



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 23 December 2015

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham,
NG2 3NG

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

Corporate Director for Resilience

Senior Governance Officer: Rav Kalsi Direct Dial: 0115 8764304

AGENDA

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|----------|--|------------------|
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| 2 | DECLARATIONS OF INTERESTS | |
| 3 | MINUTES
To confirm the minutes of the meeting held on 21 October 2015 | 3 - 8 |
| 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

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NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 21 October 2015 from 14.30 - 15.53

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Jim Armstrong
Councillor Graham Chapman (Minutes 31 - 36)
Councillor Azad Choudhry
Councillor Alan Clark
Councillor Michael Edwards
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings (Minutes 31 - 35 and 37 - 38)
Councillor Steve Young

Absent

Councillor Cat Arnold
Councillor Toby Neal
Councillor Brian Parbutt

31 APOLOGIES FOR ABSENCE

Councillor Cat Arnold (illness)
Councillor Toby Neal (other Council business)
Councillor Brian Parbutt (non-Council business)

32 DECLARATIONS OF INTERESTS

Councillor Linda Woodings declared a non-pecuniary interest in agenda item 4(c), 'Former Serck Radiator Services Ltd, Lambourne Drive' as she lives adjacent to the site. Councillor Woodings withdrew from the meeting during consideration of this item.

33 MINUTES

The minutes of the meeting held on 23 September 2015 were agreed as a true record and they were signed by the Chair.

34 SITE OF ASCOT WORKS, ASCOT ROAD

Rob Percival, Area Planning Manager, introduced the report of the Head of Development Management and Regeneration on an application submitted by Freeths on behalf of Westleigh Partnerships Ltd for planning permission for the residential development of 47 dwellings and associated works, including an area of amenity land to the southern part of the site (15/01928/PFUL3).

The application is brought to the Committee because it is a major application on a prominent site and where planning obligations relating to public open space and education are proposed to be waived, subject to a viability appraisal.

The Committee also considered additional information contained in the update sheet, which had been published subsequent to the agenda publication.

During discussion the Committee considered the following issues:

- a) The Committee welcomed a prominent affordable housing scheme and the inclusion of an area of amenity land to the southern part of the site. Concern was expressed about the maintenance of the amenity land and it was agreed to include the term 'maintenance' in the relevant condition.
- b) A general point was raised about the ability of developers to meet Section 106 requirements and it was concluded that Committee members would receive an update on the number of S106 contributions received and waived, together with an update on housing delivery in the city, specifically the number of schemes which have been approved that are currently in progress and those which are being 'banked' by developers.

RESOLVED

(1) Subject to:

- (a) The receipt of satisfactory amended plans for the layout;**
- (b) If determined appropriate following independent assessment of the applicant's viability appraisal, the prior completion of a Section 106 planning obligation to include financial contributions:**
 - (i) in lieu of on-site open space provision for security and infrastructure improvements to the Mill and Windmill Allotment sites up to a maximum of £88,713.56; and**
 - (ii) for the provision of school places in the area up to a maximum of £55,346.00.**

To grant planning permission subject to:

the indicative conditions substantially in the form of those listed in the draft decision notice and the additional conditions listed within the update sheet, with an amendment to condition 12 (amenity land) as detailed in the update sheet as follows:

- (i) "Notwithstanding the details shown on the approved drawings, the development shall not be commenced until details of the use, layout, works to and management of the area shown as 'amenity land', including a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The works and**

shall be carried out and the land subsequently managed in accordance with the approved details and timetable.”

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

- (2) The power to determine whether a Section 106 planning obligation is appropriate and if so the final details of the terms of the planning obligation to be delegated to the Head of Development Management and Regeneration subject to him being satisfied:**
 - (a) that regulation 122(2) Community Infrastructure Levy Regulation 2010 is complied with, in that the planning obligation sought is:**
 - (i) necessary to make the development acceptable in planning terms;**
 - (ii) directly related to the development; and**
 - (iii) fairly and reasonably related in scale and kind to the development; and**
 - (b) 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.**
 - (3) In principle, and subject to the results of the viability appraisal assessment, that Councillors are satisfied that the considerations listed in paragraphs 7.16 of the report form sufficient reason to depart from the Council’s normal policy in respect of any Planning Obligation which would normally be sought for this development.**

35 LAND BOUNDED BY BEACON HILL RISE, LIMMEN GARDENS, DENNET CLOSE AND FLEWITT GARDENS

Martin Poole, Area Planning Manager, introduced the report of the Head of Development Management and Regeneration on an application submitted by BM3 Architecture Ltd on behalf of Keepmoat Homes Ltd for planning permission for 42 private dwellings for sale on the open market (15/02191/PFUL3). The site forms part of the overall Stonebridge Park regeneration project.

The application is brought to the Committee because it relates to a major development of significant local interest.

The Committee also considered additional information contained in the update sheet, which had been published subsequent to the agenda publication.

During discussion the Committee considered the following issues:

- (a) Sufficient lighting will be provided along the footpaths and cycle routes throughout the development.**

- (b) The frontages and canopy details are considered to be well proportioned, with contemporary detailing. This is consistent throughout the development.

RESOLVED to

- (1) Grant planning permission subject to the conditions listed in the draft decision notice and the additional conditions listed within the update sheet;**
- (2) Delegate power to determine the final details of the conditions to the Head of Development Management and Regeneration.**

36 FORMER SERCK RADIATOR SERVICES LTD, LAMBOURNE DRIVE

Rob Percival, Area Planning Manager, introduced the report of the Head of Development Management and Regeneration on an application submitted by Zenith Planning and Design on behalf of Wollaton Development Ltd for planning permission for a 44 bed residential care home fronting onto Lambourne Drive.

The application is brought to the Committee because it has generated significant public interest.

During discussion the Committee considered the following issues:

- a) The use of an internal sprinkler system is controlled by Fire Regulations and would be raised with the applicant.
- b) The use of external lighting is managed by condition 8 and dictates that the scheme will include precise details of any proposed external lighting of the site including luminance level details.

Councillor Linda Woodings, who had left the room during the discussions on this item, did not participate in the discussions or vote on this matter.

RESOLVED to:

- (1) Grant planning permission subject to the indicative conditions listed in the draft decision notice;**
- (2) Delegate power to determine the final details of the conditions to the Head of Development Management and Regeneration.**

37 THE ROYAL CENTRE, THEATRE SQUARE

Martin Poole, Area Planning Manager, introduced the report of the Head of Development Management and Regeneration on an application submitted by Marsh Grochowski on behalf of Nottingham Theatre Royal and Royal Concert Hall for planning permission for a series of alterations, including the creation of an external café terrace area at ground floor level on South Sherwood Street and a gridshell canopy which would also partially cover the existing first floor terrace (15/02319/PFUL3). The application is also brought to the Committee for listed

building consent for improved disabled access and refurbishment works to a listed building (15/02460/LLIS1).

The application is brought to the Committee because the development is a prominent site where there are sensitive design and heritage considerations.

The Committee also considered additional information contained in the update sheet, which had been published subsequent to the agenda publication.

During discussion the Committee considered the following issues:

- (a) The Committee welcomed the innovative design proposals but sought assurances that the building works would not adversely encroach on what is a major pedestrian area. All the necessary Highway licensing regulations would need to be adhered to whilst works are underway.
- (b) A degree of definition is added to the frontage with the use of bollards and seating however, consideration needs to be given to ensure adequate lighting is in place to allow members of the public to exit safely. An Equality Impact Assessment might provide some reassurance to the Committee by taking a closer look at lighting, vulnerable people and the use of the frontage space.

RESOLVED to

- (1) Grant planning permission subject to an Equality Impact Assessment and the indicative conditions substantially in the form of those listed in the draft decision notice;**
- (2) Grant listed building consent subject to the indicative conditions substantially in the form of those listed conditions listed in the draft decision notice;**
- (3) Delegate power to determine the final details of the conditions to the Head of Development Management and Regeneration.**

38 CHARNWOOD CENTRE, FARNBOROUGH ROAD

Rob Percival, Area Planning Manager, introduced the report of the Head of Development Management and Regeneration on an application submitted by ARV Design Ltd on behalf of Central College for planning permission for a new sports hall and associated works (15/01307/PFUL3).

The application is brought to the Committee because it relates to development in the Green Belt that is a departure from the development plan.

The Committee also considered additional information contained in the update sheet, which had been published subsequent to the agenda publication.

During discussion the Committee considered the following issues:

- (a) The proposal for a new sports hall is consistent with other educational institutions alongside Farnborough Road.
- (b) There has been an objection regarding the view of the proposed sports hall from Fairham Brook and beyond to the east. To minimise the visual impact upon the Green Belt, a low impact approach has been taken in the siting, design and scale of the sports hall. The hall would be set well back from Farnborough Road and would largely be hidden from view by the existing college buildings to the front of it.

RESOLVED to

- (1) Consult with the Secretary of State in order to decide whether he wishes to call in the application for his determination as a departure from the Saved Local Plan;**
- (2) Grant planning permission subject to the application not being call in and subject to the conditions listed in the draft decision notice;**
- (3) Delegate power to determine the final details of the conditions to the Head of Development Management and Regeneration.**

WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
23rd December 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.

2 RECOMMENDATIONS

2.1 **GRANT PLANNING PERMISSION** for the reasons set out in this report, the report to the meeting of Planning Committee on 17th June 2015 and the update sheet to that earlier report, subject to the conditions listed in the revised draft decision notice at the end of this report.

2.2 Subject to 2.1, rescind the resolution of this Committee on 17th June 2015 to grant planning permission subject to the conditions listed in the draft decision notice appended to the June 2015 report (minute 9).

3 CURRENT POSITION

2.1 Councillors will recall that this proposal was considered by Planning Committee at its meeting on 17th June 2015 when it was resolved to grant conditional planning permission, with the final details of the conditions of the planning permission being delegated to the Head of Development Management and Regeneration. The report to June Planning Committee and the update sheet for that meeting is appended for information.

2.2 The planning permission has not yet been issued and since June officers have maintained a close dialogue with the applicant to ensure that the planning permission to be issued is in accordance with best practice and to better understand the needs of the applicant to enable the timely delivery of the scheme. The wording of all the proposed planning conditions has been reviewed. Whilst the

final detailed wording of a number of these have been amended by agreement under the delegation granted to the Head of Development Management by the decision of the Committee in June three of the proposed conditions now require change which is beyond the scope of the delegated power.

- 2.3 This report is brought to Committee to specifically consider these three conditions. They relate to the pedestrian access to the Caves of Nottingham, the control of non Class A1 uses in the Centre and the materials to be used along the north/south route from Collin Street to Lister Gate. The numbering below relates to the conditions contained in the original draft decision notice which was appended to the June 2015 report.

3 APPRAISAL

Condition 6 (b) and (c)

- 3.1 Draft condition 6 (b) and (c) required the submission and approval of details the surface materials and elevational treatment of the north/south route and Lister Gate Square. The applicant has significant concerns about the impact the current wording of the condition would have upon the immediate and future letability of the units in this part of the centre.

- 3.2 The suggestion is that the alternative wording should be in the form of a new condition as follows:

“The following design principles shall be adhered to:

- (a) Along the north/south route and within Lister Gate Square the surface materials shall, as far as practical, complement the surrounding public realm;
- (b) Along the north/south route the elevational treatment of the units shall represent the appearance of external buildings”.

