such a feature and a management plan to ensure appropriate maintenance. As a further enhancement measure, also suggest an additional survey in the summer of the area referred to as “No Man’s Land” when the valuable trailing snapdragon *Asarina procumbens* could be detected. The population of this plant is of value locally, it would be beneficial for the population to be assessed and a management plan devised and implemented for the continued protection of the population. Need to ensure relevant legislation with regard to bats and birds is adhered to.

- 5.8 **Pollution Control:** No objection. Recommend conditions re extraction equipment to avoid odour nuisance and noise assessment and any mitigation measures to address noise from plant and air handling equipment.
- 5.9 **Highways:** To be provided in the update report to Committee.
- 5.10 **NET:** Proposals are generally supported. An early opportunity to discuss ways in which the redevelopment of the Broadmarsh can be further enhanced through the effective integration with tram services would be welcomed. Applicant must be aware that all works will need to be carried out in accordance with the “Working Near NET” guidelines. Request that if planning permission is granted, a condition be included requiring the applicant to agree a method statement with NET in order to prevent delays/disruptions to tram services. Query regarding temporary NET poles on Middle Hill.
- 5.11 **City Archaeologist:** No objection. Any archaeology was wiped out by the original Broadmarsh Centre development. Interested in the changes to Lister Gate as the Rowell, a medieval watercourse ran through the middle of it but doubtful there is anything left. Any new caves (unlikely) might be an issue.
- 5.12 **Nottingham Civic Society:** Object.
- (a) New pedestrian route should be designed as an open street. Welcome the 24 hour use of this route
 - (b) Lister Gate entrance: The design of the entrance from Lister Gate is unacceptable creating a monolithic archway to signal the presence of the shopping centre from a distance and the resulting design is over-scaled and unduly assertive in the streetscene. The glazing could be adapted to allow the maximum view of the shops inside, restoring something of street character to Lister Gate Square. Consider this element to be detrimental to the character of the Old Market Square Conservation Area to which it is adjoined.
 - (c) Collin Street: The re-sited southern entrance facing down Carrington Street is welcomed and the attempts to introduce some life into parts of the southern wall of the shopping centre are acknowledged, but concerned Collin Street will remain a hostile pedestrian environment.
 - (d) New entrance to the cinema in the south-east corner is welcomed, but in the absence of information about street crossings of Middle Hill to the proposed new tram stop, and Collin Street itself, this is not a well-considered development at this stage.
 - (e) Middle Hill: The complete absence of entrances / shop windows facing towards Nottingham Contemporary on Middle Hill is a serious failing of this scheme. An attempt should be made to enliven this elevation with artwork associated with Nottingham Contemporary opposite.
 - (f) Drury Walk: the idea of re-creating an open street in this area is welcomed but regret the opportunity has not been taken to design modern buildings that would complement both The Lace Market and Old Market Square Conservation Areas. A

pale, pastiche design is proposed which will inevitably look disappointing. The glimpsed views into the gardens behind Paul Smith's and adjacent buildings are welcomed. This could be further enhanced by creative interpretation of the new space being created and suggest the original route and dimensions of Drury Hill could be depicted in the paving.

(g) Caves: the proposed entrance to the Caves down a narrow corridor is inadequate and conflicts with the recently launched Heritage Strategy ambition for exploiting the Caves. Suggest the adjacent pop up shop unit should be included to offer a proper frontage and presentation space. The Broadmarsh proposals should not be allowed to prejudice any scheme to enhance the Caves by creating a new access at the Cliff Road level in the future if possible.

(h) Nature Conservation: Disappointed that there are no proposals for green roofs or walls. Green roofs benefit nature conservation but could also improve the appearance of the Broadmarsh in views from Nottingham Castle. A safeguarding condition should be included to avoid prejudice to the nationally rare trailing snapdragon (*arasina procumbens*) still growing on the remnant cliff edge north of Broadmarsh.

5.13 **Nottingham Local Access Forum:**

(a) Pleased to see the development at last going ahead and that some good access improvements have been incorporated including the realigned link between Lister Gate and Collin Street, and the Drury Hill entrance.

(b) Support changes to the Collin Street crossing to provide a better connection with the realigned route through the Broadmarsh Centre, which will be all the more important with the proposed closure of the subway under Collin Street.

(c) Suggest planning condition requiring that the existing right of way between Collin Street and Lister Gate is maintained during redevelopment until the realigned route is ready for use.

(d) Disappointed that the application fails to include the opportunities for wider links, particularly on the Stanford Street and Maid Marian Way sides of the Broadmarsh Centre, or the opportunity to open up views towards the Castle as well as provide a valuable open space.

(e) Disappointed to that the opportunity to link Middle Pavement with Collin Street is no longer proposed, particularly in view of the cinema and other new leisure uses proposed. Would like to see a 24 hour through route.

(f) Insufficient thought has been given to improved access for pedestrians along and across Middle Hill.

(g) Would like to see the early implementation of the proposed pedestrianisation of Collin Street. Would help pedestrian and cyclist safety and help improve the safety of cyclists riding between Carrington Street and Middle Hill.

5.14 **Land Securities** (owners of the Cornerhouse): Object.

The proposed development would result in a drastic shift in the balance of floorspace from retail uses to restaurant and leisure uses, without evidential support, and would result in an overall reduction in A1 floorspace (10,900 sq m) in contravention of the planning policy aims which seek to expand the retail offer and meet identified need for more retail floorspace (Broadmarsh is identified as one of the two major opportunities in the city centre where the retail expansion can be delivered). Consider that there are no material considerations to outweigh the significant conflict with planning policy and the Council should not grant planning permission for the proposed development. In the event that the proposed development were to be approved, it would be necessary to significantly reduce the loss of A1 retail floorspace and to restrict the replacement with A2-A5 and D2 uses.

5.15 **Jamie's Italian Ltd:** No concerns about the design but are concerned about the implications of the development upon the servicing of the restaurant which is dependent upon the use of the roof top service area over which they have a right of access. Request a condition to ensure this route will be retained during the construction period.

5.16 Eight individual citizens have commented on the planning application. Three are from contributors to an online architectural forum (skyscrapercity) and are essentially identical. Comments are summarised below:

(a) Project is neither ambitious or inspiring. Intu's plans to invest in Broadmarsh are welcomed, but the city must make sure that the investment does not entrench design mistakes made in the 60s and 70s

(b) Lack of open through route from Collin Street to Lister Gate. The Collin Street entrance is an entrance to a shopping centre and cannot be perceived as a gateway into the city centre. No apparent line of sight from Collin Street to Lister Gate. Lister Gate entrance is heavy and a physical barrier between Lister Gate and Lister Gate Square; there are no doors to the left and right of the new metallic frame, funnelling people through only a section of this frontage

(c) The 2002 Development Brief states that the minimum width of the north/south street should be similar to Lister Gate to the north and Carrington Street to the south and the minimum width in intu's plan is around 50% width of Lister Gate

(d) Opening up of upper storey windows from the new cinema onto Collin Street is welcomed, but there is little other active frontage. The jewel box windows proposed are dead spaces. There is no activation at all to the west of the proposed new entrance. The Urban Design guide requires at least 75% active frontage at ground floor level on Collin Street

(e) Inappropriate signage. Prominent intu branding on the Collin Street and Lister Gate entrances are not appropriate and do not give clear vision of being a through route into the city centre

(f) Challenge intu statement that it is essential for all retail units to trade in a covered environment and refer to new developments elsewhere which have open aspects. New open street at Drury Walk shows what should be achieved between Collin Street and Lister Gate. Damages their contention that retailers will only be satisfied by an indoor mall

(g) Significant external elevations (estimated 70%) unchanged. Will continue to give a negative perception of this part of the city centre

(h) Detrimental impact of pastiche Drury Walk design on Low Pavement. Nottingham City Centre Urban Design guide states that new buildings in the city should be of contemporary design and buildings will fit into the historic core of the city not by imitating the design of the surrounding buildings but by respecting the grain and scale of the context. Cath Kidston store on Bridlesmith Gate proves that good contemporary design can fit in well

(i) Severns House is a major constraint for the Drury Walk façade which appears fake and pastiche as a consequence. It is also one of the least aesthetically pleasing buildings remaining in the city centre and due to its sensitive location it should be demolished

(j) Priority should be given to attracting new retailers to Nottingham in any significant retail development in the city centre. Opportunities should exist to cluster these retailers around Lister Gate Square and Drury Walk. Vital for retail prosperity these brands are attracted

(k) No retail assessment within the planning application. Intu position that lead aspiration and fashion retail should be located at the Victoria Centre and not Broadmarsh calls into question what retail will be attracted to Broadmarsh

- (l) Potential restaurant saturation and impact on the creative quarter and future pipeline
- (m) Unclear as to how the caves will be exploited. The proposed first floor layout appears confused at the cave entrance area having a less obvious route between Drury Walk and Broadwalk
- (l) Should be a clear master plan to ensure the developments in the vicinity of Broadmarsh are cohesive
- (n) In conflict with a number of aspects of the Nottingham city centre time and place plan (2014)
- (o) Conflicts with Southside Regeneration Interim Planning Guidance; refers to the strategic importance of Southside and the potential for Broadmarsh proposals to act as a catalyst to change

5.17 One of the representations broadly supports the application but considers it important to further improve the Weekday Cross elevations.

5.18 **Applicant's Public Consultation Exercise:** Additionally, intu have carried out an extensive public consultation exercise surrounding their proposals. A public exhibition in the Centre began in May 2014 seeking views on how the Centre should be developed. By Autumn 2014 over 1,000 responses had been received as well as market advice from local retail and leisure agents. A further exhibition was held between 12 and 18 February 2015 which invited comments on the proposed scheme that had been developed. In total 1,608 responses were received, including those collected during the event as well as surveys submitted online and via post. 89% of respondents indicated that they were in favour of the proposals. 83% indicated that they would be "quite likely" or "very likely" to visit following the Centre's redevelopment. 79% said that the proposed new routes through the Centre would improve connections to the city centre.

5.19 **Design Review Panel:** The proposals were considered by the Design Review Panel on two occasions at the pre-application stage. Their comments are summarised below:

Welcomed this proposed investment and broadly supported the concepts for this important refurbishment of the Broadmarsh Centre. Recognised that significant progress had been made in the designs for the Centre refurbishment and, subject to the resolution of important details, the new Lister Gate to Collin Street axis is likely to represent a very important urban design enhancement for Nottingham. Recommended a more outward looking development strategy to help best stitch the shopping centre into its surroundings; urged a partnership approach to integrating the shopping centre refurbishment proposals with other regeneration initiatives. Accepted that the refurbishment of the shopping centre must be capable of delivery by intu. Supported the approach of concentrating on the entrances. Also supported the principle of diversifying the centre with new leisure uses. The more specific conclusions and recommendations of the Panel were as follows:

Drury Walk: Welcomed the principle of redevelopment of Drury Walk as an open 'street' aligned to Bridlesmith Gate. Commented that the opening up of glimpsed views of the rear of listed buildings on Low Pavement and the garden of Jamie's Restaurant would be valuable. Suggested that the repositioned escalators to lower levels needed a clearer sight line. Unconvinced by the 'pastiche' design presented for the buildings to the east of the street. Considered it will be extremely difficult to replicate the qualities of historic buildings on Bridlesmith Gate. The different 'buildings' need to be expressed individually in a convincing way with

strong vertical elements. The relationship of the pastiche structure to the retained Severn's House also presents a major problem. Overall, the advice was that the design is too overwrought and a simpler solution using traditional materials would be preferable. Strong support for the new kiosk design, which shows the potential of a robust modern design.

Lister Gate Square: Considered that, given intu's requirement for a shopping centre concept rather than an open street, the reconfiguration of the square and particularly the introduction of a glazed roof give the opportunity for a visually exciting focus for the centre. The design of the roof has real architectural possibilities. Suggested that the square could be used as a winter garden and a multi-functional space. Commended the imaginative idea of chamfering the corner to Stanford Street. Prefer a more minimalist glazed screen to the Lister Gate entrance but given the wish to retain the parapet to the servicing bridge and the wide existing columns, considered that the bold, simple portal concept works reasonably well, especially with robust dark materials. It will be important for pedestrians to successfully navigate from Lister Gate to Carrington Street. Noted that the glazed roof of Lister Gate Square has yet to be fully designed, as has the underside of the service road, but as illustrated lacks the excitement that had been hoped for. The relationship of the lower glazed roof of the Square with the higher glazing of the 'galleria' to Collin Street is an important design detail yet to be resolved.

Collin Street entrance and arcade: Welcomed the plan for a double height glazed arcade to Collin Street which gives the opportunity for an impressive and legible southern entrance to the centre, but essential that this relates well to the proposed changes to the public realm. The remodelling to provide new retail units south of Lister Gate Square gives the opportunity to introduce shop frontages along Collin Street west of the new entrance, which is important to address the internalised character of the shopping centre, and break down the monolithic blank wall to Collin Street. It was felt that strong 'bookends' to either side of a 'galleria' with high visual presence in views from the south are a good solution. The 'galleria' can have presence and at the same time be designed simply to provide the maximum transparency between the street and the covered mall. However it was noted that this is difficult to achieve in practice. The introduction of shop windows to either side is strongly supported. Also noted that most of the long Collin Street façade remains without animation.

New entrance to cinema: Welcomed the rebuilding to create the cinema and restaurant complex. Introduction of a new street entrance to the cinema and restaurant complex supported. However, fundamentally unconvinced by the location and design concepts for the cinema entrance and considered these have far reaching implications for the quality of Collin Street as a pedestrian space and the reinvention of the wider Broadmarsh area. The entrance would be best located at the junction of Middle Hill with Collin Street where, following planned pedestrianisation, it will face onto an important and highly visible new public 'square' which will have views east and west. Were strongly of the view that this is the most important element in the external re-design of the Broadmarsh Centre. The panel did not believe that the glazing from the footbridge to the presently proposed entrance would provide any meaningful animation, and was concerned that the diagonal glazed section did not relate to public areas. Concerned that the raising of the parapet and cladding in shiny metal was over assertive given the visual relationships with the Lace Market cliff and the Castle.

