



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 19 October 2016

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

Governance Officer: Catherine Ziane-Pryor **Direct Dial:** 0115 8764298

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
- 3 MINUTES** 3 - 12
Of the meeting held on 21 September 2016 (for confirmation)
- 4 PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER**
 - a MIRAGE VENUES REDFIELD WAY** 13 - 28

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

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ALL NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 21 September 2016 from 14.30 - 16.38

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair)
(minutes 28-33 inclusive)
Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Alan Clark
Councillor Josh Cook (minutes 28-36 inclusive)
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Brian Parbutt
Councillor Andrew Rule
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings (minutes 28-34 inclusive)
Councillor Steve Young (minutes 28-36 inclusive)

Absent

Councillor Michael Edwards

Colleagues, partners and others in attendance:

Paul Seddon - Chief Planner
Rob Martin - Area Planning Manager
Martin Poole - Area Planning Manager
Judith Irwin - Senior Solicitor
Catherine Ziane-Pryor - Governance Officer

28 APOLOGIES FOR ABSENCE

Councillor Michael Edwards – leave
Councillors Linda Woodings and Cat Arnold for needing to leave the meeting early

29 DECLARATIONS OF INTERESTS

Councillors Steve Young and Josh Cook advised the Committee that as Chair and Vice-Chair respectively of Greater Nottingham Light Rapid Transport Advisory Committee, they both had an interest in agenda item 4e (Queen’s Medical Centre, Derby Road) which they each considered sufficient to prevent their participating in the debate or voting on the decision regarding the matter. They both left the Committee room during consideration of the item.

30 MINUTES

The minutes of the meeting held on 17 August 2016 were confirmed as a true record and signed by the Chair.

31 DRAFT CITY CENTRE DIGITAL MEDIA INTERIM PLANNING STATEMENT

Paul Seddon, Chief Planner, introduced the report which presented the Draft City Centre Digital Media Interim Planning Statement regarding the potential siting of large digital screens in the City Centre.

Large digital advertising screens are popular in several other major cities and providers are now showing interest in siting screens in Nottingham. To give clarity to decisions relating to siting and operation of screens, a Planning Statement is required.

It is proposed that a two-stage approach is adopted. Initially, this Planning Statement for the City Centre will be put in place, in which possible first phase sites have already been identified. The second stage will involve a statement or policy for the whole City. The Portfolio Holder for Planning and Housing has agreed for the Statement to be published and consultation, starting with the Planning Committee, to commence for a 6 week period before being presented to Executive Board to approve.

Members of the Committee welcomed the Statement.

RESOLVED for the proposed publication of the Draft City Centre Digital Media Interim Planning Statement for public consultation to be noted.

32 NOTTINGHAM CASTLE, CASTLE ROAD

Rob Percival, Area Planning Manager, introduced the report for application 16/01707/NFUL3 submitted by Purcell on behalf of Nottingham City Council for planning permission to expand and refurbish existing facilities at Nottingham Castle, including a free standing visitor centre, an extension to cover the kitchen courtyard, a glazed screen to the colonnade on the Ducal Palace and a new play area in the Castle grounds.

The application is brought to Committee because it relates to a major development on a site where there are important design and heritage considerations.

Rob Percival delivered a brief presentation which included plans, aerial and street level photographs and computer generated images (CGIs) of the current sites and how the completed elements of the application were expected to appear.

CGIs were provided of the exterior and interior of the proposed Visitor Centre. A plan indicating the extensive constraints to the siting of the Visitor Centre was also included in the presentation.

The proposed Visitor Centre site will require the removal of two large London Plane trees and although all options had been considered to allow their retention, none were found to be viable. It was noted that initially the proposal was to remove four trees but the project team had been able to amend the scheme to limit the extent of tree loss.

The contemporary appearance of the proposed Visitor's Centre ensured that it didn't visually clash with the surrounding historic buildings.

The creation of a new gallery and main point of entry is proposed by roofing the northern court yard, a space which is currently underused.

It is proposed to glaze the colonnade at the current main entrance to the Ducal Palace to protect the internal environment of the building and provide further display opportunities.

The proposed play area was added to the scheme at a late stage and so exact details are not yet available, but an indication of what this would look like was presented.

It is noted in the update sheet that the Archaeological Mitigation Strategy has now been agreed by both the City Council's Archaeologist and Historic England.