- 3.3 There is a wish to ensure the co-ordinated delivery of investment in the public realm within the Broadmarsh Centre with the improvements planned for Collin Street and Carrington Street although it is also recognised that these are two independent projects. The applicant has confirmed that the materials to be used will be to an external specification, as illustrated in the planning application. The concerns in relation to the wording of this condition as originally drafted as set out in para 3.1 are acknowledged. It is considered that the revised wording set out above remains sufficient to ensure that the quality of the north/south route will be appropriate whilst also providing the applicant with the greater confidence sought.

Condition 7 (d)

- 3.4 Draft condition 7 (d) requires the submission and approval of details of the pedestrian access to the Caves of Nottingham. It is proposed that this be amended because as currently drafted there is a concern that it would hinder the ability of the applicant and the Caves operator to agree a commercially viable entrance to the Caves. The suggestion is that the alternative wording should be in the form of a new condition as follows:

“Prior to works commencing on the upper mall level, details of a strategy for the promotion of the Caves of Nottingham, including the entrance point, shall be submitted to the Local Planning Authority.”

- 3.5 The original reason for imposing this condition was to ensure that the opportunity presented by the development proposals to enhance the potential of the Caves of Nottingham as a visitor attraction is secured. It is clear from discussions with the applicant that the potential of the Caves is fully recognised and supported and they have had constructive dialogue with the Caves operator already. The revised wording of the condition as set out above would not require approval by the local planning authority but it is considered that this is an acceptable compromise which would ensure that this issue is given sufficient prominence. The revised condition is now re-numbered 12 in the draft decision notice attached.

Condition 19

- 3.6 Draft condition 19 sought control over the change of use of any unit in the Centre from Class A1 retail use (other than those already shown as non Class A1 use on the submitted floor plans) by requiring a separate planning application to be submitted. The aim was to ensure a balanced mix of uses within the Centre and the current north/south shopping pattern via Lister Gate Square be maintained and to reinforce the retail uses on Bridlesmith Gate.
- 3.7 The applicant has requested the removal of this condition, explaining that having to apply for planning permission for any non Class A1 use, where that non A1 use is now allowed under permitted development rights, within the Centre would cause uncertainty and delay during the letting process. This would put the Broadmarsh Centre at a significant disadvantage by making it less flexible, less marketable and less deliverable by introducing controls which do not exist elsewhere in the City Centre which could affect its' vitality and viability.
- 3.8 There is an effective lettings strategy in place which provides reassurance and following discussions in detail to fully understand this, the expected demand and rental values of the units within the Centre and the implications of this condition it is agreed that it can be removed as this control is not necessary to maintain the viability and vitality of the City Centre. This approach is felt to accord with best practice by undertaking dialogue with the applicant to properly understand the impact of planning conditions on the deliverability of a scheme and limiting their use to only where this is necessary.

4 FINANCIAL IMPLICATIONS

None.

5 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.

6 EQUALITY AND DIVERSITY IMPLICATIONS

None.

7 RISK MANAGEMENT ISSUES

None.

8 STRATEGIC PRIORITIES

Working Nottingham -providing job opportunities and economic growth

9 CRIME AND DISORDER ACT IMPLICATIONS

None.

10 VALUE FOR MONEY

None.

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

1. Application No: 15/00950/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NM7Y7ULYCB000>

12 Published documents referred to in compiling this report

Greater Nottingham Aligned Core Strategy (2014)

Nottingham Local Plan (November 2005)

National Planning Policy Framework (2012)

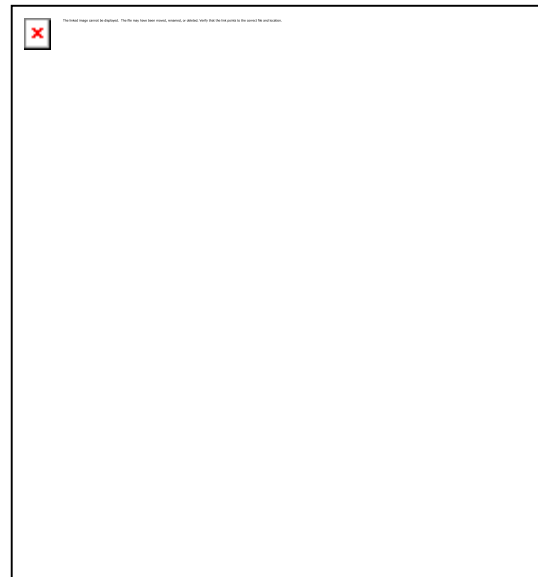
Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

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

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

Your Ref:



Contact: Mrs Janet Keble

Email: development.management@nottinghamcity.gov.uk

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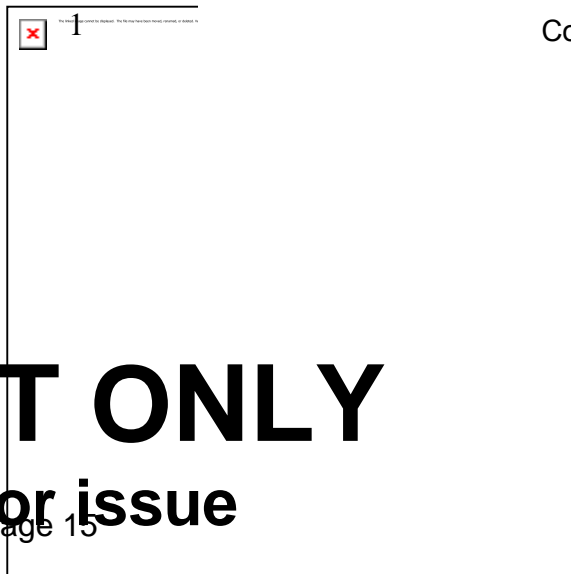
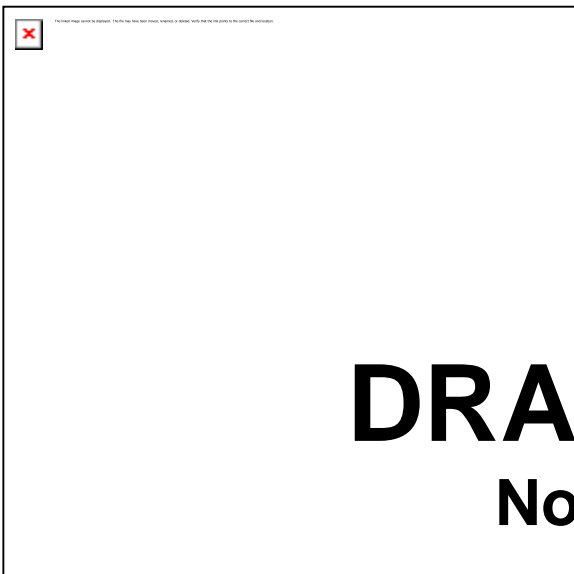
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Nathaniel Lichfield & Partners
Mr Matthew Williams
14 Regent's Wharf
All Saints Street
London
London
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United Kingdom

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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Not for issue

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.

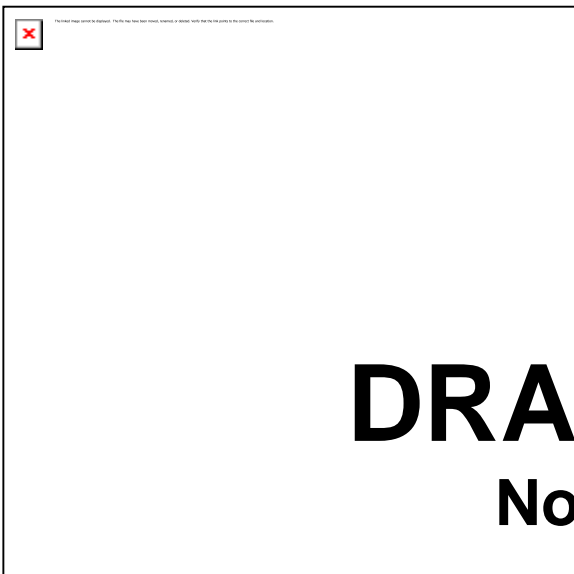
Pre-commencement conditions

(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.



Continued...

DRAFT ONLY
Not for issue

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

Reason: The site is underlain by superficial deposits of alluvium in the south of the site. The underlying solid geology is the Nottingham Castle Sandstone, classified by the Environment Agency as a Principal aquifer, and the protection of the groundwater is therefore important in accordance with Policy NE10 of the Local Plan.

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

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

5. 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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Continued...

DRAFT ONLY
Not for issue

6. 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.

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

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.

8. 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.

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

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



DRAFT ONLY
Not for issue

9. 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 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.

10. 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.

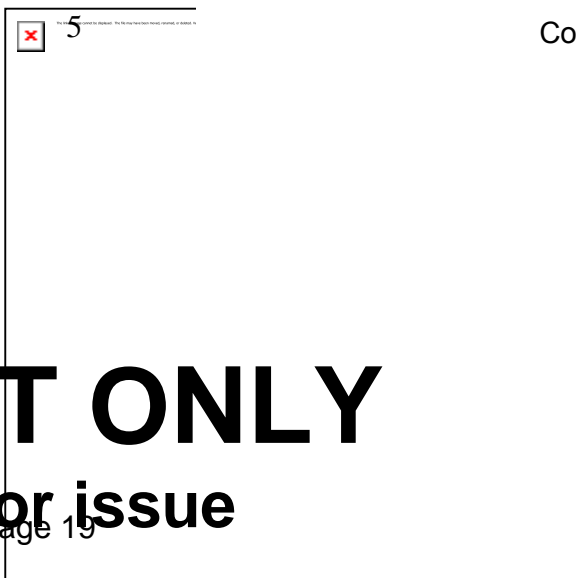
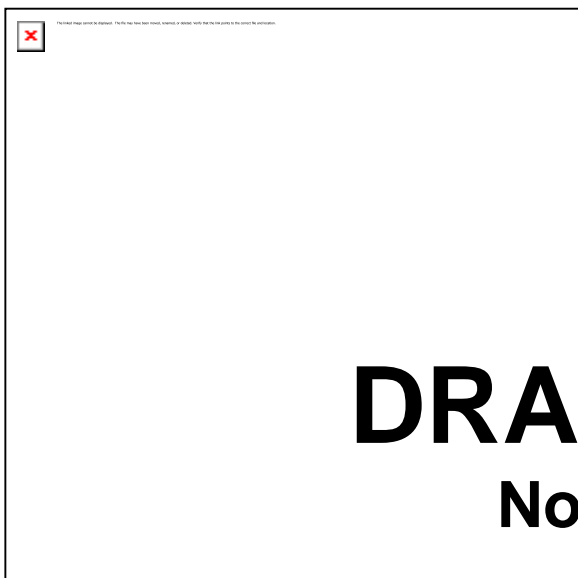
Reason: To ensure that the character and appearance of the listed building is protected in accordance with Policy BE10 of the Local Plan and Policy 11 of the Aligned Core Strategy.

11. 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.



Continued...

DRAFT ONLY
Not for issue

12. Prior to works commencing on the upper mall level, details of a strategy for the promotion of the Caves of Nottingham, including the entrance point, shall be submitted to the Local Planning Authority.

Reason: To ensure that the potential of the Caves of Nottingham as a visitor attraction is met in accordance with Policy 5 of the Aligned Core Strategy.

