



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 21 June 2017

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 Strategy and Resources

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 17 May 2017 (for confirmation)
- 4 PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER**
 - a SHELL FOR 23 AND 23A GOLDSMITH STREET** 13 - 24
- 5 BROADMARSH CAR PARK DEVELOPMENT BRIEF** 25 - 30

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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NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 May 2017 from 2.30 pm - 4.24 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair)
Councillor Graham Chapman
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford (minutes 86 onwards, withdrawing prior to consideration of minute 94)
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings
Councillor Mohammed Saghir
Councillor Josh Cook

Absent

Councillor Azad Choudhry
Councillor Alan Clark
Councillor Brian Parbutt
Councillor Steve Young
Councillor Andrew Rule

Councillor Michael Edwards (as a substitute for Councillor Brian Parbutt)

Colleagues, partners and others in attendance:

Tamazin Wilson - Solicitor
Paul Seddon - Chief Planner
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Nigel Turpin - Heritage and Urban Design manager
Sarah Hancock - Technical Officer Development Control - Highways
Catherine Ziane-Pryor - Governance Officer

86 APPOINTMENT OF VICE-CHAIR

Councillor Cat Arnold is appointed Vice-Chair for the 2017/18 municipal Year.

87 APOLOGIES FOR ABSENCE

Councillor Steve Young)
Councillor Brian Parbutt) Personal Reasons
Councillor Alan Clark)
Councillor Andrew Rule - Leave
Councillor Georgina Culley (as Substitute for Councillor Rule) - Health Issues

88 DECLARATIONS OF INTERESTS

Although not formally required to do so, Councillor Gibson wished to make the Committee aware that with regard to agenda item 5a (minute 90) '23 Goldsmith Street', NET (Nottingham Express Transit) had commented on the application and he is a

member of the NET Partnership Board. This did not preclude him from speaking or voting.

Although not declaring an interest during this item, Councillor Sally Longford declared an interest prior to the Committee's consideration of agenda item 5f (minute 95) '8 Charnock Avenue' as she intended to deliver a Ward Councillor representation and would then withdraw from the meeting prior to the Committee's consideration of the application.

89 MINUTES

The minutes of the meeting held on 19 April 2017 were confirmed as a true record and signed by the Chair.

90 23 GOLDSMITH STREET

Marin Poole, Area Planning Manager, introduced application 17/00565/PFUL3 by CPMG Architects Ltd (Matt Greenhalgh) on behalf of Nottingham Trent University (Jill Marlow), for planning permission for a 4 storey new build office and education building.

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

Martin Poole delivered a brief presentation which included photographs and plans of the current site, plans and computer generated images (CGIs) of the proposed development, the details of which are within the report.

It is noted that the development proposes to build to the limit of the site and that the context in which the building would sit has been considered, including the styles and heights of surrounding properties which vary significantly in age, design and height. As a result substantial amendments to the original plans have been agreed including a reduction in height.

Councillors' comments included:

- (a) this site has been derelict for several years so a high quality development of the site is welcomed where there is already a mix of building styles;
- (b) Goldsmith Street is important in the history of Nottingham. Its unique buildings include Nottingham's first playhouse. The design of this application is unattractive, disappointing and not sympathetic to the street scene;
- (c) the site needs to be developed with a high quality structure but the scale, particularly the height of the proposal is not appropriate for this site. A reduction in height and slightly setting back the frontage would greatly improve the appearance;
- (d) the design is bold, brave and innovative, reflecting the lines of the adjacent Newton Building and should be applauded. The application is welcomed and not out of keeping with the broader street view;
- (e) development of the site is welcomed but the height of the proposed building needs to be reconsidered;

- (f) it's evident that there has been a lot of care, attention and thought dedicated to the design, but it needs to be of a less intrusive scale to avoid visually overpowering the surrounding buildings;
- (g) the variation of building styles and heights provides character to the street, but this design is too extreme for this site and dominates the street view instead of complementing it;
- (h) the ground floor entrance to the building is unattractive;
- (i) it would be difficult to try and match the styles of the existing buildings but this is a bold and imaginative statement which would be attractive in a different setting. If the design was lower, slightly stepped back and the entrance reviewed, the design would be much improved;
- (j) consideration of the longevity of the design of this building and the surrounding buildings must be undertaken. Eclecticism is not necessarily unattractive but the impact on the skyline and of the building elevations need to be reconsidered.