Collin Street bridges: Welcomed plans to remove the western bridge across Collin Street but felt that the removal of the eastern bridge is also essential to the Collin Street public realm project. There appears no value or logic in a high level pedestrian bridge across a pedestrian square when the link can be made at grade.

Roofscape: Views onto the roofscape of the Centre need assessing and opportunities to improve this where new build is proposed should be taken.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.
- 6.2 Paragraph 14 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 Paragraph 17 sets out the core planning principles, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; secure high quality design; support the transition to a low carbon future, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable resources; contribute to reducing pollution; and managing patterns of growth to the make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.4 Paragraph 23 sets out the approach to ensuring the vitality of town centres. It recognises town centres as the heart of their communities and advises policies should be pursued to support their viability and vitality. It promotes competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. A range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres should be allocated.
- 6.5 Paragraph 24 requires Local Planning Authorities to apply a sequential test to planning applications for main town centre uses only where they are not in an existing centre and are not in accordance with an up-to-date Local Plan.
- 6.6 Paragraph 35 states that development should be located and designed where it can accommodate the efficient delivery of goods, give priority to pedestrian and cycle movements as well as access to high quality public transport facilities and create safe and secure layouts. Paragraph 36 promotes the use of Travel Plans to encourage sustainable travel. Paragraph 38 promotes developments that provide a mix of uses in order to provide opportunities for people to carry out day to day activities.
- 6.7 Paragraph 52 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible

from good planning. Paragraph 58 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development.

- 6.8 Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.9 To prevent unacceptable risks from pollution, paragraph 120 identifies that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.
- 6.10 Paragraphs 128 and 129 consider the requirement to conserve and enhance the historic environment when determining planning applications. It is advised the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should take into account the need to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.
- 6.11 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

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

S1: New retail development in the City Centre

S6: Non-Retail Uses

S7: Food and Drink

BE10: Development within the curtilage, or affecting the setting, of a listed building

BE12: Development in Conservation Areas

BE16: Archaeology

NE3: Conservation of species

NE9: Pollution

NE10: Water quality and flood protection

T2: Planning obligations and conditions

T3: Car, cycles and servicing parking

T12 Public rights of way

T15: City Centre car parking

6.13 **Aligned Core Strategy (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 5: Nottingham City Centre

Policy 6: Role of Town and Local Centres

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

6.14 **Broadmarsh Development Brief (2002)**

The Broadmarsh Development Brief was adopted as supplementary planning guidance by the City Council in July 2002.

6.15 **Nottingham City Centre Urban Design Guide (May 2009)**

This guide provides a physical framework and promotes the highest standard of urban design and architecture for the city centre. The Broadmarsh development site falls within the area identified as the 'zone of reinvention' which is defined as areas in which the urban form is largely beyond repair. Broadmarsh is specifically identified as being reinvented through the proposals for the shopping centre and its surroundings.

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main Issues

(i) Land use and impact upon the City Centre;

(ii) Design, including impact upon the character and appearance of adjacent conservation areas and listed buildings.

(i) Land use and impact upon the City Centre (Local Plan policies S1, S6, S7 and ACS policies A, 5 and 6)

- 7.1 The relevant planning policy background includes national policy set out in the NPPF, together with saved policies of the adopted Nottingham Local Plan (2005) and the Nottingham City Aligned Core Strategy (2014)(ACS). Local policy and guidance are supported by evidence in the Greater Nottingham Retail Study (2008) (partially updated 2013). Planning policy at all levels recognises the critical importance of a vibrant and attractive city centre in delivering a healthy and sustainable local economy, and supports the delivery of development to achieve this.
- 7.2 City centre retail has found itself under pressure from the consequences of the fast moving change in shopping patterns, the economic downturn and heightened customer expectations in terms of the quality of the whole visitor experience. Nottingham has not been immune to these pressures and the fragility of city centre retailing. The City Council has actively responded to drive a retail strategy, intervene to tackle voids and encourage development. However, the current Broadmarsh acts as a significant drag to both the experience and attractiveness of the city centre for visitors and to the local economy.
- 7.3 In this challenging retail environment, achieving a viable development of an appropriate scale that will be progressed and built, from an experienced shopping centre operator who is convinced this is a sustainable model for our city centre, is critical and will have a hugely positive economic impact.

Redevelopment of Broadmarsh

- 7.4 Transforming the visitor and shopper experience of this part of the city centre is the top priority for the City Council. The redevelopment of Broadmarsh is critical to the reinvigoration of the southern city centre, bringing local jobs for local people. Given its importance, if the scheme receives planning permission, the City Council would help deliver the development as a partner.
- 7.5 The aim of the proposals is to create an exciting and high quality retail and leisure destination to complement the overall retail and leisure offer in the city centre. This would help strengthen Nottingham's position in the retail hierarchy as a regional centre. The development would significantly improve customer choice in the city centre and provide a strong anchor in the south of the city centre to counter-balance the retail offer to the north. The proposals are therefore in accordance with policy objectives that seek to strengthen the overall quality and diversity of the retail and leisure offer within the city centre.
- 7.6 Planning policy reflects the importance of this development and the Local Plan supports the redevelopment of the Centre and the ACS encourages a mixed use redevelopment of Broadmarsh to provide retail and leisure uses of regional significance. The Greater Nottingham Retail Study indicates that Nottingham City Centre's main indoor shopping centres (particularly Broadmarsh) are in need of investment and would benefit from substantial improvement. This scheme delivers in line with these policies.

Mix of uses

- 7.7 Planning policy guidance at all levels promotes mixed use schemes within city centres. The proposed redevelopment of the Centre would provide an enhanced mix of uses including retail, restaurants and cafés, leisure (cinema) and significantly improved pedestrian thoroughfares and spaces. The application proposals would meet the requirement for large, modern retail units and the mix of uses would help

in terms of diversity and to strengthen the vitality and viability of the city centre as a whole.

- 7.8 Objectors, in particular the owners of the Cornerhouse, have raised more detailed concerns about the mix of uses and wider impact of the scheme on the City Centre.
- 7.9 The proposals would bring back into use long standing vacant units within the Centre (currently 41 units out of a total of 170 units in the Centre). These would be re-configured to the needs of modern day retailing, creating an environment that is more attractive to new retailers. When fully occupied the development is expected to increase the amount of occupied Class A1 retail floorspace by up to 6,500 sq.m gross, when compared with the existing situation at Broadmarsh. The leisure and food and drink uses will widen the offer of Broadmarsh and further act to improve the whole visitor and shopper experience, which will help to sustain the retail use.
- 7.10 The Greater Nottingham Retail Study indicates that 31.8% of floorspace within the city centre is occupied by leisure services. The proposed development would provide around 9,900 sq.m of Class A3-A5 and D2 leisure floorspace, which represents less than 20% of total floorspace in the Centre. The level of restaurant and leisure floorspace is therefore appropriate.
- 7.11 The Broadmarsh redevelopment is conceived as an integral element of a well considered and achievable city centre strategy, delivering reinvigorated shopping centre anchors at the north and south, supporting the city centre offer as a whole. The scheme would be complementary to the future development of the Victoria Centre and the mix of uses now proposed would increase the attractiveness of the city centre to visitors and shoppers.
- 7.12 With specific reference to the leisure element of the proposals, a Retail and Leisure Impact Assessment was submitted with the planning application in 2011 for the major expansion of the Victoria Centre. This considered the cumulative impact of two new cinemas and indicated that there was considerable unmet demand in Nottingham. The cinema, together with the associated restaurant area, would create a new destination within the city centre, supporting Broadmarsh as an attractive anchor.

Retail need and impact

- 7.13 The NPPF only requires an impact assessment for main town centre uses which are not in town centres and are not in accordance with an up to date development plan. The ACS also confirms that sequential and impacts tests only apply to town centre uses not located in a centre. On this basis a retail/leisure impact assessment and a sequential site assessment are not required. The application is for uses appropriate to the city centre, namely retail and leisure.
- 7.14 The ability of the development to meet retail and leisure needs is clearly positive and the proposed development of Broadmarsh can only significantly benefit the vitality and viability of the city centre. Policy 5 of the ACS supports significantly increasing floorspace in the city centre not just in terms of retail, but also leisure development. The policy specifically references mixed use re-development at the Broadmarsh Centre and Victoria Centres, rather than solely retail.
- 7.15 The saved Local Plan designates the frontages within the Broadmarsh Centre as Primary Shopping Frontages which must remain predominantly in retail and shopping use. This Plan now dates back to 2005. There is an urgent need for the

city centre to respond to the structural changes in retailing and the Broadmarsh Centre is an important element of this. This policy (S6) is being revisited in the emerging Local Plan Part 2 to better reflect the understood need to respond flexibly and speedily to the changing context and city centre challenges. The mix of uses within Broadmarsh would bring major benefits to both the southern part of the city centre and the city centre as a whole.

- 7.16 The applicant has a track record of managing successful shopping centres in city centres. The change in the mix of uses in Broadmarsh has been carefully conceived and will support the attractiveness and offer available in the city centre.

Conclusion

- 7.17 The improvement of Broadmarsh is vitally important for a successful future for the city centre. Broadmarsh currently acts as a drag to the local economy being an unattractive and under occupied part of the city centre. The scheme will deliver in line with planning policy expectations and be a critical element of a well conceived strategy for the city centre as a whole. The proposals would deliver sustainable development and accord with the provisions of the Local Plan, the Aligned Core Strategies and the NPPF

(ii) Design, including impact upon the character and appearance of adjacent conservation areas and listed buildings (Local Plan policies BE10 and BE12 and ACS policies 10 and 11)

- 7.18 The existing Broadmarsh has proven to be an unsuccessful part of the city centre and its poor appearance and misconceived design harms the city centre.
- 7.19 The applicant's Design and Access Statement aims to address these flaws and sets out the project brief which was to design a fully integrated scheme that addresses existing problems with the centre both internally/operationally, and externally/aesthetically. The brief sought to maximise the potential of Broadmarsh in the following areas:
- Activation where possible to Collin Street and Middle Hill;
 - Enlarge entrances;
 - Enliven all entrances and reunite them to the city;
 - The creation of the north/south route from Collin Street to Lister Gate;
 - Demolition of the Drury Walk part of the centre and its redesign to form an extension of Bridlesmith Gate;
 - Better sight lines on Drury Walk from Bridlesmith Gate;
 - Liaison with the City Council on adjacent proposals and to design the scheme so that it does not impede any future proposals beneficial to the city.
- 7.20 These are sound principles on which to base the design of the scheme and provide the basis for delivery of a successful, and most importantly a deliverable, scheme.
- 7.21 Details of the representations that have been made about the scheme are outlined earlier in this report and provide a mix of support and objections. The areas of concern relate largely to design aspects. The response to the consultation exercise carried out by intu produced a very strong level of overall support for the scheme from the public, including reference to the design. The following paragraphs discuss the design aspects in more detail.
- 7.22 Planning committee will be aware that their judgement must be whether this proposal should receive planning permission. Where objectors raise views about

what might be delivered by a different scheme, these must be seen in the context of the assessment of this proposal, which is for very substantial design improvements that are deliverable and committed to by the applicant.

7.23 The scheme can be divided into the following three main elements as set out in the description of the proposals. It is proposed to consider each of these separately:

- (i) Collin Street and Lister Gate entrances and new pedestrian route/Lister Gate Square;
- (ii) Cinema/Middle Hill/retained pedestrian bridge;
- (iii) Drury Walk.

(i) Collin Street and Lister Gate entrances and new pedestrian route/Lister Gate Square

7.24 One of the key aspirations for the scheme is the delivery of improvements to the north/south pedestrian route connecting Collin Street and Lister Gate, on an alignment which enables a clear and legible approach to and through the Centre, in particular when approaching the city centre from the south and on arrival from the Station Hub. The proposals deliver this. The proposed new route is 9m wide which is sufficient to provide a strong, clear and legible pedestrian route which will be open 24 hours a day.

7.25 The scheme will provide highly glazed elevations to the two entrances, a galleria to Collin Street and a simple portal to Listergate.

7.26 The Collin Street entrance would be highly visible as a welcoming and legible entrance and is designed as a frameless glazed screen, recessed in the opening and raised above the buildings either side, with further external alterations to introduce shop fronts and “jewel boxes” either side of the new entrance, to provide interest and activity on the Collin Street frontage.

7.27 The design of the Lister Gate entrance is also notably improved and deals successfully with the constraints imposed by the need to retain the roof top servicing bridge and the existing wide columns. It is considered that the bold, simple portal concept works, especially with robust dark materials. Further, the incorporation of the portal feature would aid considerably the legibility of the route for pedestrians along Listergate. As with the Collin Street entrance the ultimate success of this element of the scheme will be dependent upon the details of the design and materials, which would be secured by condition.

7.28 In respect of both entrances the character and appearance of both the Old Market Square and the Nottingham Canal Conservation Areas will be preserved and enhanced.

7.29 The pedestrian route and Lister Gate Square will be enclosed with a simple, lightweight, glazed roof structure. The materials and design for the shop fronts and the flooring would have the appearance and feel of an external street, albeit under a high level glazed roof. The detailed design of the roof, its transition between the street and Listergate Square and the underside of the service bridge will be resolved as the scheme advances to delivery. It is however concluded that a successful public route will be achieved.