13. No development shall be commenced, with the exception of demolition and remedial works, until details of the green roof on Drury Walk, including a management plan for its' future maintenance has been submitted to and approved in writing by the Local Planning Authority:

The green roof shall be implemented in accordance with the approved details before the Drury Walk part of 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.

14. 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 for the new build elements of Drury Walk and the cinema have 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)

15. The sustainable measures approved under Condition 14 shall be implemented and operational before the new build elements of Drury Walk and the cinema are 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.

16. Unless otherwise agreed in writing toilet facilities, including disabled toilets, shall be provided within the Centre until such time as the new toilets, including a Changing Places facility, have been provided in accordance with details which shall be 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.



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17. 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.

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

Reason: In the interests of pedestrian safety along Collin Street in accordance with Policy T3 of the Local Plan.

19. No part of the development shall be brought into use until an additional covered staff cycle parking has been provided, the details of which shall first have been submitted to and approved in writing by the Local Planning Authority.

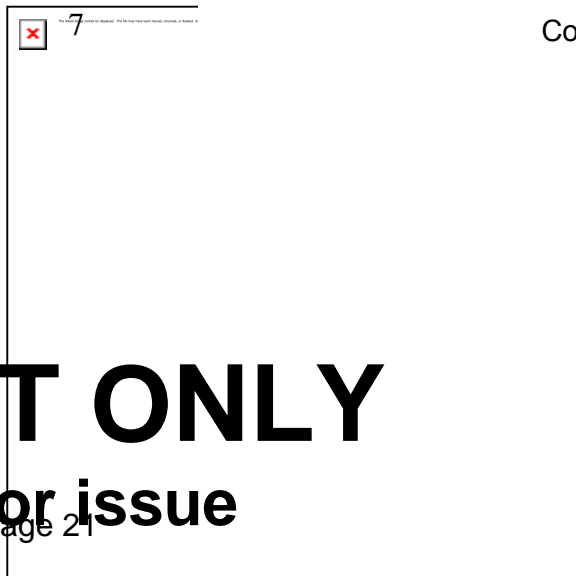
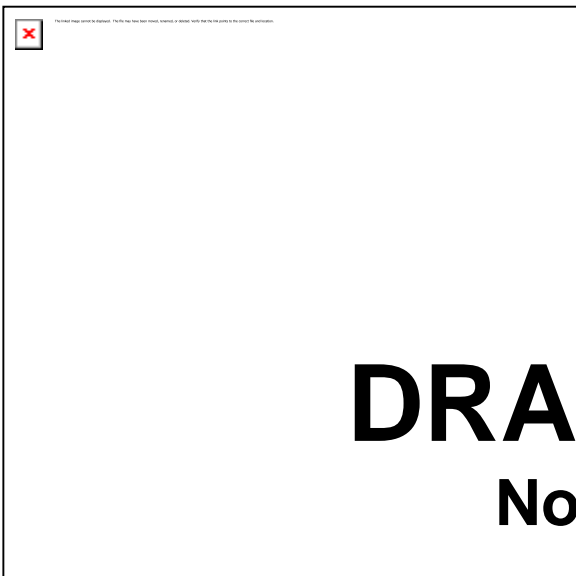
Reason: To promote sustainable travel in accordance with Policy T3 of the Local Plan.

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

Reason: In the interests of sustainable travel in accordance with Policy T3 of the Local Plan.

Regulatory/ongoing conditions

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



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21. 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.

22. The following shall be open at all times:

(a) The north-south pedestrian route through the development connecting Lister Gate and Collin Street;

(b) The Drury Walk open street.

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

23. Within the north/south route and Lister Gate Square the following design principles shall be adhered to:

(a) the surface materials shall complement the surrounding public realm;

(b) the elevational treatment of the north/south pedestrian route shall present the appearance of external buildings.

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area and in accordance with Policies 5 and 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 following drawings/documents:

- Drawing reference BNY-SA-08-0002 B00
- Drawing reference BNY-SA-08-0003 B00
- Drawing reference BNY-SA-08-1002 B00
- Drawing reference BNY-SA-08-1003 B00
- Drawing reference BNY-SA-08-2002 B01
- Drawing reference BNY-SA-08-2003 B00
- Drawing reference BNY-SA-08-3002 B01
- Drawing reference BNY-SA-08-3003 B00
- Drawing reference BNY-SA-08-4002 B01



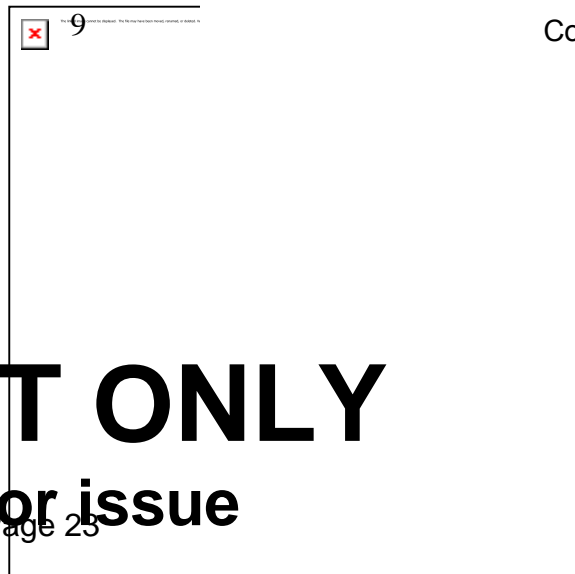
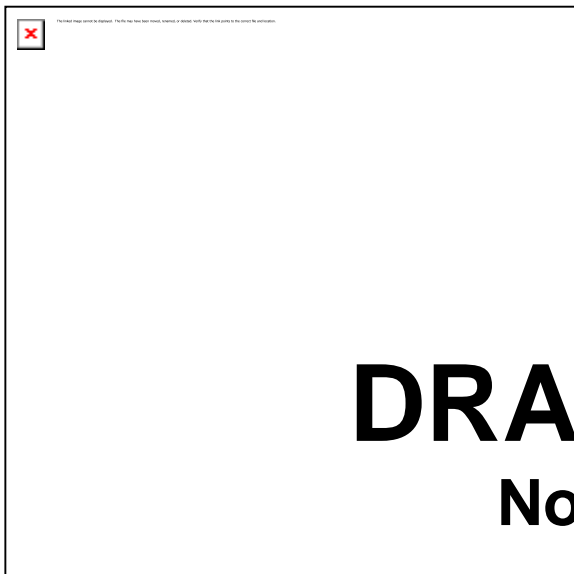
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Drawing reference BNY-SA-08-4003 B00
Drawing reference BNY-SA-08-5002 B01
Drawing reference BNY-SA-08-6002 B01
Drawing reference BNY-SA-08-LL06 B01
Drawing reference BNY-SA-08-LL07 B01
Drawing reference BNY-SA-08-LL08 B01
Drawing reference BNY-SA-08-LL09 B01
Drawing reference BNY-SA-08-LL10 B00
Drawing reference BNY-SA-08-LL15 B00
Drawing reference BNY-SA-08-LL16 B00
Drawing reference BNY-SA-08-LL17 B00
Drawing reference BNY-SA-08-LL18 B00
Drawing reference BNY-SA-08-LL20 B01
Drawing reference BNY-SA-08-LL21 B01

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. Temporary and permanent Traffic Regulation Orders will be required during the construction process and for the life of this development site. These have separate legal processes and the Orders can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the processes to be completed; please contact Traffic Management on 0115 876 5245 to instigate the process.
4. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.



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5. Planning consent is not consent to work on the highway. To carry out the permanent and temporary off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at www.leics.gov.uk/htd

6. In order to enable the development to be carried out it will be necessary to stop up (permanently close) the footpath running through the Centre between Lister Gate and Collin Street and the pedestrian subway running from the Centre to Carrington Street. These are separate legal processes and the applicant is advised to liaise in the first instance with John Lee, Senior Public Rights of Way Officer on 0115 876 5246.

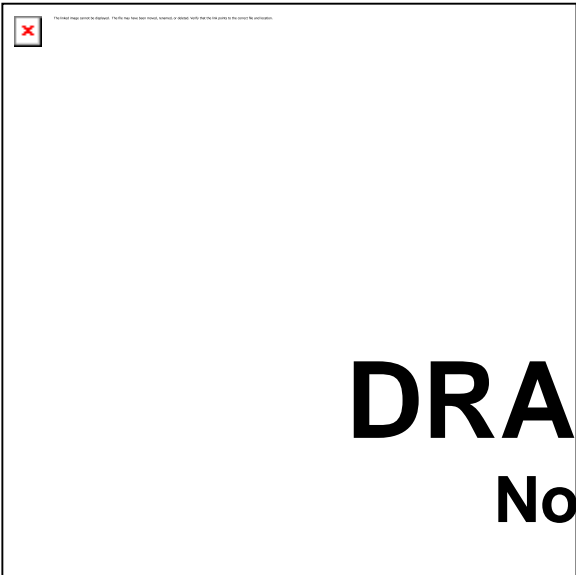
7. It is strongly recommended that ventilation systems are designed, installed and maintained by competent ventilation engineers. It is strongly recommended that ventilation systems include the following:

- 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.

8. . 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/>

9. 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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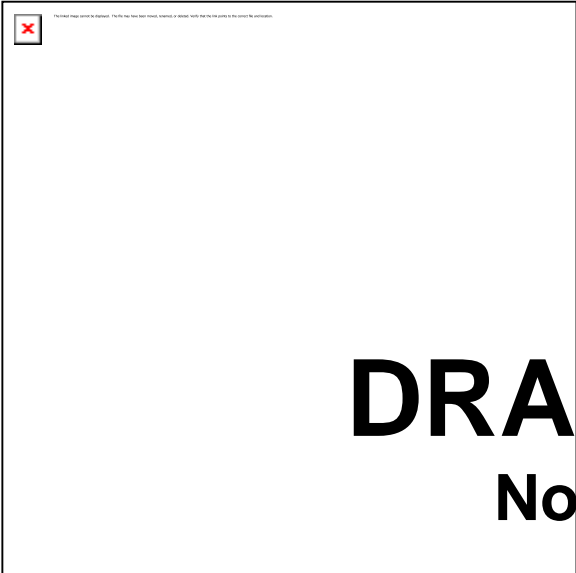
10. The City Archaeologist shall be notified in advance of the demolition work associated with creating the north south pedestrian route to enable him to be afforded the opportunity to inspect the site. Contact details gordon.young@nottinghamcity.gov.uk 0115 8761427.

11. 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).

12. The trailing snapdragon (*Asarina procumbens*) population in the area referred to as No Man's Land is of botanical and historical importance. It is therefore recommended that a further survey of this area be undertaken to establish distribution and abundance of the plant and that you consider the possibilities for the enhancement of this area, possibly working with a local partner.

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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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.