Members of the Committee commented as follows:

- (a) the City Council's ambitions for the Castle have been well advertised and are welcomed, but it is a concern that substantial 'grade A' trees will be lost to site the Visitor Centre;
- (b) the materials proposed for the Visitor Centre are a concern as although appearing attractive initially, some wooden cladding on buildings within the City has not weathered well and now appears shabby. It is vital that the materials used are of a suitably high and durable quality and with appropriate maintenance;
- (c) removal of trees is regrettable but overall the scheme is impressive and welcomed.

RESOLVED to

- (1) grant permission subject to the indicative conditions listed in the draft decision notice within the report;**
- (2) delegate the discharge of materials condition for the Visitor Centre to officers in consultation with the Chair, Vice-Chair and Opposition Spokesperson;**
- (3) delegate the power to determine the final details of the conditions to the Chief Planner.**

33 INTU, VICTORIA CENTRE

Martin Poole, Area Planning Manager, presented the report for application 15/02696/ADV2 by Nathaniel Lichfield & Partners on behalf of Intu Properties Plc to install a digital media screen above south entrance to the Victoria Shopping Centre.

The application is brought to Committee because this is an application on a prominent site where there are important design and heritage considerations.

Martin Poole delivered a brief presentation which included a map of the site and road side images of the site from different directions, both in its current state and with a CGI of the installed screen as proposed.

It is noted that normally applications like this one are determined under the advertising consent regulations and are dealt with under delegated powers. However, this particular request is being brought to Planning Committee due to its significant impact.

Comments from the Civic Society and advice from Highways Safety and Pollution Teams have been considered and a condition proposed that the screen does not include audio transmission or moving images, that the image does not change more frequently than every 10 seconds and that the brightness does not unreasonably impact on neighbouring residential properties.

When the City Centre Digital Media Planning Statement is in place, consideration of future consent requests would be guided by its contents.

It is recognised that the screen will be visible from the Old Market Square Conservation Area but it isn't within its boundary.

Members' comments included:

- (a) the current structure above the south entrance is ugly and unattractive so a digital screen would be welcomed;
- (b) safety concerns appear to have been thoroughly considered and addressed so there is no reason to refuse the application;
- (c) as long as the screen is no larger than the current surface above the entrance, the application is welcomed;
- (d) there are already accidents at the crossing to the south entrance and the installation of the screen is likely to cause further accidents so shouldn't be approved;
- (e) the City Centre area has plenty of double decker buses carrying huge advertising surfaces and a static screen will not be as much of a distraction to cause accidents as buses, it should be approved.

RESOLVED to

- (1) grant consent subject to the indicative conditions listed in the draft decision notice at the end of the report;**
- (2) delegate the power to determine the final details of the conditions to the Chief Planner.**

34 LACE MARKET SELF SERVE, LONDON ROAD

Rob Percival, Area Planning Manager, presented application 16/01352/PFUL3 by Levitate Architecture on behalf of Monk Estates for planning permission for a residential development of 85 apartments including communal facilities, basement parking and a commercial unit.

The application is brought to Committee because it relates to a major application on a prominent site, where there are important design and heritage considerations and because the application is recommended for approval but the planning obligation proposed is substantially less than required by adopted planning policies.

Rob Percival delivered a brief presentation which included plans, aerial and street level photographs and CGIs of the current site and proposed scheme. Also included was a 'fly through' film viewing the development from different approaches, angles and heights.

It is noted that comments of the Design Review Panel, the Civic Society, the Heritage and Urban Design Manager and Ward Councillor Michael Edwards are included in the Update sheet along with reference to the Heritage Strategy and a proposed amendment to condition 2.

The following points were highlighted:

- (a) the two key points to consider regarding the visual impact of the development are:
 - (i) the benefits of developing an unsightly and highly prominent site and enhancing the immediate townscape which is characterised by buildings of modest quality at best;
 - (ii) the impact of the proposed development against its very important heritage backdrop of the Lace Market Cliff and St Mary's church in particular;
- (b) the proposal consists of 3 buildings, 4, 5 and 10 stories high consisting of one and two bedroom apartments, communal areas including a central courtyard, communal rooftop garden, basement parking and a small commercial unit;
- (c) comments in support and against the proposal from neighbouring properties are summarised in the report and officers are satisfied that the impact of the development on surrounding residential properties is satisfactory;
- (d) since the initial application was submitted, amendments to the design have been made, including adding further detail to and further softening the edges of the taller building;
- (e) the design makes reference to the locality with lace patterned metal balconies and use of sandstone;
- (f) the height of the proposed development can be compared to surrounding buildings, including those on the Lace Market Cliff with CGI images presented from a variety of viewpoints ;
- (g) the developer is offering a less than policy compliant planning obligation (Section 106) based on a robust and independently verified viability appraisal.