- 7.30 Previous undelivered schemes have suggested an open street. The applicant has considered this but as successful shopping centre operators feel it is essential for a viable and deliverable scheme that all retail units within the Centre trade on an equal footing and benefit from a well maintained and welcoming environment.
- 7.31 The lack of activity on the remaining parts of Collin Street, particularly to the east of the entrance, is a concern but it is recognised that there are practical issues in achieving this imposed by the levels differences and existing service corridors etc. It is anticipated that the City Council's desire to pedestrianise Collin Street and create a new area of public realm could provide the opportunity to enliven and soften the northern edge of the street with kiosk units, tree planting, public art, all of which will help to animate the street.
- 7.32 Issues raised concerning the signage indicated on the images submitted with the application are noted. Signage of this nature would however require separate Advertisement Consent and the acceptability or otherwise of this would be assessed when such an application is made.
- 7.33 The chamfering off of the corner of the Boots unit on Lister Gate is welcomed and will restore a full width street connection to Stanford Street, enhancing views of this attractive street and improving pedestrian legibility.

(ii) Cinema/Middle Hill/retained pedestrian bridge

- 7.34 The creation of the cinema unit on the south east corner of the Centre at the junction of Collin Street and Middle Hill provides a significant improvement to the external appearance of this part of the Centre, which is prominent in a number of views from the south and east, and its connections to the City Centre.
- 7.35 The creation of a new entrance close to the southeast corner of the Centre would generate substantial activity throughout the day and evening. This, combined with the possible pedestrianisation of Collin Street, a possible new tram stop, the upgrading of the Broadmarsh multi storey car park and the possible future development of the Broadmarsh east site as an FE skills hub, would transform this part of the City Centre. The entrance to the cinema is proposed at the southern end of Middle Hill. The possibilities of relocating this to the corner of Collin Street and Middle Hill have been considered but the applicant has advised that existing internal levels limit options for the entrance in this position. The delivery of the wider changes cannot at this stage be guaranteed and the applicant has explained their need to obtain a planning permission which is deliverable within a short term timescale and is not dependent upon works by third parties. The entrance has been moved as far south as currently practicable. The creation of an entrance to the new cinema and Broadmarsh in this location provides a huge improvement.
- 7.36 The scheme involves increasing the height of this part of the Centre to accommodate the cinema and this would increase the stature of this currently low part of the Centre. A double height glazed entrance would add significant presence at this currently featureless corner. An aluminium cladding system is proposed for the cinema building. The applicant has provided precedent images of the type of cladding which are acceptable, with the final finish and choice of materials to be secured by condition. The proposed glazing would introduce some animation and ground floor activity on the Middle Hill frontage. On the Collin Street elevation a line of glazing is proposed at a higher level following the line of the pedestrian route over the bridge from the multi storey car park. Ground floor activity along this part

of Collin Street is constrained by the differences in internal and external levels. Should the context of Collin Street change then the applicant has indicated their willingness to work with the City Council in this regard by, for example, allowing kiosks to be fixed to the Centre.

- 7.37 Whilst possible pedestrianisation of Collin Street would dramatically alter the surrounding Broadmarsh environment and provide comfortable pedestrian routes at ground level, this scheme responds to the existing context of Collin Street as a major traffic route separating the MSCP and the cinema. The applicant has further advised that their experience elsewhere suggests that the direct pedestrian connection to a car park is often a requirement of securing a cinema operator. The removal of one of the pedestrian bridges is much welcomed. The retained bridge does continue to restrict views of the Castle from Middle Hill, but its refurbishment would have a more lightweight and contemporary appearance and is an acceptable compromise. A condition to agree detailed design and materials will ensure the necessary quality.
- 7.38 With regard to the length of Middle Hill north of the area to be reclad as part of the cinema proposals, there are currently no proposals to enhance this frontage. The applicant's agreement to works to enliven this frontage have been sought. In response intu have advised that this is not within the scope of their current works and that intervention would be limited to repairing and cleaning, as necessary. A suggestion has been made that this could be an opportunity for artwork associated with Nottingham Contemporary and intu have indicated they would be receptive to this, if an approach was made by Nottingham Contemporary. They have also advised that they are committed to working with the City Council to provide public realm improvements along Collin Street and Middle Hill and at an appropriate time it is likely that further measures to complement and respond to the proposed works will come forward.

(iii) Drury Walk

- 7.39 The demolition of the existing Drury Walk entrance and its redevelopment is a significant change to this part of the Centre. The current appearance of this part of the Centre, in the context the Old Market Square and the Lace Market Square Conservation Areas and the setting of the nearby listed buildings, is particularly poor. The comprehensive redevelopment in this area is therefore very much welcomed and provides an opportunity to address current issues.
- 7.40 The re-creation of a new open pedestrian route as proposed is strongly supported. This would align with the end of Bridlesmith Gate, providing a clear, legible route towards the Centre entrance at the southern end of the new Drury Walk. A free standing building of contemporary design, to be used as a café, is proposed on the west side of the route and together with the small area of public realm adjacent to the entrance to the Centre. This area creates the opportunity for pedestrians to linger, generating activity and vitality.
- 7.41 The pastiche approach to the design of the new buildings is an area upon which a number of objectors have expressed concern, including Historic England, the Nottingham Civic Society and the Design Review Panel. This aspect of the scheme has been discussed with the applicant and either an entirely contemporary approach or a contemporary interpretation of more traditional buildings advocated. These options have been discounted by intu in favour of the approach adopted in

the submitted scheme and as such, this is the proposal which requires assessment as to whether it is of sufficient quality and appropriate to its context.

- 7.42 The proposal involves the creation of a distinctive and prominent corner building intended to be in keeping with the streetscene on Low Pavement and the new street frontage on Drury Walk. The latter is at a lesser scale and includes a variety of styles and features, drawing reference from buildings on Bridlesmith Gate and Georgian buildings on Low Pavement. Whilst the preference would be for a different approach to this element of the scheme, the historic approach is justifiable but its success will very much be dependent upon the materials and quality of the detailing. This is a point which is recognised by the applicant. Assurances have been provided that the careful crafting of the finer grain of the elevations and the materials will be achieved as the detailed drawings are progressed. This applies generally to the new street frontage but particularly so to the corner building which is prominent in the street and the two conservation areas, and is situated at a crossroads where the other three corners are all formed by listed buildings, including 24-26 Low Pavement (Jamie's restaurant) which is Grade II* listed.
- 7.43 Whilst there are some reservations about the architectural approach to this element of the scheme, these need to be put into the context of significant overall benefits arising from the redevelopment of this part of the Centre. The details of the design are to be required by condition to ensure that the historical approach will be successful in providing a corner building and new street frontage which is fitting for this area of high quality townscape. On that basis this element of the scheme would enhance the character and appearance of the Old Market Square and Lace Market Conservation Areas and the setting of nearby listed buildings in accordance with Local Plan policies BE10 and BE12 and AC policies 10 and 11.
- 7.44 Concern has been identified in respect of the proposed entrance to the caves, which it is thought has become less clear on the submitted layouts. It is agreed that there is an opportunity to better exploit this visitor attraction. In this context Intu have advised that the entrance as shown on the submitted drawings is indicative and the final location and size of the entrance will be agreed with the operator at a later date. A condition is proposed to address this matter.

OTHER MATTERS (Local Plan policies NE3, NE9, NE10, BE16, T3, T12 and T15 and ACS Policies 1, 10, 11, 14 and 17)

Impact upon amenity

- 7.45 The alterations are contained within the bounds of the existing Centre and where they are proposed have limited physical impact upon adjoining occupiers. Other than Jamie's restaurant, no comments have been received from nearby occupiers. The conditions recommended by Noise and Pollution Control regarding extraction equipment and noise from plant and air handling equipment would ensure that there are no noise or odour issues for nearby occupiers.
- 7.46 The comments made on behalf of Jamie's restaurant with regard to their access route for service deliveries have been considered. Intu have advised that the roof top services access would remain open during construction but that there may be temporary changes which tenants will be notified of. The details of how servicing arrangements would be affected would form part of a construction management plan.

Transport

- 7.47 There are no highway objections in principle to the proposals and more detail on this aspect and recommended conditions will be provided in the Committee update report.
- 7.48 *Nottingham Express Transit (NET)* The matters raised by NET in relation to the temporary poles on Middle Hill which were erected as part of the works proposed by Westfield, but which were not progressed following their sale of the Centre, are not considered to be material to this application. The current position does need to be resolved and an informative will be used to advise the applicant to contact NET in this regard. A condition requiring the submission of a Construction Management Plan is recommended and this can include information to ensure that construction traffic takes into account the need to prevent disruption to tram services.

Flood risk/drainage

- 7.49 A condition requiring the submission and approval of drainage plans for the disposal of surface water, taking the opportunity to use SUDS techniques, is proposed to address the observations of the Drainage section and Environment Agency.

Archaeology

- 7.50 The City Archaeologist has confirmed that the archaeological interest is limited and that no planning conditions are required. An informative is proposed requesting that the City Archaeologist be advised when the works to create the pedestrian route are to be undertaken.

Sustainability

- 7.51 The proposed development has been designed to embrace the principles of sustainable development and includes a range of environmental measures that would deliver significant benefit through reduced construction and operational CO2 emissions and resource use. A summary of the main sustainability measures proposed are set out below:
- A “Be Lean – Be Clean – Be Green” approach has been followed in order to minimise energy consumption and maximise the contribution made by Low and Zero Carbon technologies and renewables, whilst ensuring the scheme remains viable;
 - A BREEAM pre-assessment confirms that a ‘Very Good’ rating is being targeted;
 - Upgraded connection to the Nottingham District Energy Scheme and use of air source heat pumps;
 - The inclusion of a green roof to reduce rainwater run-off and improve biodiversity;
 - Replacement of inefficient equipment;
 - Highly efficient comfort cooling system where required; and
 - Use of photovoltaic panels incorporated into the glazed roofs of the north /south pedestrian route and Lister Gate Square.

- 7.52 In terms of CO2 emissions, it is anticipated that the refurbished centre would achieve compliance with Building Regulations Part L 2010 (with 2014 updates) and

exceed the requirement of a 25% reduction in CO2 emissions. It is proposed that these sustainable commitments be secured by conditions.

Biodiversity

- 7.53 The Biodiversity Officer and the Notts Wildlife Trust are both satisfied that the development works are not likely to give rise to adverse effects on any of the identified biodiversity features, and would not lead to a loss of biodiversity in the local area. Subsequent to the submission of the application intu have confirmed that an area of green roof could be provided on the roofs of the new Drury Walk retail units. Conditions are recommended to secure both this and the provision of a landscaping scheme for Drury Walk which could include native species, together with details of appropriate management arrangements.
- 7.54 Both the Biodiversity Officer and the Civic Society have raised the question of the impact of the development upon the trailing snapdragon which grows in a landlocked area to the north of the Centre and is historically significant. It is recognised that this area is not directly affected by the development. However, it is considered that taking into account the limited opportunity for other enhancements related to biodiversity that the suggestion of the Biodiversity Officer for further survey work and a management plan to secure the future of this plant is considered to be reasonable. A condition is therefore recommended to secure this as part of the enhancements to biodiversity.

Conclusions

- 7.55 The Broadmarsh Centre is in critical need of investment to reinvigorate this important anchor in the city centre and to enhance connectivity with the station and southern gateway. The Centre has been the subject of numerous undelivered schemes dating back over 10 years and more and its redevelopment is now a regeneration priority, fundamental to the economic and social development strategy for the city centre.
- 7.56 As described in the previous sections, there are a range of issues to be addressed by this proposal which need to be weighed in the balance to ensure that an informed and considered decision is made upon this significant city centre development. Set out below is a summary of the main strengths and weaknesses of the scheme, together with a brief identification of other areas that are material planning considerations.

Strengths

- Major investment in a significant mixed use development within the southern part of the city centre, which is appropriate in land use terms and would bring economic benefits, including the creation of 450 jobs per year during the two year construction period and 2,260 jobs after completion;
- Significantly improved retail and leisure offer for the city centre, including a new cinema attraction;
- Hugely improved pedestrian route between the southern edge of the city centre and Lister Gate;

- Improvements to the three main entrance points to the Centre and creation of a new entrance at the south east corner;
- Creation of an open street on Drury Walk;
- The proposals preserve and enhance the character and appearance of the adjacent conservation areas and the need to protect the character and setting of the adjacent listed buildings;
- Significant aesthetic enhancement of the Centre internally;
- Removal of the drag effect on the local economy, attractiveness and visitor experience created by the current appearance and poor quality of the Broadmarsh
- Local employment and training opportunities would be secured.

Weaknesses

- Limited active frontages on Collin Street and Middle Hill;
- Some urban design related issues, most specifically relating to the location of the cinema entrance and the retention of the footbridge;
- Absence of an open north/south street through the development;
- Aspects of the design where alterations to the external appearance of the Centre are proposed, most particularly with reference to the proposals for Drury Walk.

7.57 It is acknowledged that there are elements of the proposals that are not supported by all. However, the response to the applicant's public consultation was overwhelmingly supportive of the scheme. The approach taken to the design development of the scheme has been informed by a number of significant constraints, viability and deliverability considerations. Progress has been achieved in addressing the main concerns of objectors, particularly with regard to the design aspects of the scheme.

7.58 The proposals accord with the relevant national and local planning policies and guidance and all material matters, including the need to preserve and enhance that character and appearance of conservation areas, and the need to protect the character, appearance and setting of the adjacent listed buildings. The importance of securing regeneration of Braodmarsh, enhancing the vitality/viability of the City Centre, improving the local economy and matters raised in response to consultation and publicity have also been taken into account.

7.59 In conclusion, it is considered that the scheme will not only bring substantial improvements to the urban fabric of the city centre at this hugely important gateway, but also significant longer term economic and social benefits that are strongly supported. The fine details of the design, which are required by the recommended conditions, if addressed properly will ensure this vitally important development makes the very most of its contribution to the reinvigoration of Nottingham city centre.

8 FINANCIAL IMPLICATIONS

None.

9 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Whilst the Council has various interests and aspirations for the site and this development, the Committee should reach its decision based on planning considerations and compliance with the development plan. Other Council policies and interests should only be afforded weight if they are material planning considerations. Should legal considerations arise these will be addressed at the meeting.