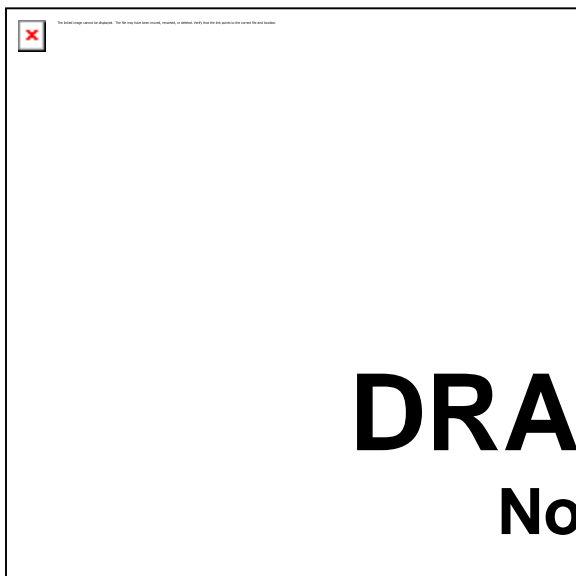
The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

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

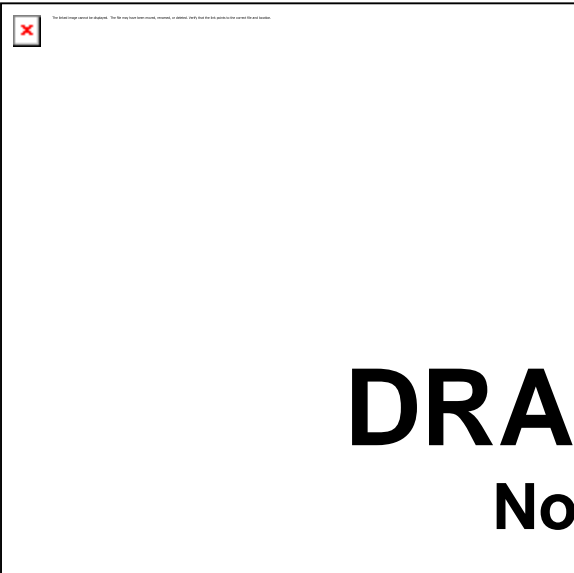
If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the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



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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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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. 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

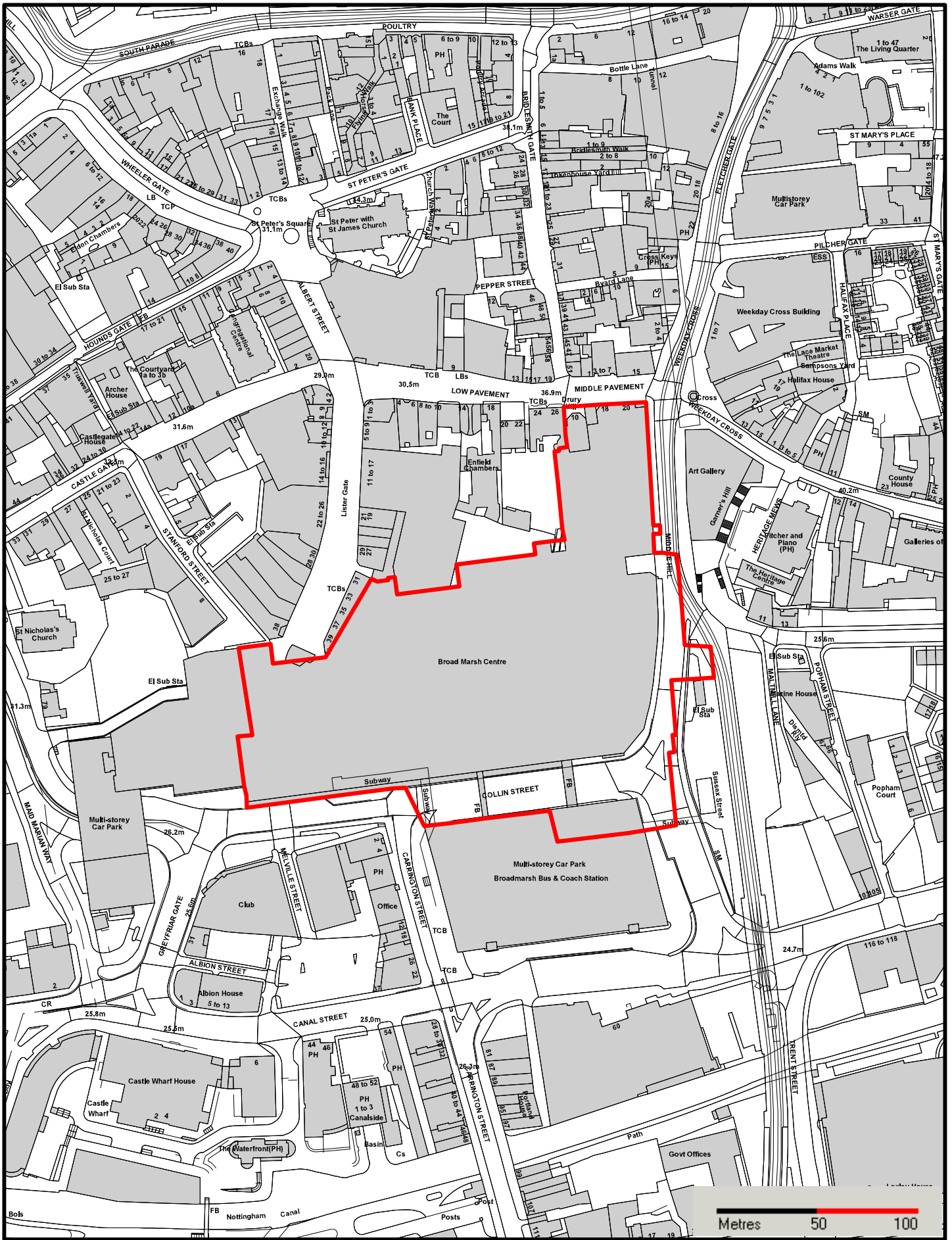
1. Application ref 15/00950/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NM7Y7ULYCB000>
Email dated 14.04.15 from Nottingham Regeneration Ltd
Letter dated 23.04.2015 from Environment Agency
Letter dated 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)

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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 Gate and Drury Walk. Creation of new entrance on Middle Hill and other ancillary works and operations.

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. <i>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.</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)



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Not for issue

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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.

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.

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.

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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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.

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)

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)

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 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.

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.

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

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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PLANNING COMMITTEE

UPDATE SHEET

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

17 June 2015

4a Broadmarsh Centre, Nottingham

1. Highway observations:

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

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

2. Email from planning agent for the applicant:

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

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

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

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

Condition 11. No Man's Land survey and Management Plan. Request the removal of part (c) as consider this to be unreasonable and

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

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

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

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

3. Revised Drury Walk proposals

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

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

- Have also brought forward the pitched roof so that it is more visible from the street, creating more height, and terminating the top of the building

1. Additional conditions to address the Highway observations:

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

Reason: - In the interests of pedestrian safety along Collin Street.

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

Reason: - In the interests of pedestrian safety in the vicinity of the Middle Hill and Collin Street junction.

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

Reason: - To promote sustainable travel.

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

Reason: - To promote sustainable travel.

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

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

Drury Walk part of the development. This would include reference to details of the green roof.

Proposed revised wording of Condition 3:

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

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

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

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

Condition 11. The omission of part (c) of this condition is agreed as it is recognised that as a pre-commencement condition it could be unduly restrictive. However in recognition of the historical and botanical importance of the asarina procumbens (trailing snapdragon) population in the area referred to as No Man's Land it is proposed that an informative be added to the decision notice requesting intu to consider the possibilities for the enhancement of this area, possibly working with a local partner.

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

Proposed revised wording of Condition 14:

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

Condition 18. Amendment agreed.

Proposed revised wording of Condition 18:

The following shall be open at all times:

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

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

Additional condition

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

Proposed wording:

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

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

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

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WARDS AFFECTED: Dunkirk And Lenton

Item No:

**PLANNING COMMITTEE
23rd December 2015**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Mirage Venues , Redfield Way

1 SUMMARY

Application No: 15/02636/PFUL3 for planning permission

Application by: DLA Architecture Limited on behalf of Oakgate Retail Limited And James FarhadEftekhar-Khonssar

Proposal: Erection of six A3 units and associated works following demolition of existing nightclub.

The application is brought to Committee because it is a major application on a prominent site where there are important land use and design considerations.

To meet the Council's Performance Targets this application should be determined by 19th January 2016

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions substantially in the form listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

3.1 The site is known as the former Black Orchid/ISIS nightclub site, which is located to the west side of Redfield Way, at its junction of Redfield Road.

3.2 Within the site there is a large detached building, formerly the nightclub, to the west, set at an angle to the site boundaries. Car parking surrounds the building, with vehicular access from a service road to the north of the site, off Redfield Way. This service road also gives access to a casino to the north. The site has landscaping to the road frontages. There is a gas compound to the corner of the site, close to the junction.

3.3 To the north west of the site there is a casino (Dusk til Dawn), to the south west is a lorry park (accessed from Redfield Road) and to the south east, opposite the site, there is a trade cash and carry warehouse. It is noted that the lorry park operation would cease once the recent planning permission for gas fired power plant (planning references 14/01655/PFUL3 and 15/02545/PFUL3) has been implemented.

- 3.4 To the north east, on the opposite side of Redfield Way, there are a range of uses including a multiplex cinema, three restaurants and a bowling alley, all which share a large parking area, and beyond this there is a car dealership.
- 3.5 Aside from the neighbouring leisure and food and drink uses, the area generally is of a commercial and industrial character.

4 DETAILS OF THE PROPOSAL

- 4.1 Erection of six A3 units and associated works following the demolition of the existing nightclub building. The units would be arranged with three units to the south west of the site, facing north east, with the other three to the north east of the site facing Redfield Road. All units would overlook a centrally positioned car parking area, which would be accessed from a new entrance off Redfield Way. Servicing would be to the rear of each unit and accessed from the existing service road to the north.
- 4.2 The units would be single storey with space for outdoor seating to the front of each unit. Two of the units would have an internal area of 2200 square feet (205 square metres) with the other four being 4000 square feet (372 square metres).
- 4.3 Details of employment and training opportunities are currently being finalised and it is expected that a unilateral Undertaking will be offered by the developer to promote the use of local labour in the construction *and /or* operational phases of the development.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Vauxhall Car Dealership and Makro Self Service, Redfield Road
Chiquitos, Nandos, Frankie and Bennys, GX Superbowl, Showcase Cinema and
Dusk til Dawn Ltd, Redfield Way

A site notice and a press notice have been published. Overall expiry date for consultations was 19th November 2015. No comments have been received.

Additional consultation letters sent to:

Planning Policy: No objections.

Pollution Control: No objections subject to pre-commencement condition relating to remediation strategy.

Highways: No objections subject to conditions regarding construction method statement, access and tracking, highway improvements and a transport statement.

Highways Agency: No objections

Others:

Drainage Section: Require further details in regard to SuDS.

Tree Officer: No objections subject to pre-commencement conditions in regard to Arboricultural Method statement and details of landscaping.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

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 taken on planning applications. Of particular relevance to this application is the approach to the location of key town centre uses, e.g. by a sequential test, and the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Aligned Core Strategy

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change

Policy 6: Role of Town and Local Centres

Policy 10: Design and Enhancing Local Identity

Nottingham Local Plan (November 2005):

NE10 - Water Quality and Flood Protection

NE9 - Pollution

S5 - Retail development, Edge/Outside Centres

S6 - Non Retail Uses, City/Town/Local Centres

S7 - Food and Drink

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of development
- (ii) Layout and Design

Issue (i) Principle of Development (ACS Policy 6 and LP Policies S5, S6 and S7)

- 7.1 A nightclub is ordinarily classed as a town centre use. The nightclub has a floorspace of 1280 square metres on the ground floor with an additional 1120 square metres on the mezzanine floors above, giving a total of 2400 square metres. The proposed total floorspace of the 6 restaurant units would be approximately 1900 square metres. Given that there would be an overall reduction in floorspace compared to the former nightclub and following a sequential test which has been submitted as part of the application, it is considered that the proposed A3 units

would not have a significant detrimental impact on the vitality and viability of the City Centre, or other nearby shopping areas.