Paul Seddon, Chief Planner, noted that whilst Planning Officers are satisfied with the amendments already made to the design, the constructive comments of the Committee are welcomed. The variation in height and design of the buildings in the immediate area contributes to the character of the street and it's important that the building provides what is required by the applicant to ensure that development progresses. It is agreed that the issues raised and the concerns of the Committee are too significant for the final details of the application to be dealt with by delegation.

RESOLVED to defer determination of the application to the June meeting of the Committee, to see if revisions can be made to address the issues raised by the Committee.

91 SITE OF TRENT WORKS, WILFORD CRESCENT EAST

Rob Percival, Area Planning Manager, introduced application 16/01986/PFUL3 by Mr Mike Askey on behalf of Mr Alec Hamlin, Blueprint (General Partners) Limited, for planning permission for the construction of 20 houses and 4 apartments, associated parking and external works.

The application is brought to Committee because the application is a major development which has generated public interest that is contrary to officer recommendation. Also, officers may recommend that policy compliant S106 contributions be waived or reduced on the grounds of viability, depending on the awaited conclusions of the District Valuer.

Rob Percival delivered a brief presentation which included current street level photographs of the site, the proposed plans and CGIs of the proposed development, the details of which are included within the report.

To ensure the development is sensitive to surrounding properties, the contemporary design includes traditional elements such as red brick and pitched roofs with the height of the buildings slightly varied, along with the design detailing of the properties on the street frontages. Due to the potential flood risk of the area, the ground level of the properties

has been raised and the design of the dwellings amended to respond to this and the development's impact on adjacent residents. .

Councillors comments included:

- (a) parking is already an issue in this area and the development will compound the problem. Reference is made to a residents parking scheme but one is not in place and would cost a significant sum to establish and maintain;
- (b) the addition of faux chimneys would further enhance the development;
- (c) with regard to the Section 106 contribution, the local park already has health and fitness equipment but needs to be floodlit so funding towards that would be welcome;
- (d) longer views of the city centre are not impeded by this development which is not out of keeping with the architecture of the local area.
- (e) provision of refuse bin storage space is important.

Rob Percival responded to the Committee's questions and comments as follows:

- (f) all properties with rear gardens have access to the street and can store waste bins in these areas. Some of the elevated properties fronting the street have bin storage incorporated beneath the steps to the front door;
- (g) if a resident's parking scheme were to be introduced, the on-street parking bays would be included within the scheme;
- (h) as there is a lot of variation of height and frontages, the addition of chimneys was not felt to be necessary here.

RESOLVED

(1) to grant planning permission subject to:

a) prior completion of a planning obligation which shall include

(i) an off-site financial contribution towards public open space;

(ii) a financial contribution towards education

subject to the conclusions of the District Valuer's independent assessment of the developer's viability appraisal as to whether the whole or part of the policy compliant section 106 contributions should be required;

b) the indicative conditions listed in the draft decision notice at the end of this report. Power to determine the final details of the conditions and the obligation to be delegated by the Chief Planner. Power to determine the final details of the obligation to be delegated by the Chief Planner in

consultation with the Committee Chair, Vice-Chair and opposition spokesperson.

- (2) **that Councillors are satisfied that Regulation 122(2) Community infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:**
- (a) necessary to make the development acceptable in planning terms,**
 - (b) directly related to the development and**
 - (c) fairly and reasonably related in scale and kind to the development.**
- (3) **that Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

92 FORMER PEACEMILLS SITE, PERRY ROAD

Martin Poole, Area Planning Manager, presented application 17/00487/PFUL3 by Mr Simon Henderson on behalf of Mr Dominic Waters for planning permission to construct 21 homes with associated car parking including a new access and car parking for the neighbouring business to the west.

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

Martin Poole delivered a brief presentation which included photographs of the current vacant site, along with plans and CGIs of the proposed development, the details of which are within the report.

It is noted that the application has altered since the original submission as a result of concerns raised by neighbours and as a result amendments have been made to the property elevations to the rear of the site.