10 EQUALITY AND DIVERSITY IMPLICATIONS

Provision of accessible buildings.

11 RISK MANAGEMENT ISSUES

None.

12 STRATEGIC PRIORITIES

The proposal addresses the following corporate themes:
World Class Nottingham, by upgrading one of the two key shopping centres in the City Centre;
Work in Nottingham, by securing a significant number of employment opportunities;
Neighbourhood Nottingham, by the physical enhancement of the local environment.

13 CRIME AND DISORDER ACT IMPLICATIONS

Improved surveillance and community safety.

14 VALUE FOR MONEY

None.

15 List of background papers other than published works or those disclosing confidential or exempt information

1. Application ref 15/00950/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NM7Y7ULYCB000>
Email dated 14.04.15 from Nottingham Regeneration Ltd
Letter dated 23.04.2015 from Environment Agency
Letter dated 27.04.2015 from Notts Wildlife Trust
Letter dated 29.04.15 from Historic England
Email dated 07.05.15 from Noise and Pollution Control
Email dated 11.05.15 and 02.06.2015 from Biodiversity Officer
Email dated 18.05.15 from City Archaeologist
01.05.15 Comments from Nottingham Local Access Forum
Letter dated 11.05.15 on behalf of Jamie's Italian Ltd
23.04.15, 24.05.15, 26.04.15, 28.04.2015, 01.05.15 Comments from six individuals

27.04.15 Comments from Nottingham Civic Society
05.05.15 Comments from two individuals
Letter dated 15.05.15 from Land Securities
Memo dated 13.05.15 from NET

16 Published documents referred to in compiling this report

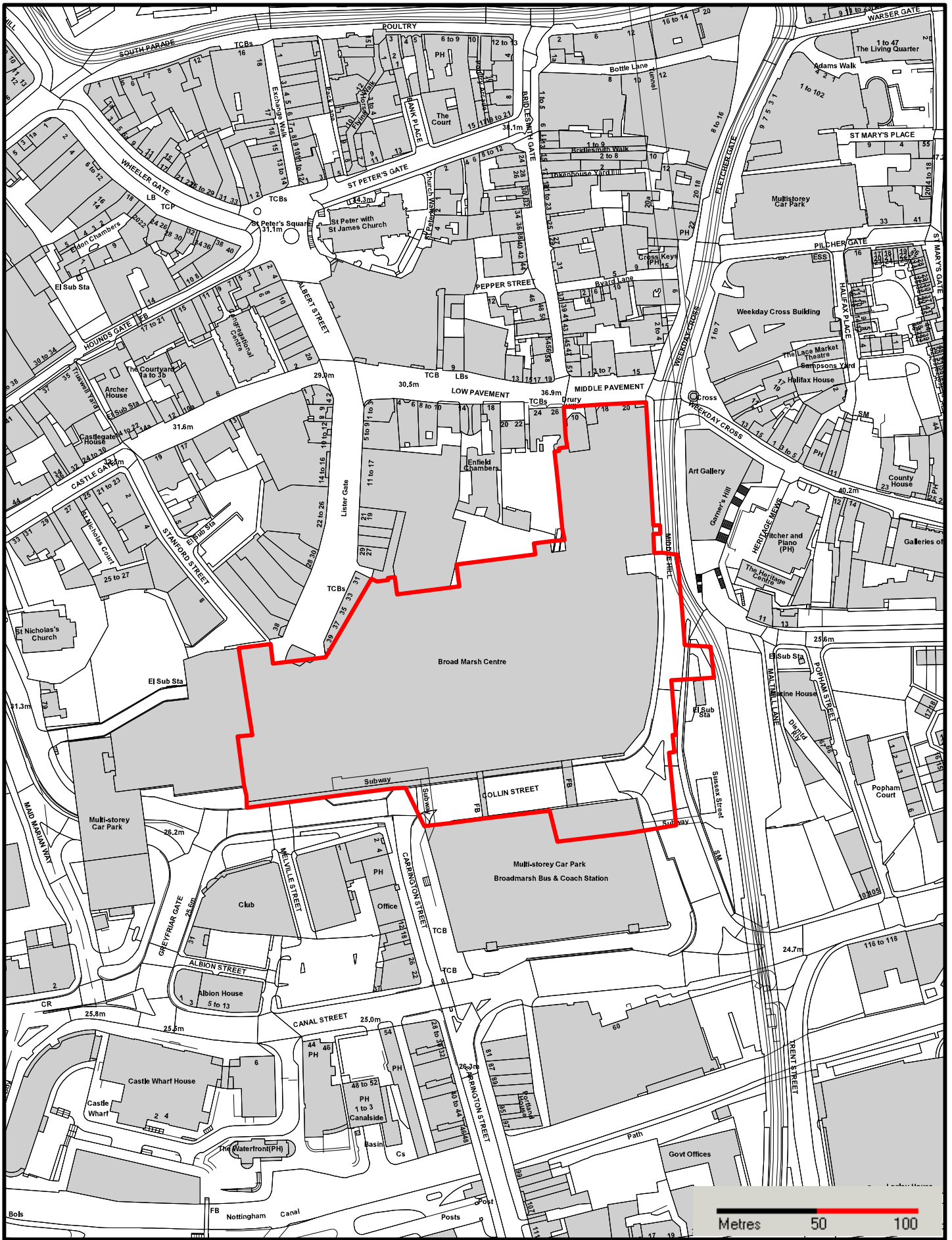
Nottingham Local Plan (November 2005)
Nottingham City Centre Urban Design Guide (May 2009)
Broadmarsh Development Brief (July 2002)
National Planning Policy Framework (March 2012)

Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

Email: janet.keble@nottinghamcity.gov.uk Telephone: 0115 8764056

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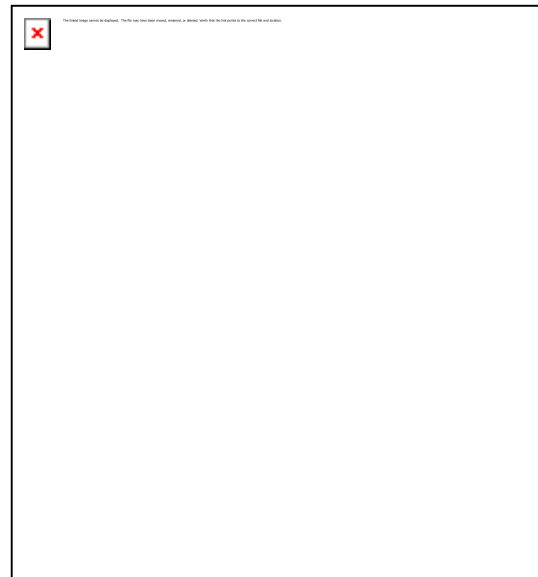
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My Ref: 15/00950/PFUL3 (PP-04070526)

Your Ref:



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Email: development.management@nottinghamcity.gov.uk

Development Management
City Planning
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Station Street
Nottingham
NG2 3NG

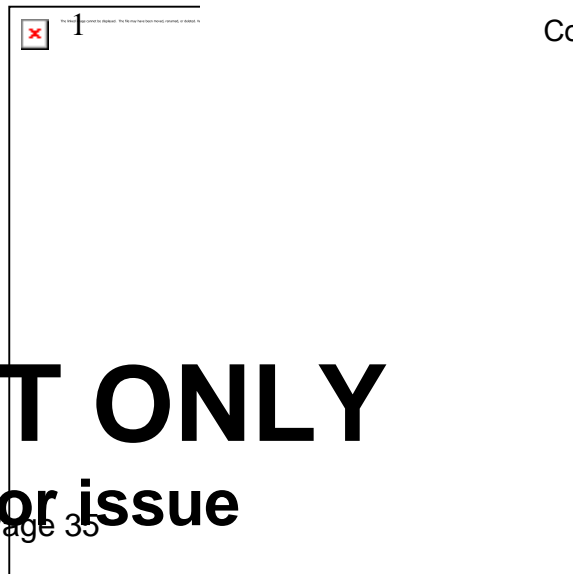
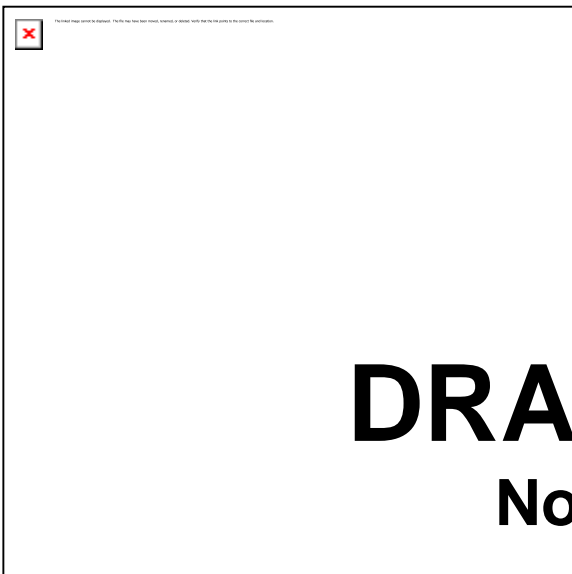
Tel: 0115 8764447
www.nottinghamcity.gov.uk

Nathaniel Lichfield & Partners
Mr Matthew Williams
14 Regent's Wharf
All Saints Street
London
London
N1 9RL
United Kingdom

Date of decision:

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

Application No: 15/00950/PFUL3 (PP-04070526)
Application by: Broadmarsh Retail Limited Partnership
Location: Broad Marsh Centre, Lister Gate, Nottingham
Proposal: Part demolition, alteration and extension of intu Broadmarsh shopping centre, including change of use and erection of new buildings to provide for uses within A1-A5 (shops, financial & professional services, restaurants & cafes, drinking establishments and hot food take-away), and D2 (assembly and leisure). Demolition of western pedestrian bridge and refurbishment of eastern bridge across Collin Street. Alterations to existing entrances on Collin Street, Lister



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

Time limit

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

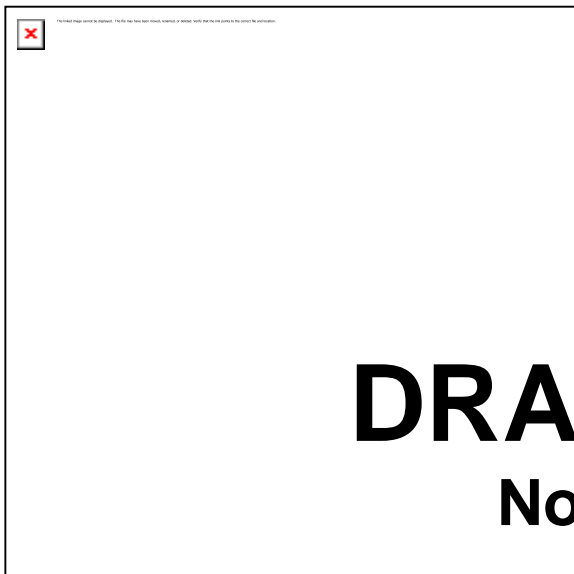
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

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

2. No development shall be commenced, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
 - (a) Management of the highway network;
 - (b) The parking of vehicles of site operatives and visitors;
 - (c) Loading and unloading of plant and materials;
 - (d) Storage of plant and materials used in constructing the development;
 - (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (f) Wheel wash facilities;
 - (g) Measures to control the emission of dust and dirt during construction;
 - (h) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure that the amenity of nearby occupiers is protected during construction of the proposed development and in the interests of highway safety in accordance with Policy T3 of the Local Plan and Policies 10 and 14 of the Aligned Core Strategy.



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3. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is brought into use.

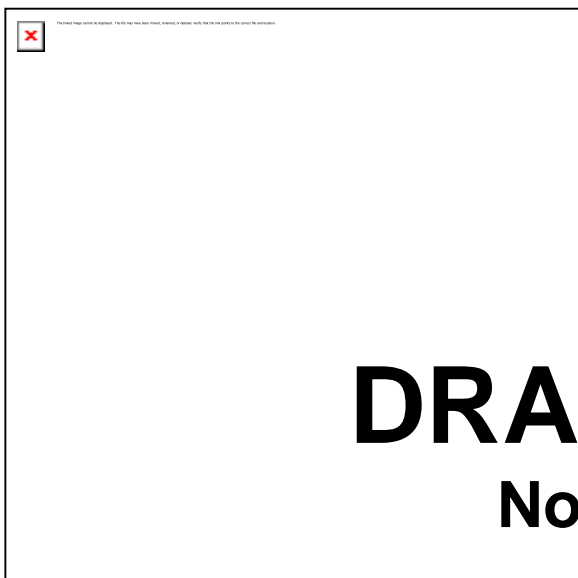
Reason: To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Local Plan.

4. No work on the Collin Street frontage (excluding cinema related proposals) shall be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) Large scale elevations and sections at a scale of 1:50 or greater;
- (b) Details of the external materials;
- (c) Details of the external entrance doors, including the location, height and method of opening.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area and the character or appearance of the Nottingham Canal Conservation Area in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.



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5. No work on the Lister Gate entrance shall be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- (a) Large scale elevations and sections at a scale of 1:50 or greater of the glazed entrance and the alterations to the Boots unit;
 - (b) Details of the external materials;
 - (c) Details of the external entrance doors, including the location, height and method of opening.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area and the character or appearance of the Old Market Square Conservation Area in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.

6. No work on the north/south pedestrian route and Lister Gate Square shall be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) Large scale elevations and sections at a scale of 1:50 of the glazed roofs and the treatment of the transition between the roof of the north south pedestrian roof and the Lister Gate Square roof;
- (b) Details of the surface materials for the north/south pedestrian route and Lister Gate Square;
- (c) Details of the elevational treatment of the north/south pedestrian route, the underside of the service bridge including its' columns.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area Policies 5 and 10 of the Aligned Core Strategy.