- 7.2 Once operational it is anticipated that there would be a potential to create up to 140 full and part time posts, with a range of permanent and casual positions and with varying skills requirements. Therefore the proposal would have a positive economic benefit to the local area in terms of job creation.

Issue (ii) Layout and Design (ACS Policy 10)

- 7.3 The layout has been designed in order that the units face the public domain and create an active frontage, currently something that is distinctly lacking in this leisure area. The elevations of the nightclub building have no openings aside from the main entrance and some fire escape/service doors. As such the current building presents no active frontage to the road, being in essence a large 'shed' of industrial appearance which is lacking in any architectural features. Landscaped areas both within the site and to the back edge of the highway would further improve the appearance of the site. The proposed units would be a considerable improvement on the visual amenity of the area, providing visual interest and activity at this prominent entrance to the wider leisure area.
- 7.4 The servicing would all be contained at the back of house. The units would have glazed and timber cladding facades and a roof which would overhang to provide a canopy. This would shade diners both inside and out, and provide a covered way for pedestrians. The rear elevations would be of metal cladding panels.
- 7.5 Bin storage and plant would be housed in enclosed areas between each unit. Areas surrounding the units and parking would be landscaped.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 It is proposed that air source heat pumps together with heat recovery ventilation and gas fired water heating would be installed which would reduce carbon emissions by a minimum of 10%.
- 8.2 The drainage on the site would be achieved through sustainable drainage system, the details of which would be secured through a condition.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Providing a high quality development that would significantly enhance the character, appearance and leisure offer of the area.

Working Nottingham: Securing training and employment for local citizens through the construction and operation of the development.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 15/02636/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NW77IILYCB000>

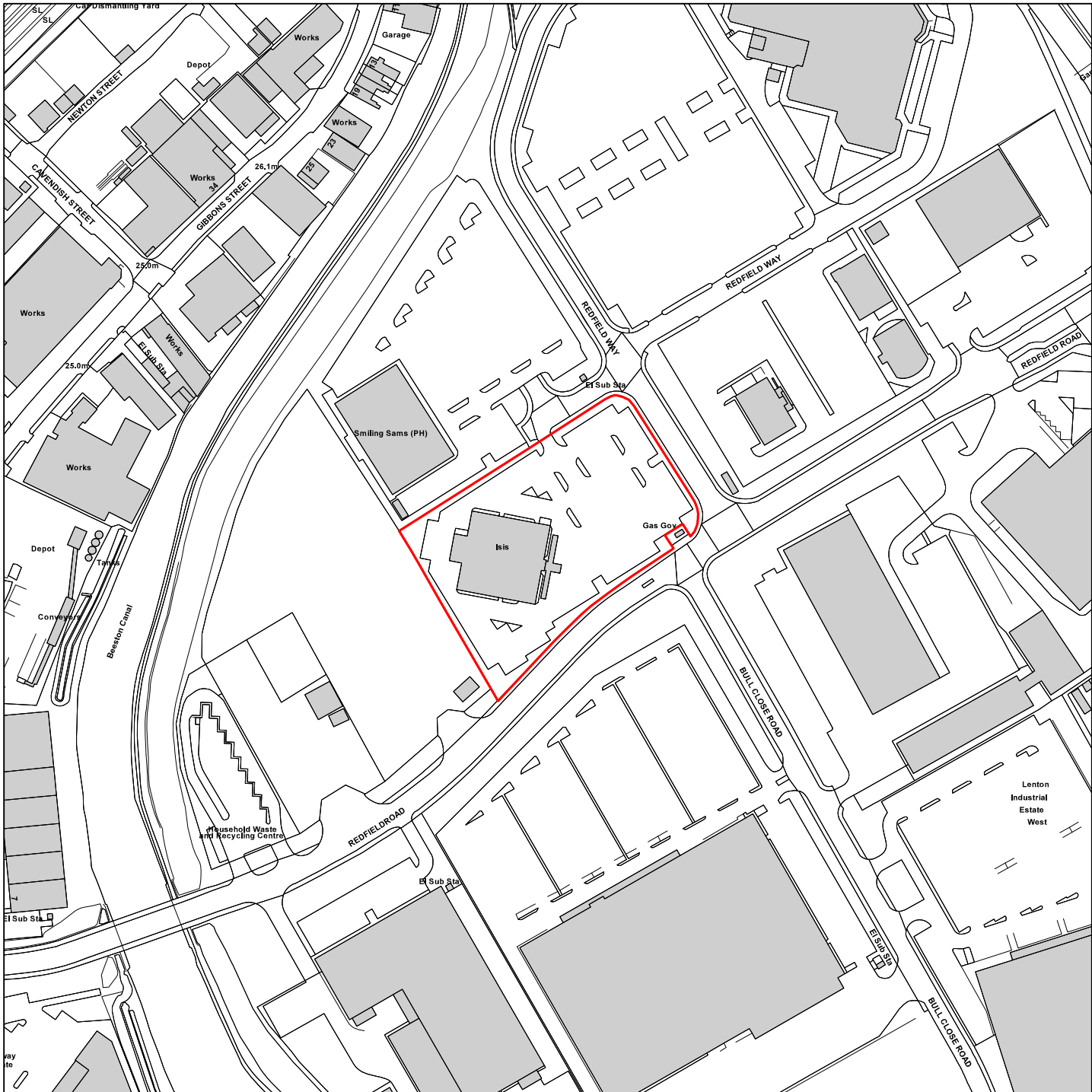
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Sue Davis, Case Officer, Development Management.

Email: sue.davis@nottinghamcity.gov.uk. Telephone: 0115 8764046



My Ref: 15/02636/PFUL3 (PP-04546702)
Your Ref:
Contact: Mrs Sue Davis
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
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DLA Architecture Limited
Mr Mike Taylor
No 55 St Pauls Street
Leeds
LS1 2TE

Date of decision:

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

Application No: 15/02636/PFUL3 (PP-04546702)
Application by: Oakgate Retail Limited And James Farhad Eftekhar-Khonssar...
Location: Mirage Venues , Redfield Way, Nottingham
Proposal: Erection of six A3 units and associated works following demolition of existing nightclub.

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 shall not be commenced until details of all external materials including cladding and roofing of the buildings, and the hard surfacing treatment of the site, have been submitted to and approved in writing by the Local Planning Authority.

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

3. The development shall not be commenced until details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority.

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

4. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

5. The development shall not be commenced until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

a) A Remediation Plan, based on the Combined Stage 1 & 2 Report carried out by ARP GEOTECHNICAL LTD (Ref OKR/01r1 and letter OKR/01/JBW), giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To safeguard the health and amenity of the users of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

6. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

7. The development shall not be commenced until details of 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.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

8. The development shall not be commenced until details of a swept path analysis for the access proposals have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- layout geometry with tracking, signing, lining and alterations
- visibility splays
- stage I/II and III Safety Audits

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

9. The development shall not be commenced until details of a scheme in regard to dropped kerbs within the public highway have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

10. The development hereby permitted shall not be commenced until details of sustainable drainage plans for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The information shall seek to demonstrate, as a minimum, details of how they will reduce the run-off rates by 30% by use of SuDS techniques which can include swales, attenuation tanks, green roofs.

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 to comply 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)

11. The development shall not be brought into use until the following has been submitted to be approved in writing by the Local Planning Authority:

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.

Reason: To safeguard the health and amenity of the users of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

12. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first use or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within 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 to comply with Policy 10 of the Aligned Core Strategy.

13. The development shall not be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

14. Within 3 months of the commencement of the development a Travel Plan and Transport Statement shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

15. No construction work, landscaping or other activity shall be undertaken which may compromise the remediation measures implemented to deal with ground and groundwater contamination of the site.

Reason: To safeguard the health and amenity of the users of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

16. The sight lines provided to either side of the access shall be retained for the life of the development.

Reason: In the interests of highway safety 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 following drawings/documents:
Plan reference 202, received 19 October 2015
Plan reference 204, received 19 October 2015
Plan reference 201, received 19 October 2015
Plan reference 203, received 19 October 2015
Planning Layout reference 101 revision F, received 3 November 2015
Landscaping reference 110 revision B, received 3 November 2015
General reference 210 revision B, received 3 November 2015
General reference 211 revision B, received 3 November 2015
Elevations reference 220 revision C, received 3 November 2015
Elevations reference 221 revision B, received 3 November 2015
General reference 810, received 3 November 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. 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 gas contamination of the site.

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.

The 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 Environmental Health 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).

4. Replacement trees for those removed should be at a ratio of at least 1:1.

5. Our Highway team advise:

- All parking spaces shall have minimum dimensions of 2.4m x 5.5m.

- It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

- 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 and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

- Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory

functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at www.leics.gov.uk/htd.

- The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. Any trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree which is in line with the 6Cs Regional Design Guide. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

- For Travel Plans please contact Kerry Peruzza for further support and information 0115 8763947.

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: 15/02636/PFUL3 (PP-04546702)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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WARDS AFFECTED: Wollaton West

Item No:

**PLANNING COMMITTEE
23rd December 2015**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

The Wollaton Public house And Kitchen , Lambourne Drive

1 SUMMARY

Application No: 15/01700/PFUL3 for planning permission

Application by: ID Planning on behalf of Punch Partnerships (PTL) Ltd

Proposal: Convenience store (class A1) with associated car park and other works. Outbuilding to existing public house following demolition of existing outbuilding and extension to public house car park and associated works.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 7th September 2015

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

The application site is located on the east side of Lambourne Drive and it is currently part of the car park for the Wollaton Public house and Kitchen. It is bounded to the north by a care home and to the east by the rear gardens of residential properties on Brendon Road, with the public house to the south. On the opposite side of Lambourne Drive is group of four commercial properties and to the north of these is the William Olds Court elderly person's accommodation. The existing vehicular access to the car park is from Lambourne Drive.

4 DETAILS OF THE PROPOSAL

4.1 Planning permission is sought for the erection of a convenience store (Class A1) with associated car park and other works, an outbuilding to existing public house following demolition of an existing outbuilding and an extension to public house car park and associated works.

4.2 The convenience store would have a gross floorspace of 372 sq m. It is proposed it be sited alongside the northern boundary of the site and set back in line with the care home to the north and the public house to the south. The store is a rectangular

building with a gable to the front elevation with a hipped roof running to the rear. It includes areas of glazing to the front elevation and the part of the side elevation nearest the street. The main entrance to the store would be from the front elevation. It is proposed it be constructed from brick with a replica slate roof. The store would be serviced from a bay at the rear of the building.