Representations have also expressed concern at the loss of on street parking capacity on Perry Road but Planning Officers have responded that whilst a proportion of that parking will be displaced, the issue is not significant enough to request that the developers reconsider parking facilities. There currently is not a resident's parking scheme in operation in the area and some of the current problems experienced by some neighbouring properties are purely a result of inconsiderate drivers. It may be possible that the Veterinary Surgery car park may be abused by visitors to the Prison, but that is for the Veterinary Surgery to address.

Members of the Committee commented:

- (a) this site has been vacant for at least ten years so development is welcomed;
- (b) the design and colouring of the properties is attractive and the building of new homes is welcomed;
- (c) the displacement of parking is a concern and may cause further problems in the future so solutions need to be explored now.

RESOLVED

- (1) to grant planning permission subject to:**
 - a) prior completion of a Section 106 obligation which shall include:**
 - (i) a financial contribution towards off site public open space improvements at Woodthorpe Grange Park;**
 - (ii) a financial contribution towards the provision of school places at Seeley Primary School and Oakwood Secondary School;**
 - b) 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 to be delegated to the Chief Planner;**
- (2) that Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:**
 - (a) necessary to make the development acceptable in planning terms;**
 - (b) directly related to the development; and**
 - (c) fairly and reasonably related in scale and kind to the development;**
- (3) that Councillors are satisfied that the Section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

93 FLOOD LIGHTING OF TENNIS COURTS, THE PARK, NOTTINGHAM

At the request of the Chair, Rob Percival, Area Planning Manager, jointly introduced application 16/00603/PFUL3 and application 16/00604/PFUL3 by Ecologic Homes on behalf of Nottingham Lawn Tennis Association, for planning permission to erect floodlights at two sites in the area known as the Park Bowl. The resolution of each application is contained within minutes 93a and 93b.

Application 16/00603/PFUL3, relating to the Southern end of the Park Bowl (Corner of Clare Valley and Tattershall Drive), for floodlights that retract from 8.3m to 2.6m, is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

Application 16/00604/PFUL3, relating to the Northern end of the Park Bowl (Tennis Drive), for floodlights at a fixed height of 8.3m is brought to Committee because it has generated significant public interest and objections, some of which are contrary to the officer recommendation.

Rob Percival delivered a brief presentation which included photographs, aerial views, street level views and mapped illustrations of the luminance levels of the proposed flood lighting at both sites.

The majority of representations questioned the appropriateness of floodlighting within a conservation area, the impact of the lights on neighbouring residents, the impact of the additional use of the facilities as a result of floodlighting, including additional traffic, and the impact on biodiversity, including the local bat population. Comments and concerns have been discussed with the applicant and amendments made, including limiting evening lighting to 9pm.

Councillor's comments included:

- (a) the recommendations of the Planning Officers, as set out within the reports, are supported. The impact of the Clare Valley/Tattershall Drive court lighting on neighbouring properties would be noticeably less than that of the proposed Tennis Drive court lighting, and the retractable nature of the former would result in less of an impact than fixed height lights;
- (b) these facilities are an asset to the City and whilst there has been a concerted effort to minimise the impact of the lighting in the application for the Clare Valley/Tattershall Drive court, the same cannot be said for the Tennis Drive court application, so the Planning Officers' recommendations are supported;
- (c) having visited the site, further consideration needs to be given to the impact of the the Tennis Drive court lighting during winter when the trees are without the leaves.

a NOTTINGHAM LAWN TENNIS CLUB CORNER CLARE VALLEY, TATTERSHALL DRIVE (Agenda Item 5d)

RESOLVED to grant planning permission to application 16/00603/PFUL3 (by Ecologic Homes on behalf of Nottingham Lawn Tennis Association) for 8no. 8.3m high retractable floodlights subject to the conditions listed in the draft decision notice at the end of the report, and for the power to determine the final details of the conditions to be delegated to the Chief Planner.

b NOTTINGHAMSHIRE LAWN TENNIS ASSOCIATION, TENNIS DRIVE (Agenda Item 5e)

RESOLVED to refuse planning permission for application 16/00604/PFUL3 (by Ecologic Homes on behalf of Nottingham Lawn Tennis Association), for 8no. 8.3m high floodlights, and for the final details of the reasons for refusal to be delegated to the Chief Planner.