Members of the Committee commented as follows:

- (h) this is not an easy decision and members have carefully considered the application, along with concerns and objections raised;
- (i) in light of the impact of other tall buildings in the locality, there is need for a full and careful consideration of this scheme;
- (j) the Lace Market Cliff is one of the City's most valuable heritage assets but it is also recognised that the former petrol filling station is a prominent, unsightly site that is in need of development ;
- (k) the application is for high quality and well-designed scheme but the height of the ten storey building is a concern and it would be preferable if it were a bit lower;
- (l) there is concern about the applicability and compliance with the City Centre Urban Design Guide;
- (m) there doesn't appear to be any negative impact on long views into and across the City but the proposal's greatest impact will be in medium distance views;
- (n) the comments and guidance of the experts suggest that the application should be approved;

- (o) the pavement level wall must visually blend into the design, in the CGI it appears too stark and possibly too high;
- (p) more information is needed on the height, colour, material and the type of boundary enclosure;
- (q) it is vital that the roof garden is appropriately maintained;
- (r) the lower buildings sit well within the view of the Lace Market but the height of the ten storey element and its proposed materials are a concern;
- (s) with the right design and detail, the application would be an asset to the local area, which is not the most attractive;
- (t) it has been helpful to see the different design phases of the application;
- (u) the design is sympathetic to the view of the cliff and St Mary's Church;
- (v) as an initial impression the tower should be lower but as it is situated to the eastern side of the site, it does not have a significant impact in the view of the Lace Market when entering the City Centre along London Road;
- (w) the design is welcomed;
- (x) this is not the only modern building in the immediate area but it is of a higher quality, blends in well and doesn't detract completely from the view of the Medieval Church;
- (y) the tower is too tall and too intrusive;
- (z) the metal lace detail of the balustrade and balconies is welcomed but it must be ensured that it is not prone to rust after only a few years, as has happened to other balustrades which now appear very unattractive;
- (aa) a retail unit would be wholly inappropriate in this area and for this development so should be reconsidered;
- (bb) although within the City Centre with good transport links, with 85 apartments, 34 parking spaces may not be adequate;
- (cc) the tower is too high and the objections of Nottingham Civic Society and English Heritage need to be taken careful notice of ;
- (dd) Committee members need to have an influence on the design detail, the boundary wall, the retail unit and the materials.

Rob Percival responded with the following points:

- (ee) the plinth/pavement wall is adjacent to an unpleasant road environment. A ground floor retail/commercial unit was considered but rejected as unrealistic and inappropriate in this location. The basement parking, the height of which is raised slightly above ground level, enables a successful balance to be found between the appearance and function of the development's frontage;
- (ff) the residential units are set back from the busy road edge, giving residents a garden and a defensible space. The stone wall will not be of head height but help to protect residents' privacy;
- (gg) an alternative and visually less intrusive material can be requested for the pavement wall;
- (hh) as this will be a private rental sector scheme retained in one ownership, there will be single management of the building so the roof garden and development generally would be well maintained;
- (ii) with regard to the parking provision, advice has been taken from marketing agents and 34 spaces is considered to be appropriate for the type and location of the development ;
- (jj) at ten storeys, the height of the building can be considered compliant with the City Centre Urban Design Guide.

RESOLVED

- (1) to grant permission subject to:**
 - (a) prior completion of a planning obligation which shall include an off-site contribution towards affordable housing in the sum of £100,000**
 - (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report with the exception of condition 2 which is amended to:**

‘the development shall not be commenced until the details and external materials to be used in the development, including details (at a scale of 1:20) of the proposed windows (with reveal depths), doors, balconies, the plinth and site edge enclosure, overall roof design including plant/furniture and roof edges, the retail unit and general design details 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 and in the interests of visual amenity to accord with Policy 10 of the Aligned Core Strategy.
 - (c) delegation of discharge of condition 2 to officers in consultation with the Chair, Vice-Chair, Opposition Spokesperson and Councillor Edwards as Ward Member;**
- (2) to delegate the power to determine the final details of the conditions and the planning obligation to the Chief Planner;**
- (3) that the majority of Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.**

35 UNIT 2B, MILLENNIUM WAY EAST

Martin Poole, Area Planning Manager, presented application 16/00843/PFUL3 by New West Ltd on behalf of Barbae Limited for planning permission to change of use from offices to indoor climbing experience with ancillary soft play and cafe (Class D2).