- 4.3 Since the submission of the planning application a revised site plan has been submitted showing the re-siting of the convenience store building further from the northern boundary of the site and additional information in the form of a parking accumulation survey has been received.
- 4.4 It is also proposed that an existing storage building at the rear of the public house be demolished to enable this area to be opened up to provide additional car parking to serve both the public house and the convenience store, replacing that displaced by the development. A new free standing storage building with a floor area of 36 sq. m is proposed to replace the demolished building and this would be located at the rear of the public house. This would be brick with a tiled roof to match the public house.
- 4.5 A total of 58 car parking spaces are proposed to serve both the public house and convenience store. The additional car parking is proposed in the currently unused area between the rear of the public house and the rear gardens of the residential properties on Brendon Road which has, in part, been used as an outdoor seating and play area. The existing vehicular access to the site from Lambourne Drive remains in the same position but it is proposed to alter it to a dropped vehicular crossing. Parking for six cycles is also proposed on the site frontage.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised on site, in the press and the following nearby occupiers notified on the application as originally submitted.
7, 9, 11, 15, 17, 19, 19A and 21 Brendon Road
Wollaton Park Care Home 2A, Flats 1-28 William Olds Court, Living accommodation above Wollaton Public house and Kitchen, British Telecom, Flat above 11, 14,15, 15A, 17A,17B, 17C, 17D Lambourne Drive
344, 344A, 346, 346A, 350 Wollaton Road
- 5.2 Nearby occupiers originally notified and those who also responded to the original consultation have been re-consulted upon a revised layout plan and additional supporting information. A site notice has also been posted.
- 5.3 In response to the original consultation a total of 36 responses were received, of which 33 were objections, 2 were neutral and 1 in support. In response to the re-notification 5 responses have been received of which 3 are objections, 1 is neutral and 1 is in support. These include correspondence from the North Wollaton Residents Association, the Mansfield Road (Nottm) Baptist Housing Association (who operate William Olds Court) and the Wollaton Care Home, in addition to residents who live in the vicinity.
- 5.4 The issues the objectors have identified following the original consultation and the re-notification are similar and focus on the following:
 - Disagree that there is limited provision of convenience shopping in this part

- of Wollaton and many local shopping trips in the area are multiple in nature;
- Local shopping provision is already good for a low density suburban area and there is no evidence of need for a further store;
 - Scheme of the size proposed would be more appropriately located on a main road, preferably in a local shopping centre and Lambourne Drive is not a suitable location;
 - Already issues with on street parking on Lambourne Drive associated with the care home, the public house, events at the Kingswood Methodist Church, the veterinary practice and visitors to the William Olds Court, and store likely to result in a further increase to detriment of highway safety;
 - Proposed car parking not adequate to cater for public house and convenience store;
 - Proposed development would be very close to the south facing elevation of the adjacent care home and moves activity closer to the rear gardens of properties on Brendon Road;
 - Store will block light from bedrooms in the care home and overlook the garden, particularly as the home is lower than the application site;
 - Questionable whether a store would be sustainable in this location;
 - Could impact upon other local businesses which are already suffering and should be supporting these;
 - Consultation exercise undertaken by the applicant prior to submission of the application and analysis of the results is flawed;
 - Convenience store likely to attract groups of young people in the evenings and may give rise to problems;
 - Concerns about disturbance at anti social hours resulting from the inclusion of an ATM;
 - Piecemeal development could ruin the streetscene and result in “town cramming”;
 - Would be better to increase public house car parking and for the public house to share car parking with the adjacent care home;
 - Car park will back on to the Lucy Derbyshire Memorial Homes which are occupied by elderly residents and concerned that extra noise, particularly in the evening, could be disturbing;
 - Have previously been drainage issues on Lambourne Drive and road is in need of repair and suggestion made that the development should fund repair of the latter for the benefit of the community;
 - Various suggestions made to improve highway safety and reduce car parking on Lambourne Drive, to be paid for by the developer.

5.5 The Mansfield Road (Nottm) Baptist Housing Association in principle welcome the store as it would provide a much needed local shopping facility. However, have identified a specific issue with regard to parking and request permit parking only in front of William Olds Court and extra parking at the side to be funded by the developer. Further, already have concerns about residents crossing the road and consider this will be exacerbated by the convenience store; possible opening times and deliveries may impact upon their residents and query whether a pelican crossing should be considered.

Additional consultation letters sent to:

Pollution Control: Whilst not recommending refusal of the application, have previously identified concerns at the pre-application stage about the potential for nearby residents to suffer from noise nuisance and disturbance. Identify that the

potential noise issues on site would be from air handling/refrigeration equipment; noise from deliveries, particularly in the evening and at weekends; the opening times of the store and noise from car doors, voices and increased traffic, but consider it is possible to manage these effectively. In the specific context of the proposed hours of servicing of the store, express disappointment that the developer is not proposing to minimise the impact to nearby residents by introducing more restricted hours at weekends and Bank Holidays. Recommend that conditions be imposed requiring the submission of an environmental noise assessment and a noise management plan to control the hours of opening and the timing of servicing and deliveries.

Highways: No objection. Following the receipt of a parking accumulation survey have concluded that the proposed parking layout represents an under-provision of spaces meaning that some vehicles could be displaced on to the highway. However it is considered that this could be offset with the provision of a travel plan, more secure, covered and lit cycle parking, and a car parking management plan for customers of the public house and the convenience store. Therefore recommend that these, together with a construction management plan, be secured by condition.

Policy: No objection. The proposal is in an out of centre location and within a Primary Residential Area as defined in the Saved policies of the Nottingham Local Plan (2005). An Impact Assessment is not required due to the scale of the proposal but a sequential test is necessary. The sequential test submitted with the proposal is considered to meet the requirements of the test and confirms there are currently no alternative suitable premises available. Also note that as the proposal is located within a primarily residential area, careful consideration is required on the impact the proposal may have on the amenity of existing occupiers in relation to the design and location of the building, additional vehicle trips, local parking and potential noise and disturbance in line with Policy 10 of the Nottingham City Aligned Core Strategy.

Tree Officer: No objection. Concurs with the overall findings of the tree report and recommends a condition requiring the submission of an arboricultural method statement. Suggests that the applicant should look to reinforce existing street tree planting as part of mitigating for losses on site.

Biodiversity Officer: No objection. Satisfied that the bat survey submitted with the application did not find any evidence of emerging or returning bats in the outbuilding proposed to be demolished.

Drainage: No objection. Opportunity should be taken to incorporate SUDS techniques within the drainage of the car park and recommend a condition requiring the submission of details of drainage of the new car park and the building using SUDS techniques with a 30% reduction in run-off rates.

Police Architectural Liaison Officer: Convenience store could increase noise in the area as a result of additional activity it could generate; store could result in young persons "hanging around" but given the low level of anti-social behaviour in the area this is unlikely; suggests that closing earlier than 11pm may reduce the opportunity for anti-social behaviour and noise; provision of ATM unlikely to increase anti-social behaviour in the area but if it a 24 hour ATM could result in additional noise during the later hours.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land; secure high quality design; promote mixed use developments; conserve heritage assets; support the transition to a low carbon future; to manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.3 Paragraph 24 requires the application of a sequential assessment 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. The NPPF recognises town centres as the heart of communities and local planning authorities should pursue policies to support their viability and vitality. Local authorities should promote competitive town centres that provide customer choice and a diverse retail offer.

Greater Nottingham Aligned Core Strategy (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 6: Role of Town and Local Centres - aims to maintain and enhance the vitality and viability of all centres

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Nottingham Local Plan (November 2005)

ST1 - Sustainable Communities

NE3 - Conservation of Species

NE5 - Trees

NE9 – Pollution

NE10 -Water Quality and Flood Protection

H7 –Inappropriate uses in residential areas

S5 - Retail development, Edge/Outside Centres

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main issues

- (i) Principle of the retail use;
- (ii) Design and appearance;
- (iii) Parking and servicing;
- (iv) Impact upon adjoining occupiers.

(i) Principle of the retail use (Local Plan policies ST1 and S5 and ACS policies A and 6)

- 7.1 The NPPF and Policy 6 of the ACS requires the application of a sequential test that should first seek to direct such retail uses to town centres, then to edge of centre locations and only if suitable sites are not available should out of centre sites be considered. A formal impact assessment is not required for a development of the scale proposed. Local Plan policy 5 deals with proposed retail developments on the edge of or outside existing centres and applies to retail development other than that to meet purely local needs. In this case the application relates to an out of centre site and a retail assessment including a sequential test has been submitted with the application.
- 7.2 The area of search for the sequential test focussed upon Middleton Boulevard and Beechdale Road. It has been confirmed by Planning Policy that the requirements of this have been met and there are no sequentially preferable sites available in the area of search which would meet the requirements of a convenience store.
- 7.3 The gross floor area of the convenience store is 372 sq m which would serve the local area, providing for day to day top up shopping with existing residential areas within walking distance and bus stops close to the site. The site is also already part of a commercial use, being a car park for the public house, and although it falls within a Primary Residential Area as designated in the Local Plan, there is a small cluster of commercial uses at the southern end of Lambourne Drive which it would be part of. The comments of objectors with regard to the adequacy of local retail provision elsewhere in the locality and the impact on other nearby small businesses are noted but these are not considerations material to the determination of this planning application.
- 7.4 The principle of the convenience store is therefore considered to be acceptable and does not conflict with Local Plan policies ST1 and S5, and ACS policies A and 6, subject to other relevant development plan policies relating to the physical impacts of the proposal being satisfied. These are considered in the following sections of the report,

(ii) Design and appearance (ACS policy 10)

- 7.5 The convenience store is a simple, single storey building with areas of glazing on both the front elevation and the side forming a shop front. It has been sited to maintain the building line along Lambourne Drive and this set back from the street allows some hard and soft landscaping along the frontage which reflects the character of this part of Lambourne Drive. The existing trees on the site frontage which are to be retained and the street trees will also soften its appearance in the

streetscene. The proposed materials will be brick and artificial slate, the final details of which will be secured by condition to ensure they are complementary to the area. The site is currently an area of open parking which presents a gap in the built form of the street and the partial infilling of this with a suitably designed building will help to close this and enhance the overall streetscene.

- 7.6 The storage building for the public house is proposed to be located at the rear of the building. It is functional in appearance and will be constructed of materials to match the public house. In this location it is considered to be acceptable.
- 7.7 ACS policy 10 is therefore satisfied.

(iii) Parking and servicing (Local Plan policy T3 and ACS policy 14)

- 7.8 In order to replace the existing car parking which would be lost by the construction of the convenience store it is proposed to create a new area of car parking to the rear of the public house building. The car parking on site would effectively become shared between the public house and convenience store and this has been taken into account in calculating the car parking requirements, with the potential for some linked trips. The main concern raised by those objecting to the application is that the convenience store would add to on street car parking on Lambourne Drive, which is already seen as a problem, and would in turn adversely impact upon highway safety.
- 7.9 Highways have not objected to the application but have commented, based upon the proposed level of car parking and the car parking accumulation survey submitted with the application, that there could be times when there is a shortfall in car parking on the site which could result in on street parking on Lambourne Drive. This would be most notably on a Sunday afternoon when the public house is at its busiest. However, it has been suggested this could be mitigated by a travel plan for the convenience store and the public house, a car park management plan for customers of both the public house and the convenience store, and better cycle parking facilities. It is therefore recommended that these be secured by condition. On this basis it is considered that the level of car parking proposed on site would be adequate to cater for both uses. It is clearly not possible to prevent customers parking on the street should they choose to do so but the conclusion of the analysis of the information submitted with the application is that, taken together with the suggested mitigation measures, the level of car parking proposed on within the site is acceptable.
- 7.10 The representations from the operator of William Olds Court and the suggestions of another objector that off site works should be required to address existing issues associated with current on street parking, traffic flows, the condition of the highway and on-going drainage issues, are not justified by this proposal.
- 7.11 The tracking information submitted with the application demonstrates that servicing both the public house and the convenience store can be satisfactorily carried out within the site. The proposals also involve the removal of the existing kerbed access into the site and replacement with a dropped crossing which is beneficial to pedestrians using the footway. A separate pedestrian access to the store is also proposed directly from Lambourne Drive.
- 7.12 The parking and servicing arrangements are therefore considered to be acceptable and Local Plan policy T3 and ACS policy 14 are satisfied.