94 8 CHARNOCK AVENUE

Prior to consideration of the item, and with the agreement of the Chair, Councillor Sally Longford, Ward Councillor for Wollaton East and Lenton Abbey Ward, delivered a Ward Councillor representation, during which the following points were made:

- i. following wide consultation, the area in which this property is sited is now a conservation area. Residents felt strongly about preserving the identity of the area, and this included preventing the installation of unsightly side and rear dormer windows. Dormer windows had already been installed in some properties and whilst the work complied to planning regulations, the appearance is wholly

inappropriate for the style of the property and not in keeping with the architecture of the local area;

- ii. as the conservation area requires specific planning permission for dormer windows, it is difficult to understand and explain to residents why Planning Officers are recommending that this application, which is for a side protruding dormer window, is approved;
- iii. whilst the application is not for a high impact dormer window, to approve it would send a negative message that the rules of the conservation area are not rigid and this will result in further similar applications.

Councillor Longford then withdrew from the meeting.

Rob Percival, Area Planning Manager, introduced application 17/00358/PFUL3 by Mr Alexander Williams for planning permission to install a dormer to the side of the property.

The application is brought to Committee due to a representation by a Ward Councillor that is contrary to the officer recommendation.

The presentation included plans of the property with and without the proposed dormer. It was explained that the application had been assessed on its merits and the proposed dormer believed to be sensitive and appropriate in terms of its design and materials, in line with the requirements of the conservation area.

It was explained that the conservation area classification arose following issues with inappropriate box dormer windows fitted to bungalows with very high pitched roofs, and not specifically the houses in the area, of which this property is one. Without the conservation area, planning permission would not be required for such dormer installations. It is noted that there have been very few applications regarding dormers for houses in the area but that those for the bungalows have often been associated with a change to a House in Multiple Occupation (HMO), which has generally been resisted.

If the application is to be approved, it is possible that other similar properties (houses) in the area, may lodge applications but each will be judged on their own merits with consideration to scale, proportion and how the materials would blend with the current buildings.

The legislation regarding conservation areas requires that any development must enhance the area and not negatively impact on the character of the property and conservation area. This will not be undermined by the approval of this application, which complies with the legislation.

Representations have been received and are summarised within the report. A response from the applicant is included within the Update sheet.

Councillors' comments included:

- (a) the original concerns regarding dormer windows in the area relate to the high pitched bungalow roofs where there would be a greater impact than this application;

- (b) there is an expectation that each application will be considered on its own merits;
- (c) the size of the dormer is modest and proportionate to the building. It would not be inappropriate to set a precedent for such future applications;
- (d) it is a concern that there may be a perception of inconsistency against what residents of the area believed to be the rules for dormers, so it must be clear that the decision is not discarding the requirements of the conservation area.

RESOLVED to grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report, and for the power to determine the final details of the conditions to be delegated to the Chief Planner.

It is noted that Councillors Josh Cook, Michael Edwards and Wendy Smith abstained from voting.

95 FUTURE MEETING DATES

RESOLVED to approve the following future meeting dates on Wednesdays at 2.30pm:

2017

21 June
19 July
16 August
20 September
18 October
15 November
20 December

2018

24 January
21 February
21 March
18 April

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WARDS AFFECTED: Arboretum

Item No:

**PLANNING COMMITTEE
21st June 2017**

REPORT OF CHIEF PLANNER

Shell For 23 And 23A , Goldsmith Street

1 SUMMARY

Application No: 17/00565/PFUL3 for planning permission

Application by: CPMG Architects Ltd on behalf of Nottingham Trent University

Proposal: 4 storey new build office and education building

The application is returned to Committee because Committee resolved to defer a decision on 17 May to allow for further discussions with the applicant to address Committee's concerns relating to the design of the Goldsmith Street elevation of the proposed development.

To meet the Council's Performance Targets this application should have been determined by 14th June 2017.

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 Chief Planner.

3 BACKGROUND

- 3.1 The application is being returned to Committee following its resolution of 17 May and further discussions with the applicant. Whilst generally welcoming the proposals the Committee indicated some concerns regarding the scale, design and attractiveness of the Goldsmith Street elevation and asked for further discussions regarding these issues. Proposed revisions to the Goldsmith Street elevation of the proposed development are being undertaken at the time of writing this report, however it is anticipated that these revisions will be concluded prior to the Committee meeting. An update sheet describing the full details of the proposed revisions will therefore be provided to Committee.
- 3.2 The recommendation above relates to the current submission and previous report to Committee. As the proposed revisions to the Goldsmith Street elevation of the proposed development are being undertaken at the time of writing this report, this will be addressed in the update sheet once the full extent of the revisions are known.
- 3.3 The application site was previously occupied by a three storey red brick and pitched roof range of buildings that had been used as a restaurant prior to a serious fire in November 2010. The fire resulted in the majority of the buildings being demolished,

leaving behind an unsightly remnant which has caused visual blight to the appearance of this part of Goldsmith Street. The recent purchase of the site by Nottingham Trent University (NTU) and immediate prospect for redevelopment is, therefore welcomed and the remnant of the building has also now been demolished.