The application is brought to Committee because if approved, the decision would result in a significant departure from the policies of the Development Plan.

Initially the site had been designated for E3 employment use but since construction ten years ago and despite being widely marketed, the building has remained vacant.

It is recognised that the proposed use will attract employment opportunities.

Additional information is provided in the Update Sheet.

Councillors commented as follows:

- (a) bringing the building into use is welcomed but whilst this area is primarily offices, there are no guarantees that this position will be maintained and that lorries will not be accessing the site, which causes road safety concerns with regard to the children on site;
- (b) the difficulty which has arisen in securing tenants for this reasonably new building is a lesson for future developments; the contrived means of access for this remote unit at the edge of the industrial estate, together with minimal public transport provision (other than the tram) to this part of the estate have presumably contributed to its lack of attractiveness for office use;
- (c) the property boundary borders residential properties so careful consideration should be given and an evaluation undertaken to any future change of use;
- (d) due to the buildings position, signage to the business needs to be monitored;
- (e) this is a good use of a vacant building.

Martin Poole responded to Councillors' questions as follows:

- (f) the proposal for an indoor climbing experience is ideally more suited to an accessible location in or adjacent to the city centre, or a town or local centre, but due to the characteristics of the building needed for this type of use, this position is considered appropriate. It is predicted that customers will access the site mainly by car, although public transport is also accessible from the site. As the building is in the far corner of the estate, there is unlikely to be any passing traffic, the absence of which may allay road safety concerns.

RESOLVED to

- (1) grant permission subject to the conditions listed in the draft decision notice at the end of the report;**
- (2) delegate power to the Chief Planner to determine the final details of the conditions.**

36 9, ARBORETUM STREET, NOTTINGHAM

Consideration was given to application 16/01875/PDS4 by Marsh Grochowski Architects on behalf of Girls Day School Trust, Mr Tim Turner, for approval to discharge condition 7 (management plan) of planning permission reference 12/00495/PFUL3.

The application is brought to Committee in accordance with minute 23(3) of the meeting of the Development Control Committee of 18th July 2012 which resolved that the power to approve the management plan be reserved to Committee.

The report notes that the way in which the attached management plan has been formulated has given sufficient regard to the input of the local community and as such addresses the elements which the condition required.

The annual review of the management plan is welcomed.

RESOLVED to approve the management plan within the report, to discharge condition 7 of planning permission 12/00495/PFUL3.

37 QUEENS MEDICAL CENTRE, DERBY ROAD

Prior to consideration of this application, Councillor Steve Young and Councillor Josh Cook withdrew from the meeting having declared interests within minute 29.

Rob Percival, Area Planning Manager, presented application 16/01742/PFUL3 by IDP Group on behalf of Nottingham University Hospitals for planning permission for an elevated pedestrian footbridge linking the tram stop to the Queen's Medical Centre (QMC).

The application is brought to Committee because the development relates to a prominent site with important design considerations.

The bridge is to link the QMC Tram Stop to the Hospital building.

Amendments have been made to the design since the first submission, improving the overall appearance of the walkway and its supporting structures.

Members of the Committee commented as follows:

- (a) the footbridge is overdue and very much welcomed;
- (b) vertigo suffers will struggle with the lower sections of the enclosure being transparent, but this could be resolved by tinting or obscuring the view of the ground below;
- (c) consideration must be given to elderly and infirm visitors and patients using this fairly long footbridge, by adding hand rails and possibly even seating (with arms) .

RESOLVED

- (1) for the issues raised by Councillors regarding vertigo, handrails and seating, to be drawn to the to the applicant's attention;**
- (2) to grant permission subject to the conditions listed in the draft decision notice at the end of the report, subject to condition 6 being amended to include details of CCTV;**
- (3) for the power to determine the final details of the conditions to be delegated to the Chief Planner.**

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WARDS AFFECTED: Dunkirk And Lenton

Item No:

**PLANNING COMMITTEE
19th October 2016**

REPORT OF CHIEF PLANNER

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 Farhad Eftekhari-Khonssar

Proposal: Erection of five 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. The scheme has changed since being last brought to committee in December 2015.

To meet the Council's Performance Targets this application should be determined by 21st October 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 the Chief Planner.