(iv) Impact upon adjoining occupiers (Local Plan policies H7 and NE9 and ACS policy 10)

- 7.13 There are residential properties to the rear of the site, a care home to the north and other residential properties on the opposite side of Lambourne Drive, so the impact of the proposals upon these needs to be taken into consideration.
- 7.14 The two issues to be addressed in terms of impact on nearby residents are firstly, the effect of the building on the care home and secondly, the activity associated with the convenience store.
- 7.15 In respect of the first issue, the manager of the adjacent care home has expressed concern about the impact upon residents, particularly those who have bedrooms facing towards the application site and bearing in mind that the store is to the south and the application site is slightly elevated. In response to these concerns the siting of the store has been amended to increase the overall distance from the care home and a shadow analysis has also been submitted which assesses the impact. The rear part of the store is now 10 m away from the care home with its nearest point, towards the Lambourne Drive, being 6.6 m from the care home. The rear part of the roof of the building has also purposely been designed with a low hip to reduce the impact upon the care home. In its revised form it is considered that the proposed building would not unduly affect the amenity of the residents of the care home in terms of loss of sunlight, daylight or outlook.
- 7.16 The convenience store will introduce further activity to the site but this does need to be considered in the context of the existing use of the site as a public house car park, which will already generate activity into the late evening and at weekends. However, it is recognised that the convenience store would generate further activity from the comings and goings of customers. The hours of opening of the store are proposed to be 07.00 hours -23.00 hours on any day which is considered to be acceptable and will be secured by planning condition. A further revised plan is to be submitted omitting the ATM from the front elevation as this is now proposed to be housed within the store.
- 7.17 The main concern about the convenience store is the proposed location of the servicing area at the rear of the building, where there are residential properties adjacent to the east and the care home to the north. Various options have been considered for the location of this but the only practical location is the one proposed. Noise and Pollution Control have not objected to the application but have identified the risk of disturbance to nearby residents arising from service vehicles as a result of both the overall noise level from a delivery and the higher noise levels resulting from, for example, reversing beepers and moving cages. It is proposed to erect an acoustic fence around the service area and the applicants have also agreed to restrict servicing to 08.00 hours – 20.00 hours Monday to Friday and 09.00 hours to 16.00 hours on weekends and Bank Holidays. These hours will be controlled by planning condition and it is considered that with these controls in place, the impact upon nearby residents would be acceptable.
- 7.18 The proposed car park will introduce activity into the area at the rear of the public house where there are residential properties to the east. However, the car parking is inset from the boundary by 4 m with this area to be landscaped and some additional tree planting undertaken. The properties in question have good sized

rear gardens and overall it is considered that the impact upon their amenity from any noise and disturbance would be acceptable.

- 7.19 It is therefore considered that the proposals satisfy policies H7 and NE9 of the Local Plan and policy 10 of the ACS.

Other matters

- 7.20 The comments of Drainage regarding the use of SUDS to reduce surface water run off is addressed by condition. This satisfies Local Plan policy NE10.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 There are a number of trees on the site which will need to be removed to accommodate the car parking. However, the Tree Officer is satisfied with the proposals and subject to the submission of an arboricultural method statement, has no objection. New tree planting is proposed alongside the eastern boundary of the site to mitigate for the tree losses.
- 8.2 A bat survey has been submitted with the application and the Biodiversity Officer has confirmed that there are no concerns.
- 8.3 Local Plan policies NE3 and NE5 are therefore satisfied.

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 – enhancing local retail facilities
Working Nottingham – providing job opportunities and economic growth

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 15/01700/PFUL3 - link to online case file:

<http://public.houselicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NQJTAQLYCB000>

2. Highways 30.07.2015 and 01.12.2015

3. Noise and Pollution Control 25.08.2015, 13.10.2015, 01.12.2015

4. Biodiversity Officer 27.07.2015 and 01.10.2015

5. Tree Officer 24.08.2015

6. Drainage 04.09.2015

7. Planning Policy 20.08.2015

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

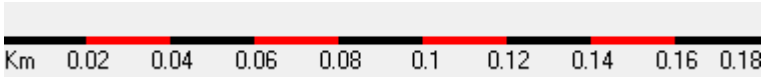
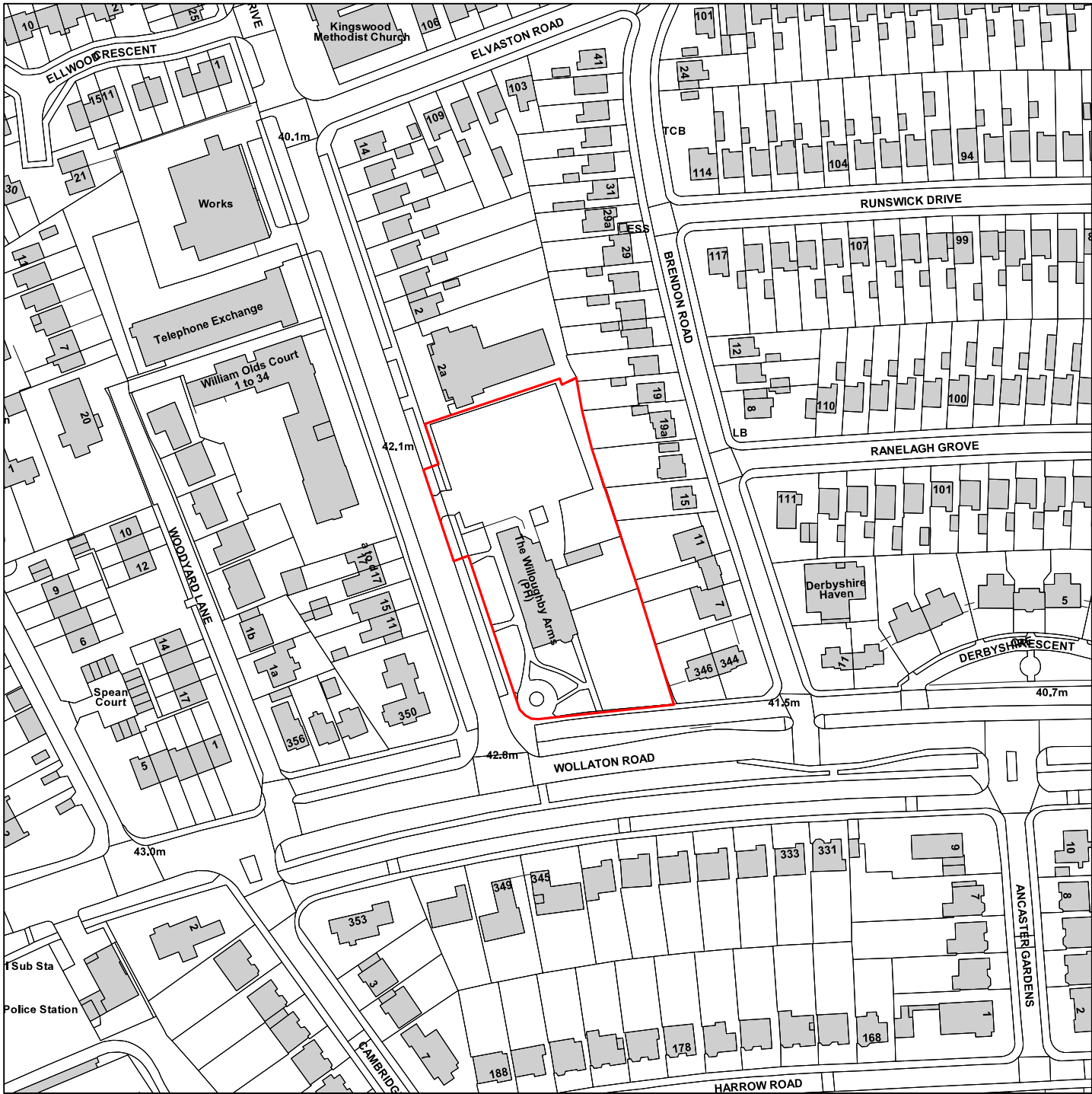
Greater Nottingham Aligned Core Strategy (September 2014)

National Planning Policy Framework

Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

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



My Ref: 15/01700/PFUL3 (PP-04251615)
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

ID Planning
FAO: Mr Jeremy Williams
Atlas House
21 King Street
Leeds
LS1 2HL

Date of decision:

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

Application No: 15/01700/PFUL3 (PP-04251615)
Application by: Punch Partnerships (PTL) Ltd
Location: The Wollaton Pub And Kitchen , Lambourne Drive, Nottingham
Proposal: Convenience store (class A1) with associated car park and other works.
Outbuilding to existing pub following demolition of existing outbuilding and extension to pub car park 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. <i>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.</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)



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DRAFT ONLY
Not for issue

Page 100

Continued...

2. No development, including site clearance, shall be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The plan, as a minimum, shall include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic & pedestrian management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

The Construction Method Statement shall be implemented in accordance with the approved details.

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.

3. The development shall not be commenced until a surface water drainage scheme, based on SUDS principles, including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details and timetable.

Reason: In the interests of sustainable drainage and in accordance with the aims of Policy NE10 of the Local Plan.

4. The development shall not be commenced until details of the external materials have been submitted to and approved in writing by the Local Planning Authority.

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

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

5. The development shall not be commenced until details of the external hard surfacing have been submitted to and approved in writing by the Local Planning Authority.

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

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

6. The development shall not be commenced until details of the means of enclosure to all site boundaries has been submitted to and approved in writing by the Local Planning Authority.

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

Reason To ensure that the appearance of the development will be satisfactory and in the interests of highway safety in accordance with Local Plan policy T3 and Aligned Core Strategy policy 10.

7. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

8. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

Pre-occupation conditions

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

9. The use of the convenience store shall not be commenced until a environmental noise assessment and sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

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).

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

Reason: To safeguard the amenities of adjoining occupiers in accordance with Aligned Core Strategy policy 10.



10. The use of the retail store shall not be commenced until a detailed Noise Management Plan has been submitted to and be approved in writing by the Local Planning Authority.

The Noise Management Plan shall identify the types and locations of operational and other activities including customers and non customers using the car park, which are likely to cause noise disturbance to sensitive receptors, and:

- Minimise noise arising from operational & other activities by technical and physical means, and through management best practice.
- Identify the person responsible for recording, investigating & dealing with complaints from any residents.
- Set out proposals to regularly review the Noise Management Plan.

No part of the development hereby permitted shall be brought into use until the approved Noise Management Plan has been implemented and thereafter shall remain in place while the development continues to be occupied.

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan.

11. The use of the retail store shall not be commenced until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall then be adhered to for the life of the development.