- 3.4 The application site has frontages onto Goldsmith Street and Masonic Place. The adjoining building on Goldsmith Street is the Horn in Hand public house. Adjacent on Goldsmith Street and opposite across Masonic Place is the Masonic Hall and the Rescue Rooms and Stealth venues/nightclubs. To the side/rear is an area of hard surfaced land which has a frontage onto Talbot Street. Opposite across Goldsmith Street is NTU's substantial and prominent Newton Building (listed Grade II*). The NET tram lines run along Goldsmith Street to the front of the site and there is a NET supply pole (Over Head Line Electrification: OHLE) immediately adjacent to the site's Goldsmith Street frontage.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposal is for the construction of a four storey office and education building, with a main entrance off Goldsmith Street. The proposed building would occupy all of the available site area with a linear plan. The ground floor would be centred on a large circulation foyer with lifts and stairs to the upper floors. A large flexible exhibition space is also provided towards the rear of the ground floor, with meeting rooms and facilities further to the rear. The plans of the upper floors are similar, with meeting rooms to the front and rear and with a large central open plan office space between. The plan of the fourth floor is being reviewed in association with the proposed revisions to the design of the Goldsmith Street elevation of the proposed development.
- 4.2 The two primary elevations of the proposed building are towards Goldsmith Street and Masonic Place. The focal Goldsmith Street elevation is in the process of being revised and will be presented to Committee. The elevation to Masonic Place remains as previously proposed as an ordered façade of floor to ceiling glazed openings within an all buff brick construction that rests on a black stone plinth. The design of the openings include chamfered brickwork surround details and a honeycomb brick pattern within the dummy openings at the rear upper floor level, being used to screen the proposed plant area behind. The other side and rear elevations also remain as previously proposed, being in a buff brick on a black brick plinth, with the exception of the use of stone cladding on the section of side elevation that would be visible above the roof of the neighbouring Horn in Hand public house.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been publicised by site and press notices. Individual notification letters have also been issued to the following properties:

17, 21, 25, Flat Over Horn In Hand, Masonic Hall, Goldsmith Street
Rescue Rooms, Stealth Night Club, Masonic Place
1 (inc. Flats 1 & 2), 1A, 3, 8, Black Cherry Lounge, Talbot Street
55 – 125 (consec.) Goldsmith Court, Chaucer Street
Newton Building, Nottingham Trent University

No further responses to consultation have been received and the previous responses received are noted again below as follows:

Additional consultation letters sent to:

Urban Design: The proposal is welcomed, on a site previously blighted by a fire damaged building.

The design has been substantially improved during the pre-application and planning process. The scale is appropriate, reflecting the heights of existing buildings. The building facades are well designed: appropriately proportioned, using contemporary materials at the front and bricks inventively used along the Masonic Place elevation. The proposal will contribute to the street scene.

Pollution Control: No objection. This site remains challenging in terms of mitigating current environmental noise levels, the main sources being the tram and numerous pubs and clubs in very close proximity. The Design and Access Statement notes that noise from the pubs and clubs should not impact on the proposed use as “most of the anticipated noise however should be at night outside the working hours for this building”. It would, however, be prudent to draw these sources of current environmental noise to the applicant’s attention in the interests of the protection of future occupiers of the building.

Highways: No objection subject to conditions. The site is located within the central core of Nottingham on Goldsmith Street. The NET line runs along the sites frontage and the site is within easy walking distance of the transportation offer within the city centre. The lack of off-street parking associated with the development is therefore acceptable. Due to the NET line running along the sites frontage, the site will be difficult to develop. It is therefore essential that a Construction Management Plan is provided, with a management strategy to mitigate the impact of construction traffic on the local area. We have been informed that the applicant is seeking to gain vehicular access to the development via a yard area on Talbot Street, which would be welcomed.