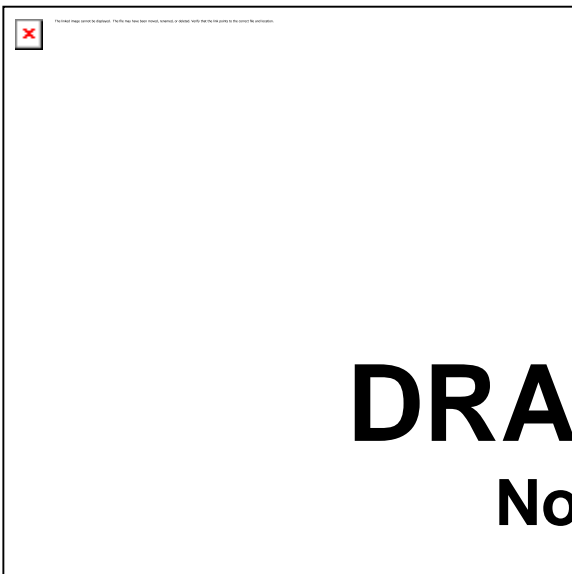


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7. No work on the cinema and new entrance at the corner of Middle Hill and Collin Street shall be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- (a) Large scale elevations and sections at a scale of 1:50 or greater;
 - (b) Details of the external materials;
 - (c) Details of the external doors, including location, height and method of opening;
 - (d) Details of the pedestrian access to the Caves of Nottingham.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area and to ensure that the potential of the Caves of Nottingham as a visitor attraction is met in accordance with Policy BE12 of the Local Plan and Policies 5, 10 and 11 of the Aligned Core Strategy.



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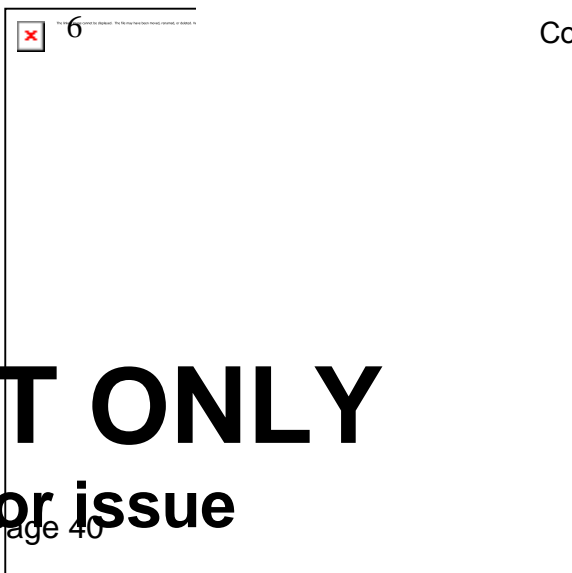
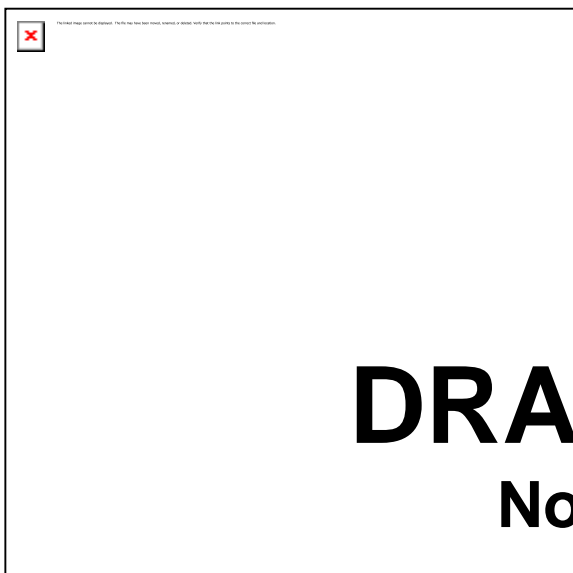
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8. No above ground works on Drury Walk shall be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- (a) Large scale elevations and sections at a scale of 1:50 or greater;
 - (b) Details of the external materials. This shall include a large scale sample panel to be erected at a location to be agreed and retained during the course of the development works;
 - (c) Details of the external doors to the Broadmarsh Centre, including location, height and method of opening;
 - (d) Details of the external surface treatment to be used to form the new street;
 - (e) Details of external lighting and street furniture;
 - (f) Details of landscaping, which shall include the use of native species, indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs;
 - (g) Details of the boundary treatment to 24-26 Low Pavement.

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area and the character or appearance of the Old Market Square and Lace Market Conservation Areas and the setting of nearby listed buildings in accordance with Policies BE10 and BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.

9. No demolition on Drury Walk shall be commenced until a method statement has been submitted to and approved in writing by the Local Planning Authority detailing the proposals for the demolition of the part of the building which is attached to 24-26 Low Pavement.

Reason: To ensure that the character and appearance of the listed building is protected in accordance with Policy BE10 of the Local Plan and Policy 11 of the Aligned Core Strategy.



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10. No work on the footbridge shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (a) Large scale elevations and sections at a scale of 1:50 or greater;
- (b) Details of the external materials.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area in accordance Policy 10 of the Aligned Core Strategy.

11. No development shall be commenced, with the exception of demolition and remedial works, until details of the measures to enhance the ecological value of the site, including the following, have been submitted to and approved in writing by the Local Planning Authority:

- (a) The use of native species in planting schemes;
- (b) The green roof, including a management plan for its' future maintenance;
- (c) A further Phase 1 survey of the area referred to as "No Man's Land*" in the Ecological Assessment to enable an assessment of the trailing snapdragon (*Asarina procumbens*) to be made and a management plan prepared to ensure its continued protection.

The measures shall be implemented in accordance with the approved details before the development is brought into use.

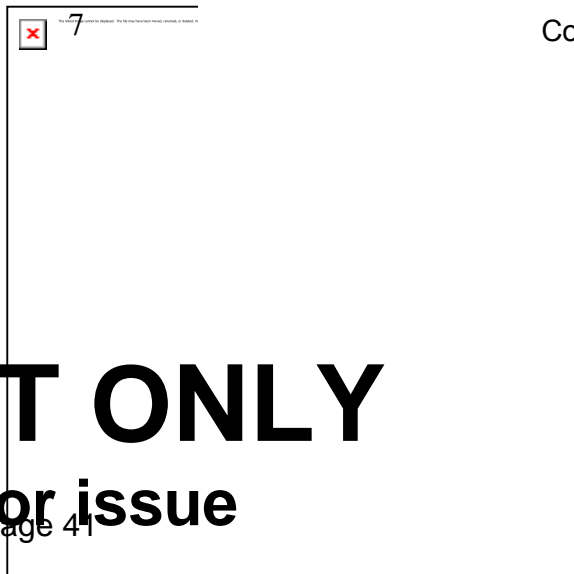
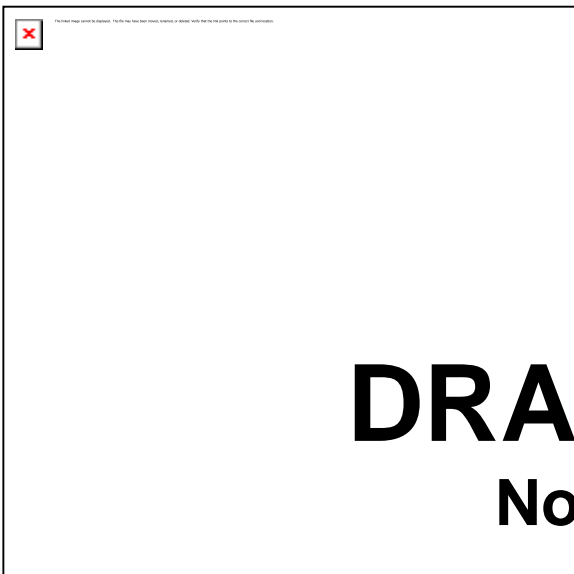
Reason: In the interests of enhancing biodiversity and the ecology of the Broadmarsh Centre in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

12. No development shall be commenced until the final details of a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations Approved Document L2A Conservation of Fuel and Power 2013 has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the sustainable development of the site in accordance with Policies A and 1 of the Aligned Core Strategy.

Pre-occupation conditions

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



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13. The sustainable measures approved under Condition 12 shall be implemented and operational before the development is first brought into use.

Reason: In the interests of the sustainable development of the site in accordance with Policy Policies A and 1 of the Aligned Core Strategy.

14. No part of the development shall be brought into use (excluding Drury Walk) until a Changing Places facility (fully accessible toilet facility) has been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate facilities are available to enable disabled people to access both the development and the rest of the City Centre in accordance with Policy 5 of the Aligned Core Strategy.

15. The approved landscaping scheme for Drury Walk approved under Condition 8 shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any plants 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.

Reason: In the interests of ensuring the finished quality of the approved development, the visual amenity of neighbouring properties, and the wider area in accordance with Policies BE10 and 12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategies.

16. Any approved Class A3, Class A4 or Class A5 use within the development shall not be brought into use until, if required, they have been fitted with a fume extraction and ventilation system. The system shall not be installed other than in accordance with details which shall have first been submitted to and approved 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: In the interests of the amenities of neighbouring residents and businesses and the visual amenity of the area, in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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



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17. 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 when the development is in use.

Reason: To ensure that the appearance of the development is satisfactory and that the amenities of the occupiers of nearby properties is protected in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

18. The north-south pedestrian route through the development connecting Lister Gate and Collin Street and Drury Walk shall be open at all times.

Reason: To ensure that the scheme provides permeability for pedestrians through the development in accordance with Policy 5 of the Aligned Core Strategy.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended or any re-enactment thereof, other than the non - Class A1 units shown on the floorplans no Class A1 unit shall be converted to any non - Class A1 use unless the subject of a separate grant of planning permission.

Reason: To ensure that the current strong north/south shopping pattern in the City Centre is maintained along the north/south pedestrian route (including Lister Gate Square), that the uses on Drury Walk reinforce the primarily retail uses on Bridlesmith Gate and that a balanced mix of uses is maintained in the Broadmarsh Centre as a whole to maintain the viability and vitality of the City Centre in accordance with Policy 5 of the Aligned Core Strategy.

Standard condition- scope of permission

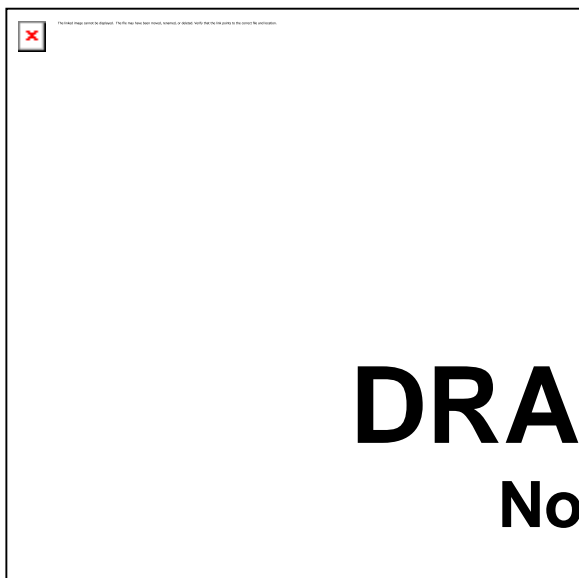
S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 7 April 2015.

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



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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. The proposed off site highway works require a Traffic Regulation Order before the development commences its use. The applicant should note that the Order can be made on behalf of the developer by Nottingham City Council at the expense of the applicant. This is a separate legal process and the Applicant should contact Liz Hiskens on 0115 876 5293 at your earliest convenience to instigate the process. All costs shall be borne by the applicant.

4. Prior to any works commencing on site the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring. Contact no. 0115 8765238

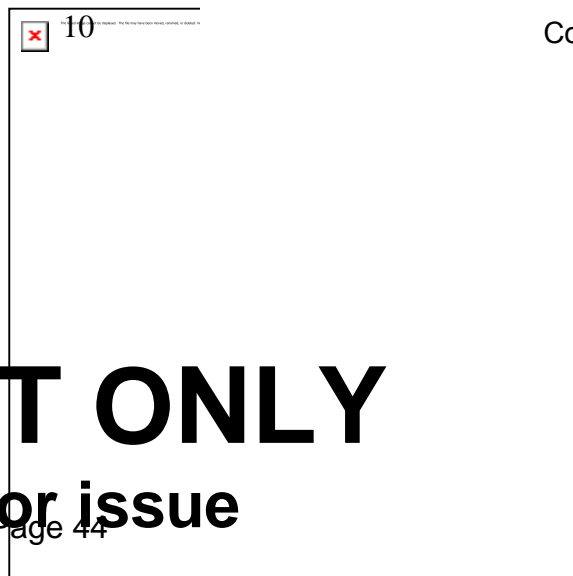
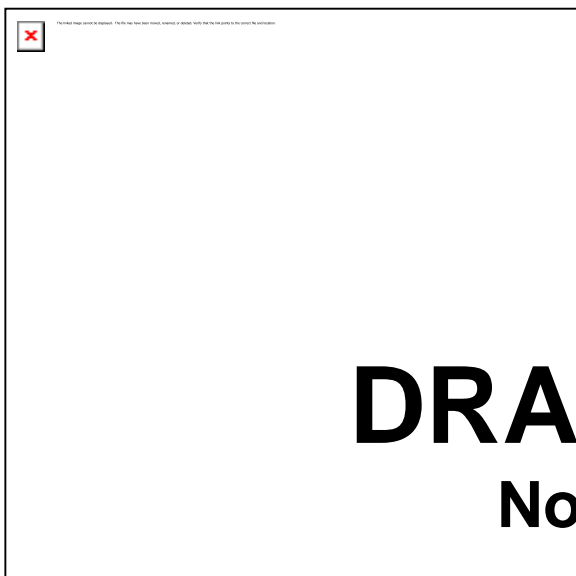
5. It is strongly recommended that ventilation systems are designed, installed and maintained by competent ventilation engineers. It is strongly recommended that ventilation systems include the following:

- Canopies of adequate size, sited over cooking appliances;
- Fans of adequate capacity capable of achieving 20/30 air changes per hour in kitchen areas, connected to variable fan speed control switches;
- Ducting to convey cooking fumes and steam to suitable points for adequate dispersal into the atmosphere;
- Permanent make up air facilities which are fitted with back-draught shutters, are insect proof and are sited to ensure efficient circulation of air into the kitchen.