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 a 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 The original proposal was for the erection of six A3 units and associated works following the demolition of the existing nightclub building. This scheme was brought to committee in December 2015, at which it received a resolution to grant conditional planning permission.
- 4.2 An amended scheme has now been put forward, for the erection of five units in a different configuration. The revised scheme sees three units to the north of the site, facing toward Redfield Road, one unit to the south west of the site, facing toward Redfield Way, and the fifth unit being positioned to the south east corner, next to the junction between the two. This fifth unit would face into the site and have its' rear elevation to 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.
- 4.3 The units would be single storey with space for outdoor seating to the front of each unit. In the original proposal the cumulative internal floor area was to have been 20,400 square feet. In the revised scheme, the cumulative internal floor area would be 18,000 square feet, a reduction of 2,400 square feet. The units as revised are proposed as follows: two of the units would have an internal area of 3000 square feet (279 square metres) with the other three being 4000 square feet (372 square metres).
- 4.4 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 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 on the revised scheme was 5th October 2016. No comments have been received.

Additional consultation letters sent to:

Planning Policy: No objections to either the original scheme or the scheme as amended.

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

Drainage Section: Require further details in regard to SuDS, to be secured by condition.

Tree Officer: No objections subject to pre-commencement conditions regarding the need for an 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.

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

S5 - Retail development, Edge/Outside 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 5 restaurant units would be approximately 1800 square metres. The suitability of the site for A3 uses has been established in principle in the previous resolution of December 2015. 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 as amended 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 most of units face outwards and create active frontages, 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. Unit B however, to the south east corner, would have its' back to the road; this is the key change to the layout and has been driven by the commercial needs of the scheme. Whilst this is not ideal, the desire for a unit to occupy this prominent frontage plot is understood and to help both the tenant's visibility and the 'frontage' of the unit, a substantial element of glazing is wrapped around onto the elevation facing Redfield Way, at the entrance to this restaurant park. To further compensate for the less than desirable orientation of the unit, this building has been revised with the incorporation of a living wall to its rear elevation, which also wraps around onto the side elevations. This is considered to be a significant design change that responds to the particular circumstance of this unit.
- 7.4 Overall, it is considered that the proposed development 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 park. The site layout is based around a well-integrated car park that incorporates soft landscaping both at its centre and around the edges. The buildings are of a simple but attractive design with large glazed frontages and projecting colonnade style canopies, and the living wall to rear of unit B would present an attractive and eye catching feature at the entrance to the wider leisure park.

- 7.5 The servicing would mostly be contained at the back of house with the exception of unit B, which is sensitively treated within the layout, as is the plant/refuse storage for each unit.

Other Matters

Pollution

- 7.6 Whilst the site is contaminated, remediation measures can be suitably dealt with by condition.

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, to satisfy LP Policy NE10.