NET: No objection subject to conditions. A tram OHLE pole is located immediately adjacent to the development site and the developer has made initial enquiries about the option of introducing a building fixing in this location to replace the existing pole. The introduction of a building fixing would be preferable to the NET Promoter, and something that would be appropriate to incorporate into the detailed design. However, given discussions with the developer have not yet been concluded, we request that planning permission only be granted subject to details of the relocation of the tram OHLE being agreed prior to the commencement of the development. Given the proximity of the development site to the tramway, close liaison will be required throughout the design and construction process to ensure works can be carried out safely. We would therefore request that a condition be included requiring the applicant to liaise with the tram operator, and agree a method statement prior to commencing work.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making 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.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.5 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.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

CE1 - Community Facilities

NE9 - Pollution

T3 - Car, Cycle and Servicing Parking

Aligned Core Strategies (September 2014)

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

Other Planning Guidance

Nottingham City Centre Urban Design Guide (May 2009)

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) the proposed development in terms of its use, layout, scale, massing and external appearance is appropriate to its position in the city centre and neighbouring properties.

- 7.1 Whilst the application site is located immediately adjacent to Nottingham Trent University, it falls outside the area land that is designated within the Local Plan as 'Land Safeguarded for Further & Higher Education', where Policy CE8 advises that planning permission will be granted for further and higher education facilities. It is, however, considered that the character of this part of Goldsmith Street is heavily influenced by the NTU campus and that the proposed office and education use would be both wholly compatible with this character and would see the development of a derelict and prominent city centre site with a meaningful and appropriate use in accordance with Policy CE1.
- 7.2 The layout plan of the proposed development occupies the full extent of the site and, as such, repeats that of the previous building. As proposed, it is appropriate that the frontages of the site to Goldsmith Street and Masonic Place are reinstated to provide enclosure and activity to those streets. The other two site boundaries are to the side Horn in Hand public house and area of hard surfaced land onto Talbot Street, and to the rear towards the Rescue Rooms where the simple and appropriate response is to address these boundaries with solid wall elevations. It is therefore considered that the proposed building layout is appropriate to the site and neighbouring developments.
- 7.3 The applicant has provided a detailed site analysis in support of the massing and external appearance of the proposed development, including regard to the scale and composition of the buildings on this section of Goldsmith Street, street scene views, and material studies. Thus, whilst the applicant makes reference to the potential maximum allowance of 6 storeys that is noted within City Centre Urban Design Guide, it is advised that the site analysis does not support this potential and that the applicant's conclusion is that a maximum development height of four storeys would be appropriate to the context of neighbouring buildings. This conclusion is welcomed and supported as there is a relatively consistent scale to the buildings on this side of Goldsmith Street, which defer to the significant scale of the Newton Building opposite and yet are collectively strong and interesting in their appearance due to their variety of ages and architectural styles. The height of the proposed building will also remain below the height of other background buildings in the street scene view up Goldsmith Street. Accordingly, it is considered that the proposed height and mass of the building accords with Policy 10.
- 7.4 The design and external appearance of the proposed development is deliberately contemporary, but with its material finishes having reference to its local context. The focal Goldsmith Street elevation is in the process of being revised and will be presented to Committee.
- 7.5 The proposed elevation to Masonic Place contrasts with that onto Goldsmith Street and recognises the change in character that can be expected between primary and secondary streets. The proposed ordered rhythm of floor to ceiling windows within

an entirely buff brick elevation is considered to be an appropriate response to the character of this enclosed narrow street, with visual interest being controlled to the use of more subtle detailing including the use of a chamfered surround details. It is considered that it is the quality of proposed buff brick used that will be most important feature of this façade and the applicant has already indicated their preferred choice. It is intended that a full sample materials palette will be made available for Committee. Subject to the use of a palette of appropriate quality materials, it is therefore considered that the proposed development accords with Policy 10.