Reason: In the interests of sustainable transport and to reduce the impact of vehicles on the surrounding highway in accordance with Policy T3 of the Local Plan and Policy 14 of the Aligned Core Strategy

12. The use of the retail store shall not be commenced until a Travel Plan for the development and the public house has been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall be adhered to for the life of the development.

Reason: To encourage the use of sustainable means of transport in accordance with Policy T3 of the Local Plan and Policy 14 of the Aligned Core Strategy.

13. Notwithstanding the details shown on the submitted plans the use of the retail store shall not be commenced until the cycle parking has been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To encourage the use of sustainable means of transport in accordance with Policy T3 of the Local Plan and Policy 14 of the Aligned Core Strategy.

14. The development shall not be occupied until the external lighting has been implemented in accordance with the details that shall first have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the appearance of the development will be satisfactory and to safeguard the amenities of nearby occupiers in accordance with Policy 10 of the Aligned Core Strategies.



15. The development shall not be brought into use until the existing site access on to Lambourne Drive, including radius kerbs, is removed and replaced with a heavy duty driveway crossover with localised footway resurfacing, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests and promotion of pedestrian safety along Lambourne Drive in accordance with Policy T3 of the Local Plan and Policy 14 of the Aligned Core Strategy.

16. The development shall not be occupied until details of a landscaping and planting scheme indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development 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 to comply with Aligned Core Strategy policy 10.

17. The use of the retail store shall not be commenced until the following have been carried out in accordance with the approved details:

- (i) the circulation areas and the car park are provided, surfaced and the car parking spaces marked out;
- (ii) any approved means of enclosure has been erected.

Reason: In the interests of highway safety and to ensure that the appearance of the development is satisfactory in accordance with Local Plan policy T3 and Aligned Core Strategy policy 10.

Regulatory/ongoing conditions

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

18. The Class A1 retail store the ATM shall not be open to customers outside the hours of 07:00 hrs and 23:00 hrs on any day.

Reason: To safeguard the amenities of nearby occupiers in accordance with Aligned Core Strategy policy 10.

19. No deliveries or collections (excluding the delivery of newspapers) from the Class A1 retail store, including refuse collections, shall be undertaken outside the hours of 08:00 hours to 20:00 hours Monday to Fridays and 09:00 hours to 16:00 hours at weekends and on Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers in accordance with Aligned Core Strategy policy 10.

20. Delivery vehicles to the convenience store shall not use reversing beepers within the site.

Reason: To safeguard the amenities of nearby occupiers in accordance with Aligned Core Strategy policy 10.

21. The car parking area shall not be used for any external storage, including bins.

Reason: To safeguard the amenities of nearby occupiers and in the interests of visual amenity in accordance with Aligned Core Strategy policy 10.

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 13 July 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. Planning consent is not consent to work on the highway. To carry out the amendments to the access on Lambourne Drive associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

4. Advice on Travel Plans can be sought from Transport Strategy on 0115 876 3947.

5. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

6. Noise Management Plan

The operator must adhere to the agreed Noise Management Plan while the premises remain operational. The Noise Management Plan must be regularly reviewed. Any significant amendments which may have an impact on noise sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders. 'Best practice' would include minimising the number of daily deliveries particularly at weekend / Bank Holidays.

7. The Arboricultural Method Statement to be submitted shall be prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations'. It may include the following elements as appropriate:

- Protective fencing for retained trees
- Schedule of tree work
- Method of working within identified root protection areas
- Installation of service and utility runs
- Arboricultural monitoring and record keeping
- Pre-commencement site meeting
- Method of working for landscape operations

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: 15/01700/PFUL3 (PP-04251615)

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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WARDS AFFECTED: Dales

Item No:

PLANNING COMMITTEE
23rd December 2015

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

11 Langdale Road, Nottingham

1 SUMMARY

Application No: 15/02493/PFUL3 for planning permission

Application by: Molyneux Smith Chartered Architect on behalf of Ms Neghat Khan

Proposal: Single storey rear extension (retrospective).

The application is brought to Committee because it has been submitted on behalf of a Councillor.

To meet the Council's Performance Targets this application should have been determined by 30th November 2015

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

The property is a semi-detached, two-storey dwelling on the north side of Langdale Road located within a Primarily Residential Area. The yard at its rear is approximately 0.5m lower than the house and the garden slopes away from the house.

4 DETAILS OF THE PROPOSAL

4.1 Planning permission is sought for retention of a single storey extension at the rear of the house. The extension is substantially complete and came to the notice of the council following an enforcement complaint.

4.2 The extension projects 3.9m to the rear of the property, with a width of 5.5m with a lean-to roof to a maximum height of 3.8m (3.2m eaves height). There are patio doors and a window in the rear elevation and steps down to the garden.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Notification letters were sent to 9 and 15 Langdale Road, 2 Totnes Road and 12 and 14 Ashdale Road.

One letter of objection has been received from the occupier of the unattached neighbouring house. This relates to a concern about blocking light to their kitchen, and to the condition of the building site, the time it has taken to complete the work and the danger to children of the site being open.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

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 taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.

Aligned Core Strategy

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Design and impact on the street scene;
- ii) Impact on residential amenity.

i) Design and Impact on the Streetscene (Policy 10 of the ACS)

- 7.1 The proposed extension is considered to be of an appropriate scale and design and both bricks and roof tiles match the existing house. The proposal therefore complies with Policy 10 of the Aligned Core Strategy regarding design.

ii) Impact on Residential Amenity (Policy 10 of the ACS)

- 7.2 The extension has an impact on light to the bay window on the rear elevation of the attached house, 15 Langdale Road. The extension is to the west of this neighbour and would affect late evening sun and light generally. Nevertheless, it is noted that there is a generally open outlook to the rear of these houses, and that the attached neighbour has not objected to the proposal.

7.3 The extension will have some impact on the light to the kitchen window in the side of the neighbouring property. However, it is noted that an extension with a 3 metre rear projection could be built as 'permitted development', and that this would have a similar impact on the kitchen window.

7.4 It is considered, then, that the impact on both neighbouring properties is acceptable and that the proposal therefore complies with Policy 10 of the Aligned Core Strategy regarding impact on amenity.

8. SUSTAINABILITY / BIODIVERSITY

Whilst no specific features have been highlighted in the planning application, the extension would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. As an extension to an existing dwelling it is considered that this is sufficient to satisfy the requirements of Policy 1 of the Aligned Core Strategy.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The scale of this development (between 3 and 6 metres in length for semi-detached houses and single storey extension) is within the size limit for larger home extensions under temporary legislative arrangements for permitted development which were introduced in 2013 and currently are to continue until 2019.

However, these arrangements do not apply where the development has already commenced, hence the requirement for the householder in the present case to submit an application for express permission.

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 15/02493/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Nv88YxLY00L00>

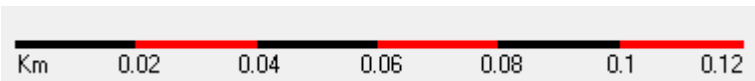
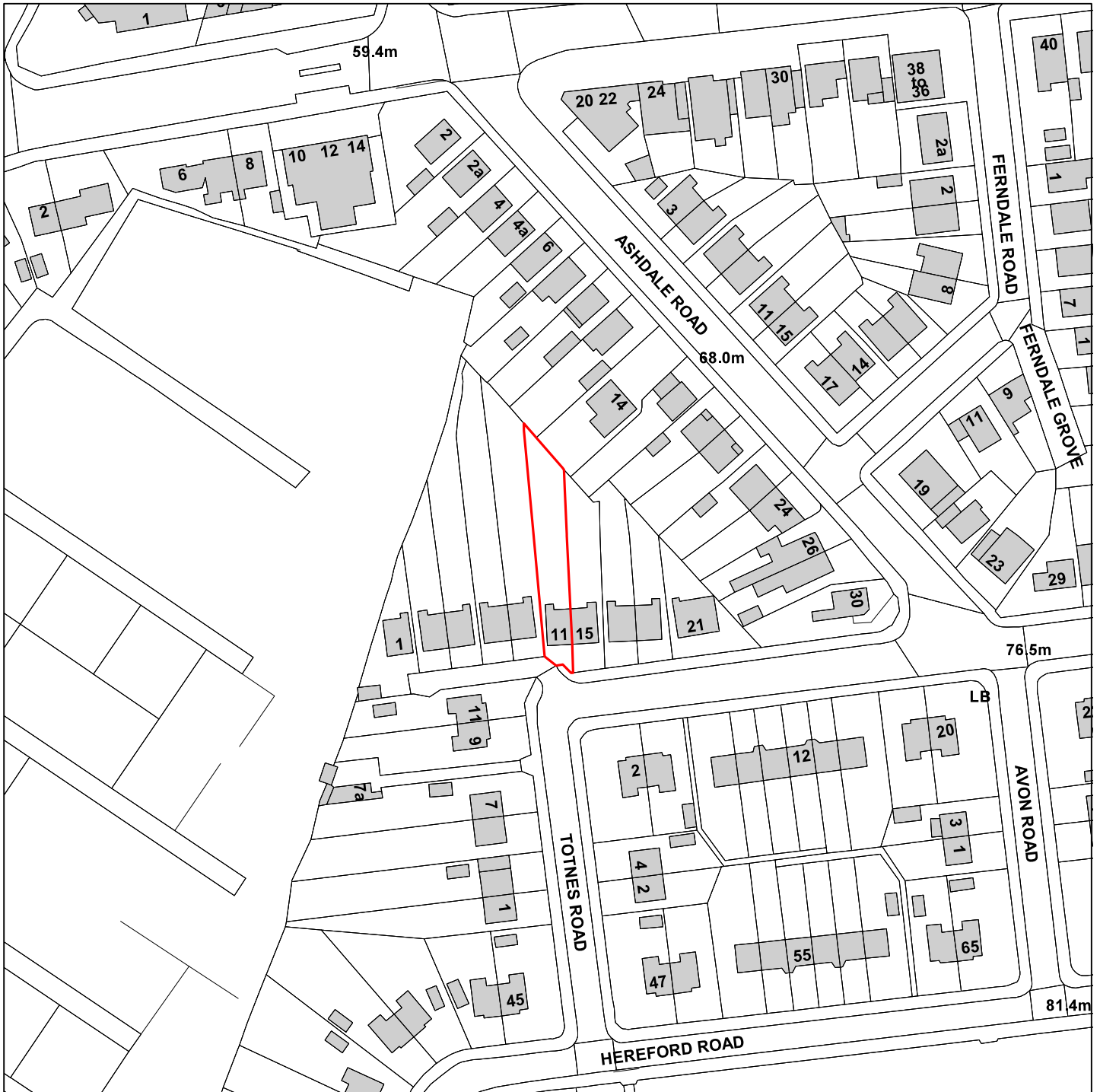
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076



My Ref: 15/02493/PFUL3

Your Ref:

Contact: Mr Phil Shaw

Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Tel: 0115 8764447
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Molyneux Smith Chartered Architect
54 Gertrude Road
West Bridgford
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NG2 5DB

Date of decision:

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

Application No: 15/02493/PFUL3
Application by: Ms Neghat Khan
Location: 11 Langdale Road, Nottingham, NG3 7FG
Proposal: Single storey rear extension (retrospective).

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
. There are no conditions in this section.
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)
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 5 October 2015.

Reason: To determine the scope of this permission.

Informatives

1. 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.

2. 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.

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: 15/02493/PFUL3

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.