Ventilation systems must be maintained by competent ventilation engineers, to include regular maintenance and sufficient access points to enable periodic cleaning of the systems. The onus for ensuring that systems do not cause odour nuisance rests with the applicant. If the systems are found to be causing odour nuisance at any point, suitable modification works may be required to be carried out and an abatement notice may be served.

6. It is recommended that the NET team be contacted to ensure that any issues relating to the tram are addressed early in the process. <http://www.thetram.net/working-near-the-tram/>

7. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. For example it is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, and this can impact upon site clearance works during the main nesting season which runs from April to September. Some other animals for example badgers, bats and water voles are protected under other legislation. An ecological survey and report may be required to establish the plant and animal species present on a site and the implications of this for development of the site. Whilst these aspects may have been considered during the processing of the planning application responsibility for complying with this legislation rests with the developer and/or contractor.



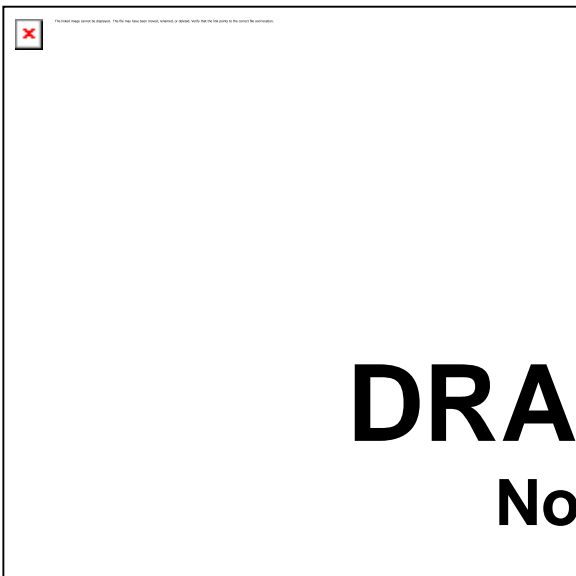
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Not for issue

8. The City Archaeologist shall be notified in advance of the demolition work associated with creating the north south pedestrian route to enable him to be afforded the opportunity to inspect the site. Contact details gordon.young@nottinghamcity.gov.uk 0115 8761427.

9. In respect of Condition 17 no items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

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.



Continued...

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RIGHTS OF APPEAL

Application No: 15/00950/PFUL3 (PP-04070526)

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

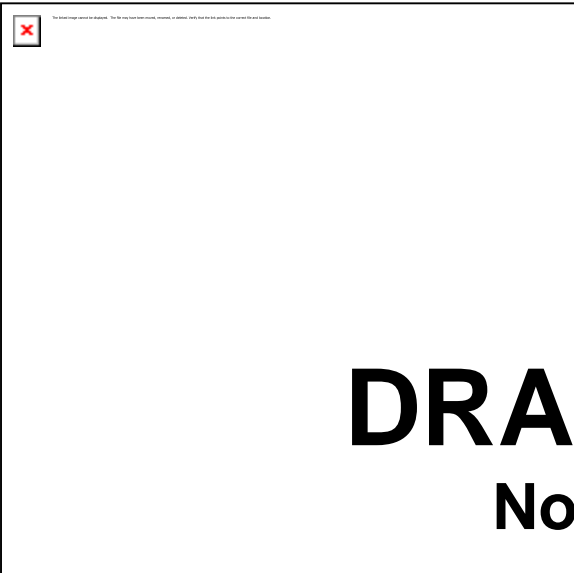
If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the 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



DRAFT ONLY
Not for issue

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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WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
17th June 2015

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Unit 2, The Picture Works

1 SUMMARY

Application No: 15/00925/PVAR3

Application by: Mr Kevin Rowland on behalf of DG Private Hire Ltd

Proposal: Variation of condition 1 of planning permission reference 13/01945/PFUL3 for continued use as taxi office until December 2016.

The application is brought to Committee as it is considered to be sensitive given the level of public interest

To meet the Council's Performance Targets this application should have been determined by 26th May 2015.

2 RECOMMENDATIONS

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

Power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

3.1 The site comprises a unit on the ground floor of a mixed use development on the south side of Queens Road, known as the Picture Works. Permission was granted in 2006 (06/00581/PFUL3) for a part seven, part ten storey building containing 128 apartments and commercial and leisure uses on the ground floor.

3.2 To the south of the site is Tinker's Leen and to the west is the new NET Line 2/3. The station and station car park are to the north and the site is within the Station Conservation Area and the Southside Regeneration Area.

3.3 Planning permission (ref 13/01945/PFUL3) was granted in December 2013 for the change of use of the unit in question to a taxi office for a temporary period expiring on 20th June 2015. Conditions attached to this permission requiring the submission of details of the waiting bay for taxis and a management plan concerning vehicle waiting and customer collection, were subsequently discharged.

3.4 An application (ref 14/02563/PVAR3) to allow the use of the premises as a taxi office on a permanent basis was submitted in October 2014. This was subsequently

withdrawn. There was considerable opposition to both applications from the hackney taxi drivers.

4 DETAILS OF THE PROPOSAL

Planning permission is now sought to continue the use as a taxi office until for a further temporary period.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised on site. Nearby occupiers and all those who responded to application ref. 14/02563/PVAR3 were also consulted. No comments have been received from immediately adjoining residents but 169 letters (comprising two standard letters) have been received from individual Hackney taxi drivers objecting to the application on the following grounds:

- Frequently travel along Queens Road and notice DG Cars vehicles parked on Queens Road, outside their office, obstructing traffic and reducing highway safety;
- On occasion have noted DG Cars vehicles turning right out of their premises cutting across traffic, endangering pedestrians and other drivers;
- Danger of vehicles undertaking illegal U turns;
- Inadequate parking on site means vehicles park on the street;
- Serious accident occurred outside DG Cars premises in January 2015;
- Unable to take photographs as Queens Road is a 4 lane road and unable to stop safely;
- Refer to DG Cars premises on George Street where it is contended that they operate outside the law by parking on the street.

Additional consultation letters sent to:

Highways: Highways: Support the application for a temporary extension to the taxi booking office to enable proper assessment of the proposal on the free flow of traffic on Queens Road and highway safety. The reason the original permission was granted for a temporary period was to allow for review of how the taxi office operates, once it had become established and in particular following the opening of NET Lines 2 and 3.

The opening of NET Lines 2 and 3 has been delayed and proposals to make alterations to the hackney taxi rank arrangements have not yet come to fruition. Therefore a true reflection of pedestrian movements associated with taxis/private hire vehicles, particularly across Queens Road, cannot yet be measured.

Refer to an example of the operation of this taxi booking office causing problems in November 2014 when a DG vehicle was waiting to turn right into the premises from Queens Road; several vehicles, having exited the Sherriff's Way traffic signals, were forced to brake sharply and a subsequent queue formed back towards the traffic lights. It is not considered appropriate to object to the application on the basis of this one incident but it is relevant that it involved a DG vehicle and notable that this one incident occurred when bookings that week were only at 19% of the number cited as anticipated in the original application. As the numbers increase, the chances of conflict will increase along with the associated chance of collision. Would support an extension of the temporary permission to enable this to be more meaningfully monitored.

Also recommend that in the event of the applicant making an application for

permanent planning permission subsequently, an independent survey of vehicular and pedestrian movements to and from the taxi booking office, be submitted, with observations made on any conflicts occurring. Recommend use of the City Council Highway Matrix team.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong and responsive economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment. Paragraph 14 states that development should be approved, without delay, where it accords with the development plan.

Aligned Core Strategy (2014)

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

7. APPRAISAL OF PROPOSED DEVELOPMENT

- 7.1 Planning permission was originally granted for an 18 month temporary period to allow assessment of the impact of the taxi office upon the free flow of traffic on Queens Road and highway safety. This was to allow time for the office to become established and for the overall impact of the redeveloped station and the new NET lines to have been felt to enable an informed decision to be made as to whether this use would be acceptable on a permanent basis. The re-developed station opened in June 2014 but NET Lines 2 and 3 are not yet operational, therefore the full impact of the use of the premises as a taxi office cannot, as yet, be properly assessed.
- 7.2 It is now anticipated that NET Lines 2 and 3 will open in summer 2015. This will include the new tram stop on the bridge over the station and the opening of the pedestrian route from the tram stop to the Station's southern concourse. The application originally sought to continue the use until June 2016 but there is still doubt as to exactly when NET lines 2 and 3 will be operational. It is therefore considered that in this specific circumstance a further temporary permission for 18 months is appropriate and justifiable to allow for a period of meaningful monitoring before. The suggestion made by Highways that a survey of pedestrian and vehicular movements be submitted with the next application has been included as an informative.
- 7.3 There has been considerable representation from the Hackney taxi drivers, primarily on the grounds of the impact of the use on highway safety. Granting planning permission for a further temporary period will enable the issues they have raised to be further considered with the benefit of a more complete understanding of the impact of the redeveloped station and new NET lines. A substantial number of the objectors refer to a serious accident on Queens Road, involving a DG

vehicle. Further information has been sought on this and will be reported to Committee if it is available.

7.4 With regard to the concerns over taxis picking up and dropping off on Queens Road, Highways advised at the time of the first planning application that there are no restrictions in this regard and that their concerns would be if taxis were left waiting for longer periods of time. Enforcement of traffic regulations on this section of Queens Road is practical given the position of existing traffic cameras and as required by the previous planning permission, the off street picking up/dropping off point is available for use.

7.5 Finally, the points raised by objectors with regard to illegal parking at the George Street office are not matters which should be considered as part of the determination of this application.

8. SUSTAINABILITY / BIODIVERSITY

The proposal would continue the use of a commercial unit of a long term vacant 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

Neighbourhood Nottingham – The proposal would bring a vacant building back into use.

Safer Nottingham - The proposal would assist community safety by increasing natural surveillance.

14 CRIME AND DISORDER ACT IMPLICATIONS

The continued occupation of this vacant building provides activity on the street which would contribute to community safety.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 15/00925/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NM4COALY0HZ00>

2. 169 letters from Hackney taxi drivers

3. Memo from Highways dated 05.05.2015

17 Published documents referred to in compiling this report

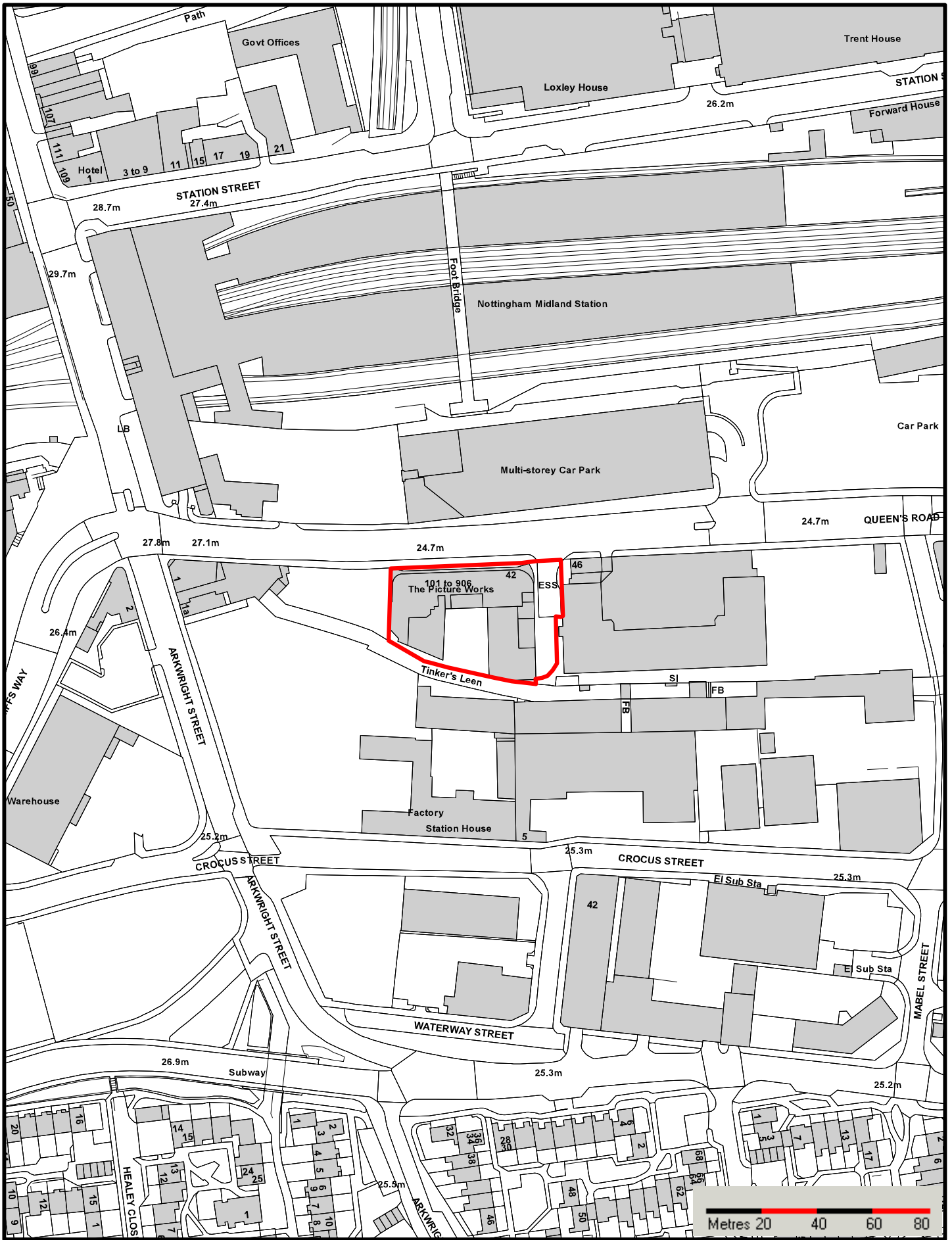
NPPF

Aligned Core Strategy (2014)

Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056



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My Ref: 15/00925/PVAR3

Your Ref:

Contact: Mrs Janet Keble

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Kevin Rowland
86 Hallam Grange Rise
Lodge Moor
Sheffield
South Yorkshire

Date of decision:

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

Application No: 15/00925/PVAR3
Application by: DG Private Hire Ltd
Location: Unit 2, The Picture Works, 42 Queens Road
Proposal: Variation of condition 1 of planning permission reference 13/01945/PFUL3 for continued use as taxi office until 30 December 2016.