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>

2. Highways England 12.11.15

3. Drainage comments 16.11.15 and 23.08.16

4. Highway section comments 08.12.15 and 07.19.16

5. Pollution Control comments 24.11.15

6. Tree Officer 03.12.15

7. Policy comments 02.09.16

17 Published documents referred to in compiling this report

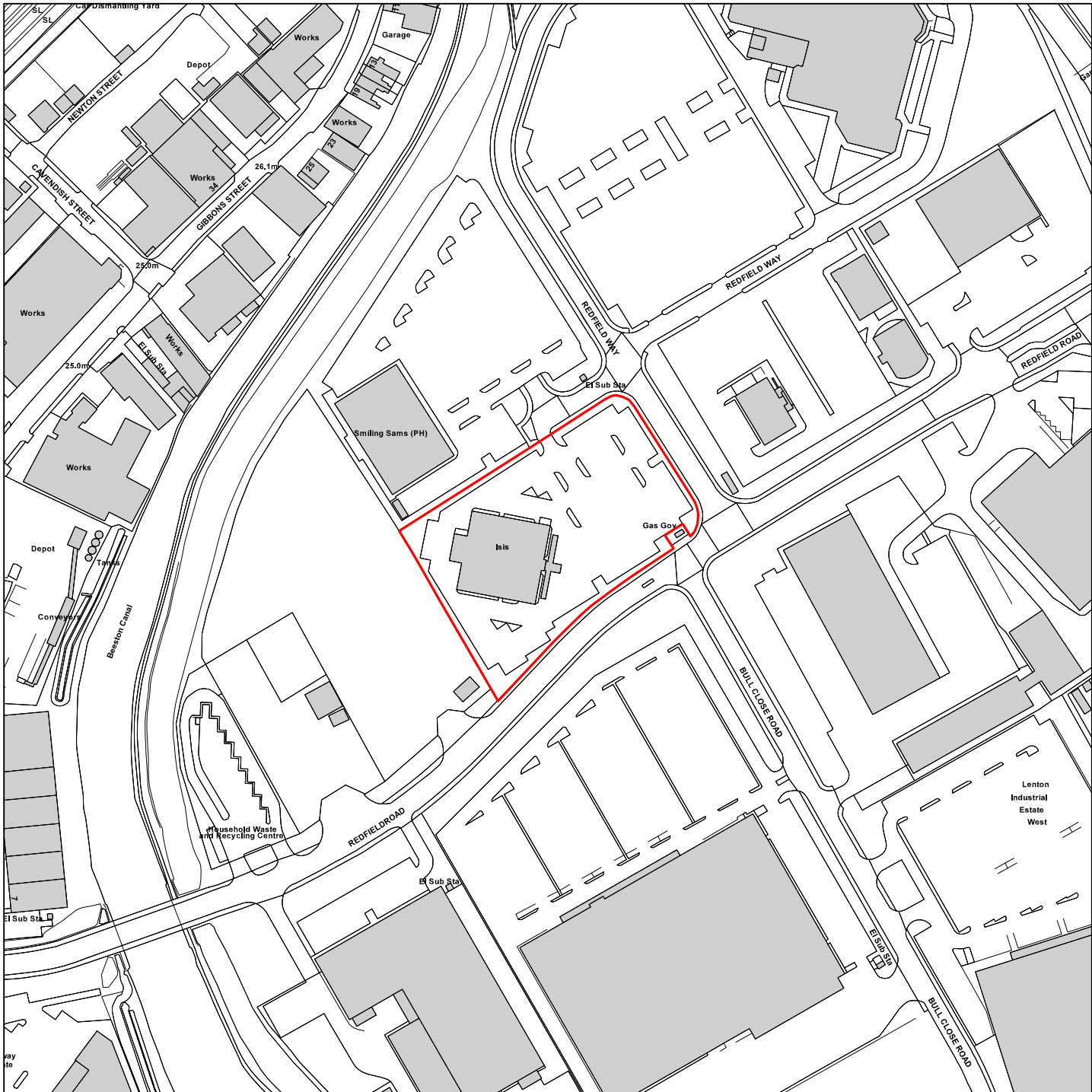
Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

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 Heron

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

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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 five 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, the living wall to unit B, 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.



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DRAFT ONLY

Not for issue

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Continued...

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. The scheme shall include a management and maintenance plan.

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 be implemented in accordance with the approved measures, and 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

The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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.

The scheme shall be implemented in accordance with the approved details unless otherwise agreed 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.

The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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.

11. The development hereby permitted shall not be commenced until details of a management and maintenance plan for the living wall to unit B have been submitted to and approved in writing by the Local Planning Authority. Thereafter the living wall shall be managed and maintained in accordance with the details as agreed, for the life of the development.

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

Pre-occupation conditions

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

12. 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.

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. 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.

16. 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.

17. 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.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order with or without modification) the buildings hereby permitted shall not be used other than as a restaurant falling within Class A3 of the Town and Country Planning (Use Classes) (Amendment) Order 2010.

Reason: To prevent out of town retail operating without full consideration of any impacts on the vitality and viability of the City centre, town and local centres in accordance with Policy 6 of the Aligned Core Strategy and Policy S5 of the Nottingham Local Plan.

19. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to "permitted development" no unit shall be extended, or mezzanines installed, without the prior express permission of the Local Planning Authority.

Reason: To prevent out of town retail operating without full consideration of any impacts on the vitality and viability of the City centre, town and local centres in accordance with Policy 6 of the Aligned Core Strategy and Policy S5 of the Nottingham Local Plan.

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:

- Elevations reference 221 revision C, received 4 October 2016
- Elevations reference 222 revision B, received 4 October 2016
- Plan reference 810 revision A, received 4 October 2016
- General reference 210 revision C, received 4 October 2016
- General reference 211 revision C, received 4 October 2016
- General reference 212, received 4 October 2016
- Plan reference 201 revision A, received 4 October 2016
- Plan reference 205, received 4 October 2016
- Location Plan reference 103 revision A, received 14 October 2015
- Landscaping reference 110 revision E, received 4 October 2016
- Planning Layout reference 101 revision J, received 4 October 2016
- Plan reference 203 revision A, received 4 October 2016
- Plan reference 206, received 4 October 2016
- Plan reference 202 revision A, received 4 October 2016
- Plan reference 204 revision A, received 4 October 2016
- Elevations reference 220 revision D, received 4 October 2016

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:

- 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/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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