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 use hereby permitted shall be discontinued on or before 30th December 2016 unless upon subsequent application the Local Planning Authority grants a further permission. <i>Reason: To meet the requirements of s72(2) of the Town and Country Planning Act 1990 and to allow further assessment of the impact of the proposal on the free flow of traffic along Queens Road and highway safety in accordance with the aims of Aligned Core Strategy policy 14.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.
Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)

<p>2. The use shall be carried out in accordance with the Management Plan, approved under ref. 14/00359/PDS4.</p> <p><i>Reason: In the interests of the free flow of traffic on Queens Road and highway safety and in accordance with the aims of Policies 5 and 14 of the Aligned Core Strategy.</i></p>
<p>3. The use hereby permitted shall not be open to customers outside the hours of 0700 hrs to midnight on any day.</p> <p><i>Reason: In the interests of residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy.</i></p>
<p>4. The single waiting bay for taxis located to the east of the booking office and off the public highway shall be kept available for taxis collecting customers only.</p> <p><i>Reason: In the interests of highway safety and in accordance with the aims of Policies 5, 10 and 14 of the Aligned Core Strategy.</i></p>
<p>5. Two car parking/waiting spaces in the rear ground floor car park shall be kept available for taxi drivers in association with the approved use between the hours of 07:00 and midnight on any day. Outside of the hours of midnight to 07.00 the rear ground floor car park shall not be used for parking/waiting taxis.</p> <p><i>Reason: In the interests of highway safety and residential amenity and in accordance with the aims of Policies 5, 10 and 14 of the Aligned Core Strategy.</i></p>
<p>Standard condition- scope of permission</p>
<p>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 31 March 2015.</p> <p><i>Reason: To determine the scope of this permission.</i></p>

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. It is recommended that if a further application is submitted at the end of the temporary period it should be accompanied by an independent survey of vehicular and pedestrian movements to and from the taxi booking office, with observations made on any conflicts occurring. The use of the City Council's Highway Matrix team for this survey work is recommended.



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Not for issue

Continued...

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: 15/00925/PVAR3

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.

WARDS AFFECTED: Dales

Item No:

PLANNING COMMITTEE
17th June 2015

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site Of Society Linen And Electricity Substation, Daleside Road

1 SUMMARY

Application No: 1. 15/01104/PFUL3 for planning permission
 2. 15/01105/PFUL3 for planning permission
 3. 15/01039/PVAR3 for planning permission
 4. 15/01042/PVAR3 for planning permission
Application by: Signet Planning Limited on behalf of Cedar House Investments

Proposal: 1. New drive through café and associated works.
 2. Retail unit with mezzanine floor (revision to hybrid planning permission reference 14/01140/POUT).
 3. Variation of conditions 16 and 17 of outline planning permission reference 14/01140/POUT (relating to combined size and number of retail units).
 4. Variation of condition S1 of outline planning permission reference 14/01140/POUT (reduced size of retail terrace and revised elevations).

The applications are brought to Committee because they propose to vary a major development in the Waterside Regeneration Zone which has raised important issues in relation to its local and wider context.

To meet the Council's Performance Targets application 15/01104/PFUL3 should be determined by 18th June 2015; application 15/01105/PFUL3 by 23rd July 2015; application 15/01039/PVAR3 by 15th July 2015; and application 15/01042/PVAR3 by 23rd July 2015.

2 RECOMMENDATIONS

Application Number 15/01104/PFUL3

2.1 GRANT PLANNING PERMISSION subject to:

2.1.1 The indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 1 to this report.

2.1.2 Prior completion of a section s106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.

2.1.3 Power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to be delegated to the Head of Development Management and Regeneration.

2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

2.3 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

Application Number 15/01105/PFUL3

3.1 GRANT PLANNING PERMISSION subject to

3.1.1 The indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 2 at the end of this report.

3.1.2 Prior completion of a section s106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.

3.1.3 Power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to be delegated to the Head of Development Management and Regeneration.

3.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3.3 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

Application Number 15/01039/PVAR3

4.1 GRANT PLANNING PERMISSION subject to:

4.1.1 The indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 3 at the end of this report.

4.1.2 Prior completion of a section s106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.

4.1.3 Power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to be delegated to the Head of Development Management and Regeneration.

4.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning

terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

4.3 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

Application Number 15/01042/PVAR3

5.1 GRANT PLANNING PERMISSION subject to:

5.1.1 The indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 3 at the end of this report.

5.1.2 Prior completion of a section s106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.

5.1.3 Power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to be delegated to the Head of Development Management and Regeneration.

5.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

5.3 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

6.1 In the event that Committee resolves to grant planning permission in respect of application 15/01039/PVAR3 and 15/01042/PVAR3, power to issue a combined planning permission in respect of these applications be delegated to the Head of Development Management and Regeneration.

6.2 Such a combined planning permission shall be subject to:

6.2.1 The indicative conditions substantially in the form of those referred to in recommendation 4 and 5 above.

6.2.2 Prior completion of a section 106 planning obligation which shall include a financial contribution of £60,000 towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connection to the site.

6.2.3 Power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to be delegated to the Head of Development Management and Regeneration

6.2.4 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning

terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

6.2.5 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

7 BACKGROUND

- 7.1 On 19 November 2014 Committee resolved to grant a hybrid planning permission (part full, part outline) for the development of a foodstore together with other retail units, a restaurant building, an employment/ancillary use building, car parking spaces, access, public realm and strategic landscaping. This decision was issued on 23 December 2014 following the completion of a S106 agreement.
- 7.2 Development is now underway on the site, with site infrastructure and the framework of the foodstore and retail units in the process of being constructed.
- 7.3 The site comprises a 1.8 ha cleared and remediated land on the north-western side of the roundabout junction of Daleside Road A612 with Trent Lane which was the site of the former Sunlight laundry.
- 7.4 This section of Daleside Road is predominantly in commercial use, although there is a pair of two storey semi-detached houses adjoining the application site boundary to the west on Daleside Road. Virgin Media's offices and depot are located opposite the site on Trent Lane. On the opposite side of Daleside Road are a variety of commercial uses including equipment hire, various manufacturing and metal fabrication premises, electrical contractors and a café and car sales site. The Nottingham to Lincoln and Grantham railway line runs along the northern boundary of the site, with the Sneinton Greenway being on a former railway embankment immediately to the north of the railway line.
- 7.5 Pedestrian access into Sneinton from the site is northwards along Trent Lane and across a pedestrian bridge recently provided by Network Rail.

8 DETAILS OF THE PROPOSAL

- 8.1 The four submitted applications contain proposals for the variation of the granted hybrid planning permission and details of the restaurant element of the approved development.
1. 15/01104/PFUL3: The granted hybrid planning permission reserved the design of the approved restaurant building (Class A3). This application provides details of the design of this building, but also varies the layout of the approved scheme in order to accommodate a drive through lane and revised car parking layout. The named operator is a coffee shop chain and the proposal is for a single storey mono-pitched roof building with a main entrance and external seating area facing west onto the main car park, a serving booth to the south towards Daleside Road and a drive through lane to the east. The proposed external finishes are white render, horizontally laid red cedar cladding, and large shopfront windows. Details of hard and soft landscaping to the boundaries of the site to Daleside Road and Trent Lane area are also included.

This application also proposes the omission of the approved

employment/ancillary building (Class B1/Class D1) that was to be located between the retail terrace to the north of the site and Trent Lane. It is proposed to substitute this building with car parking. The applicant states that these additional car parking spaces are required in order to accommodate vehicle parking that would be generated by the drive through coffee shop operation and one of the approved retail units use as a toy store (see below).

2. 15/01105/PFUL3: The granted hybrid planning permission included a terrace of five retail units to the north of the site. This application is for the alternative layout of the units to provide an additional mezzanine storage floor. The named operator is a toy store and this proposal is to be considered in conjunction with applications 3 and 4 below.
3. 15/01039/PVAR3: The granted hybrid planning permission included conditions that limited the layout of the approved terrace of five retail units to the north of the site. Condition 16 states that the units may not be individually altered or combined in size in excess of 750 sq.m. of gross floorspace. Condition 17 also states that a minimum of five retail units shall be maintained. The application seeks to vary the wording of these conditions to facilitate the provision of a larger comparison goods store for the toy store provider, which would reduce the number of retail units in this terrace from five to three. A retail store and pet store have been identified to occupy the other two units.

The applicant has proposed the following alternative wording to the conditions:
“16. With the exception of the approved retail foodstore unit, only one other unit within the approved development shall be altered or combined with any adjacent unit to form unaltered or combined size in excess of 750 sq.m of gross floorspace.

17. A minimum of three retail units shall be maintained within the approved block of retail units that are located to the rear of the site (2,787 sq.m in total)”

4. 15/01042/PVAR3: The application proposes a reduction the overall length of terrace of five retail units to the north of the site and revises the approved elevations to suit of the requirements of the toy store operator.

9 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 9.1 Adjacent neighbours and respondents to the previous applications have been consulted. Site and press notices have also been posted. No responses have been received at the time of completing this report.

Additional consultation letters sent to:

- 9.2 **Pollution Control:** No objection. Recommend conditions in relation to verification of remediation strategy, scheme for ventilation of drive through café, commercial noise, operational hours, and deliveries and servicing.
- 9.3 **Highways:** No objection. Recommendations in relation to design of accesses from Trent Lane and pedestrian and cycle permeability.

10 RELEVANT POLICIES AND GUIDANCE

- 10.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 10.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications.
- 10.3 Paragraphs 23 – 27 advise on the consideration of out-of-centre retail developments. Paragraph 24 requires the application of a sequential test for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 10.4 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues.
- 10.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Nottingham Local Plan (November 2005):

S5 - Retail development, Edge/Outside Centres.

MU7 - Waterside Regeneration Zone, Mixed Use Sites.

NE9 - Pollution

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy 1 - Climate Change

Policy 4 - Employment Provision and Economic Development.

Policy 6 - Role of Town and Local Centres

Policy 7 - Regeneration.

Policy 10 - Design and Enhancing Local Identity.

Policy 15: Transport Infrastructure Priorities

11. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Retail development of the site.
- (ii) Regeneration of the area.
- (iii) Omission of approved employment/ancillary use building
- (iv) Layout and design.

(i) Retail development of the site (Policy S5 and Policy 6)

- 11.1 The granted hybrid planning permission confirmed that the approved development accords with NPPF requirements in relation to retail impact and that there were no alternative sequentially preferable sites available. In granting the hybrid planning permission it was accepted that any comparison goods impact, particularly on the city centre, were considered likely to be minimal. However, in assessing the application it was determined that an unrestricted Class A1 consent could potentially harm the appropriate provision of comparison goods retailing and, more significantly, that any future amalgamation of the units could undermine the contribution that the proposed development would make to the wider regeneration of the Waterside area. Conditions 16 and 17 were therefore attached to the planning permission, requiring that a minimum of five retail units would be provided and that the maximum size of any individual unit would be limited to 750 sq.m.
- 11.2 The applicant advises that the market for comparison goods retailers trading at a size level less than 750 sq.m has remained difficult and has submitted a summary of the marketing exercise that has been conducted for the retail units and restaurant unit. This states that occupiers for two of the retail units have been secured (a single price point retailer and specialist pet superstore) but that no other suitable occupiers have been able to be attracted that would be able to comply with the planning conditions. This is partly explained by the exclusivity required by Aldi as the anchor foodstore, deterring other food operators, but is also understood to relate to factors including sufficient existing representation at other city locations, preferences for other locations including the city centre, and absence of similar retailers within the units (e.g. clothing and furniture). Responses from over 110 retail operators are recorded.
- 11.3 The applicant advises that the proposal for the toy store operator represents the only user at the next size level up that could be accommodated within the development without increasing the approved size of the retail terrace.
- 11.4 An updated retail impact and sequential assessment has been submitted in support of the application. This reports that the comparison goods turnover of the proposed toy store operator unit would be similar to the comparison goods floorspace that it would be replacing, due to the use of a lower sales density and resultant unit turnover. It is therefore advised that the application proposal would not result in a significant adverse impact on any shopping centre or retail park in the city, with the greatest impact being upon Riverside Retail Park, which includes another toy store retailer as a direct competitor. The applicant states that the wider draw of this retail park is considered to be able to accommodate the forecast trade loss. The Broadmarsh and Victoria shopping centres are not considered to be affected due to the scale of these centres as part of the city centre and the extensive catchment population which supports them and their location.

- 11.5 It is stated that the specific operational and trading requirements of the proposed operator cannot successfully trade from a city centre location due to the bulky nature of many of the goods, large regular floor plate format, need for back-up storage space, and direct access to car parking. It is also advised that the proposed operator's business model typically requires 2,300 sq.m gross floorspace and that the proposed smaller unit of 1,952 sq.m gross floorspace demonstrates flexibility in terms of the scale of the proposed unit and commitment of the proposed operator to secure a presence in Nottingham.
- 11.6 It is considered that an appropriate case has been made, focussing upon the particular operational format of the toy store and conclusion that the retail impact of this store would be similar to the three units that would be combined. It is, therefore, considered that the proposal complies with Policy S5 and Policy 6 and that the alternative wording of the conditions proposed by the applicant should be accepted.

(ii) Regeneration of the area (Policy 7 and Policy MU7)

- 11.7 The report to Committee on the hybrid planning application considered that an open Class A1 consent for the five units within the retail terrace could harm the provision of comparison goods retailing within more appropriately defined areas including the city centre. It was also considered that an open Class A1 consent and potential future amalgamation of units could undermine the contribution that the proposed development would make to the regeneration of the Waterside area. Accordingly, the report recommended that Conditions 16 and 17 be attached to the consent requiring that a minimum of five retail units would be provided and limiting the maximum size of any individual unit to 750 sq.m.
- 11.8 The proposed toy store operator is not currently represented within the city. The applicant states that the operators' commitment will enable the construction of the entire scheme in a single phase and, in doing so, will send a positive signal to the market about the perception of the area including Waterside regeneration area.
- 11.9 It is accepted that the operator business model does not allow it to trade from a city centre location. In this context, it is considered that there would be no definable retail impact upon the city centre. Whilst the number of retail units within the scheme would also be reduced from seven down to five and that this would to an extent reduce the number of potential tenants and range and contribution that this could make to the regeneration of the Waterside area, it is considered that the prospect of a fully completed development and positive signal that this would send out is compelling. It is, therefore, considered that the regeneration of the area would be better secured through the variation of Conditions 16 and 17, which would allow for the completion of the development in a single phase of construction. It is, therefore, considered that the proposal complies with Policy 7 and Policy MU7

(iii) Omission of approved employment/ancillary use building(Policy 4)

- 11.10 The redevelopment of this site has always featured the provision of employment uses in addition to those associated with the retail elements. The proposed omission of the employment/ancillary use building and its substitution with car parking has, therefore, been a cause of some concern.
- 11.11 The applicant's position is that this change is as a consequence of several factors. The first is the combination of the proposed toy store and coffee shop chain interest

in the site and impact that this has had on the number of car parking spaces required by Aldi. The introduction of these operators has been interpreted by the anchor foodstore operator as resulting in less car parking spaces than it would normally agree to of sites of this nature and that it may pull out of the development if a compensatory increase in car parking is not made. The approved car parking layout provides 235 spaces. The introduction of a drive through lane reduces this number to 228 spaces. The interpreted car parking demand for the proposed toy store and coffee shop chain is stated to be 258 spaces, which would not be possible to achieve without the omission of the employment/ancillary use building.

- 11.12 The applicant also states that the site has been actively marketed for employment uses since early 2012 with limited interest having been expressed. It is surmised that demand for the east of the city is not as strong as other areas, with potential occupiers tending to focus on the west of the city with its improved transport links and greater availability of space on more established business parks; that the viability of developing new employment buildings on Daleside Road as a secondary employment location is more challenging; and that there is sufficient existing availability of a range of space within the area, including the former Virgin Media offices and depot on the opposite side of Trent Lane.
- 11.13 It is estimated that the number of jobs within the scheme would be around 120, with many of these positions expected to be available to local people in the Sneinton area. It is also recognised that there will be significant advantages to the further regeneration of the area with the completion of the development of the site. Whilst the omission of the approved employment/ancillary use building is regretted, it is considered that the applicant has made a reasonable case in justification of their position in accordance with Policy 4.

(iv) Layout and design (Policy 10)

- 11.14 Whilst proposed to be shortened in length, the design and external appearance of the retail terrace (including the proposed toy store operators' unit) would be substantially unchanged from that previously approved. The provision of an active frontage to the east/side elevation that would now be exposed to the proposed additional area of car parking has been discussed with the applicant and their response is anticipated for Committee.
- 11.15 The layout of the proposed drive through unit has required that the drive through lane is positioned between the building and the boundary of the site. Recognising that this unit will occupy the prominent corner position at the roundabout junction of Daleside Road with Trent Lane, the applicant has been challenged to provide an appropriate solution to the design of the building and layout of the external area of this area of the site.
- 11.16 The design of the drive through unit is to a new format for the proposed operator. The glazed shopfront elevations of the building are towards the approved car park, with external seating also being provided outside the main entrance. The Daleside Road and Trent Lane elevations are more functional, incorporating timber clad features including a serving booth. It has, therefore, been important to ensure that the external hard and soft landscaping of the site provides an appropriate foreground treatment to these elevations.
- 11.17 The submitted details provide a boundary wall and railing to the perimeter of the site, with tree and shrub planting behind. An open area of hard surfacing and

planting is also included to the corner of Daleside Road and Trent Lane, which offers direct pedestrian access to the café and retail units from Daleside Road. The detailed design of the boundary zone is being reviewed with the applicant and it has been proposed that it be revised to be in sympathy with the design of the Daleside Road frontage, including the use of large specimen trees. The revised detailed design of this area will be presented to Committee.

- 11.18 Subject to the receipt of further and acceptable revised details of the external hard and soft landscaping it is considered that the proposal complies with Policy 10.

Other Material Considerations

Highways (Policy T3)

- 11.19 Highways have advised that there is no objection to the proposed development subject to a revision to the design of accesses off Trent Lane and pedestrian and cycle permeability, which are currently being reviewed by the applicant. The designs of the accesses are considered to exceed requirements and that improvements to pedestrian and cycle permeability are able to be achieved. Subject to the receipt of acceptable revised details the proposal is considered to accord with Policy T3 of the Local Plan.

Pollution and Contamination (Policies NE9 and NE12)

- 11.20 Planning conditions regarding the contamination of the site have been satisfied as part of the hybrid planning permission that has been issued and development has now commenced. Pollution Controls' request for planning conditions requiring the verification of the approved remediation strategy; a scheme for ventilation of the drive through café; assessment of commercial noise; and constraint on operational hours, deliveries and servicing is noted and are reflected in the draft decision notices. It is considered that the proposals accord with Policies NE9 and NE12.

Planning Obligations (Policy T2 and Policy 15)

- 11.21 The site is considered to lack connectivity with the local area where it is being promoted to serve as a local centre. In relation to the Greenway public right of way, it is considered that there are two areas of local housing that would benefit from improved walking and cycle connections to the site, being Bendigo Lane to the east of the site and Ivatt Drive to the west. These areas of housing are already connected to the Greenway and would benefit from improvements to its condition to encourage its use. Committee previously resolved to a hybrid planning permission (part full, part outline) 14/01140/POUT subject to prior completion of a S106 agreement with a financial contribution of £60,000 towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connection to the site. The trigger for payment of that contribution has not yet been reached. The current applications do not alter the justification for the S106 obligation and it is proposed that it be required in a section 106 agreement that links to the current applications. A financial contribution towards local employment and training has already been provided upon the commencement of the development and a number of local employment opportunities offered by the applicant and secured under the previous S106 agreement, have been provided. It is proposed that the balance of those local employment opportunities would be provided through a memorandum of understanding.

12. SUSTAINABILITY / BIODIVERSITY (Policy 1)

12.1 It has been previously proposed that the block of retail units will use a 'fabric-first' approach, with photovoltaic panels also being used. The photovoltaic panels would be mounted on the roof of the block. It is advised that this would equate to a 10.2% reduction in CO₂.

12.2 It is considered that a 'fabric-first' approach and installation of photovoltaic panels is an appropriate means to achieve carbon reduction targets and accords with Policy 1.

13 FINANCIAL IMPLICATIONS

None.

14 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.

15 EQUALITY AND DIVERSITY IMPLICATIONS

None.

16 RISK MANAGEMENT ISSUES

None.

17 STRATEGIC PRIORITIES

Enable a new business economy.
Ensuring Nottingham's workforce is skilled.
Improve life chances for young people.

18 CRIME AND DISORDER ACT IMPLICATIONS

None.

19 VALUE FOR MONEY

None.

20 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 15/01105/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NN8ZI3LYCB000>
2. Pollution Control, 7.5.15
3. Highways, 20.5.15

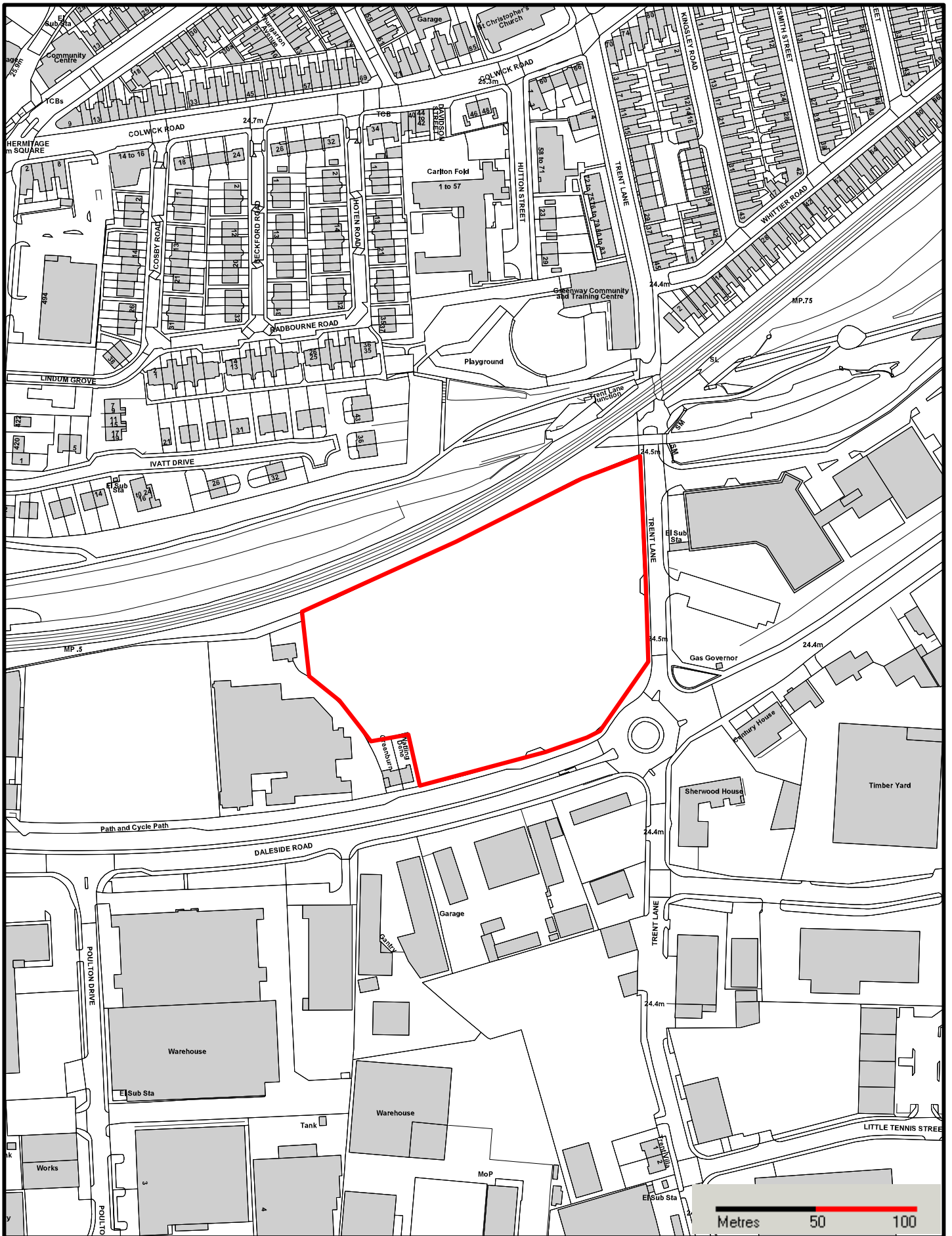
21 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
Planning Practice Guidance (March 2014)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk Telephone: 0115 8764074



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My Ref: 15/01104/PFUL3 (PP-04139314)

Your Ref:

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Date of decision:

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

Application No: 15/01104/PFUL3 (PP-04139314)
Application by: Cedar House Investments
Location: Site Of Society Linen And Electricity Substation, Daleside Road, Nottingham
Proposal: New drive through cafe 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.

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 development not shall commence until details of the external materials of the cafe building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY
Not for issue

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Continued...

3. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until details of all hard surface treatments within the site, including the roads, foot/cycle paths and parking areas, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

4. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.

5. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as 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 Nottingham Local Plan.

6. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until such time as a scheme to install oil and petrol interceptors has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of pollution in accordance with Policy NE10 of the Nottingham Local Plan

7. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of surface water pollution in accordance with Policy NE10 of the Nottingham 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, the following shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the Remediation Strategy and supporting documentation approved under planning reference 14/01140/POUT to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the Remediation Strategy and supporting documentation approved under planning reference 14/01140/POUT to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

9. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the development of that phase, whichever is the sooner, and any trees or plants 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.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

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 April 2015.

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. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

§ 'Cut and fill' operations on site

§ How trees retained on site will be dealt with

§ How gas precautions will be validated

§ Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

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: 15/01104/PFUL3 (PP-04139314)

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.

My Ref: 15/01105/PFUL3 (PP-04141351)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Date of decision:

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

Application No: 15/01105/PFUL3 (PP-04141351)
Application by: Cedar House Investments
Location: Site Of Society Linen And Electricity Substation, Daleside Road, Nottingham
Proposal: Retail unit with mezzanine floor (revision to hybrid planning permission reference 14/01140/POUT).

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 development of each building not shall commence until details of the external materials of that building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

3. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has

been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the phase of development to which it relates is completed.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as 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 Nottingham Local Plan.

Pre-occupation conditions

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

4. The approved development shall not be occupied until the following has been submitted to and approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 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 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 April 2015.

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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Continued...

RIGHTS OF APPEAL

Application No: 15/01105/PFUL3 (PP-04141351)

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.



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Nottingham
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