Highways & NET (Policy T3 and Policy 10)

- 7.6 The Highways consultation response notes the sustainable, central location of the application site, which is accessible by a range of public transport and other modes. As such, Highways have no objections to the absence of car parking within the proposed development. The constraints of access to the site and adjacency to the NET line on Goldsmith Street is also noted within both the Highways and NET responses and the management of construction traffic and deliveries to the site is important to both parties. A planning condition requiring the submission and approval of a Construction Management Plan also including liaison and approval of the NET Team is provided in the draft decision notice appended to this report. As such, the proposed development is considered to accord with Policy T3.
- 7.7 The opportunity to replace the existing OHLE pole on Goldsmith Street with a building fixing is also noted and a planning condition is provided to ensure that further details are provided in accordance with Policy 10.

Environmental Health (Policy NE9)

- 7.8 The comments of Environmental Health in relation to neighbouring noise sources to the proposed development are noted and the applicant has also acknowledged this as a major consideration. An informative in relation to the proximity of neighbouring noise sources is attached to the draft decision notice in accordance with the request of Environmental Health. The proposed development is therefore considered to accord with Policy NE9.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)

- 8.1 The applicant advises that the proposed building has been designed to target BREEAM “Excellent” standard and is also targeting an Energy Performance Certificate A grade. Predicted CO2 emissions have been calculated and a range of passive and active technologies are being considered in order to achieve these targets, including solar photovoltaic, solar thermal, and air source heat pumps. The applicant also advises that the proposed building will optimise energy use and will reduce consumption of both energy and water through a variety of measures including the provision of a building management system (which will control and manage the building’s mechanical and electrical equipment), water and energy efficient equipment, and passive design measures. A pre-assessment of the performance of the proposed building is advised to have achieved a score of 74.39%, which translates into a BREEAM rating of Excellent. The proposed development is therefore considered to accord with Policy 1.

- 8.2 Whilst the application site noted as being of low or negligible ecological value, the applicant has noted the potential to improve biodiversity with elements of green roof and the provision of bird nesting boxes in accordance with Policy 17.

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

The provision of DDA compliant accessible buildings.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Ensuring Nottingham's workforce is skilled.

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: 17/00565/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OMSM54LYJT200>

2. Environmental Health, 7.4.17

3. NET, 10.4.17

4. Highways, 27.4.17

5. Urban Design, 8.5.17

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

Nottingham City Centre Urban Design Guide (May 2009)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.


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

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Key
 City Boundary

Description
 No description provided

My Ref: 17/00565/PFUL3 (PP-05898419)
Your Ref:
Contact: Mr Jim Rae
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

Matt Greenhalgh
23 Warser Gate
Nottingham
NG1 1NU

Date of decision:

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

Application No: 17/00565/PFUL3 (PP-05898419)
Application by: Jill Marlow
Location: Shell For 23 And 23A , Goldsmith Street, Nottingham
Proposal: 4 storey new build office and education building

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 commence until details of a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The Construction Management Plan shall include details of deliveries (storage arrangements and timings), contractor parking, traffic management and dust suppression measures. The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

In the interests fo highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.



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Continued...

3. No development shall commence until a Construction Method Statement, providing details on how the development will be managed in relation to the operation of the adjacent NET tram line has been submitted to and approved by the Local Planning Authority. Development shall then be carried out in accordance with the approved document.

In the interests of highway safety and to ensure the uninterrupted operation of the NET tram line.

4. Implementation of the approved development is likely to affect an existing Nottingham Express Transit Overhead Line Equipment (OHLE) post on Goldsmith Street. The existing OHLE post shall not be moved until details of its temporary and permanent relocation (including building fixings) have been submitted to and approved by the Local Planning Authority. The approved temporary and permanent details shall be implemented in accordance with a programme that shall also be submitted to and approved by the Local Planning Authority before the existing OHLE post is moved.

Reason: In the interests of ensuring the continuity of service of Nottingham Express Transit throughout the duration of the construction of the approved development and post-completion.

5. No above ground development shall commence until large-scale elevation and section drawings to confirm the detailed design of the building (e.g. scale 1:50 and/or 1:20) have been submitted to and approved in writing by the Local Planning Authority. The submission shall incorporate details of all elevations, including the large metal framed oriel window frame and glass louvers to Goldsmith Street, chamfered window openings to Masonic Place, all glazing systems and reveals; and all entrance doors. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure that the detailed design of these elements are consistent with the high quality of the development and in accordance with Policy 10 of the Aligned Core Strategy.

6. No above ground development shall commence until a large scale sample panel of all proposed external materials to be used in the construction of the approved development has been submitted to and approved by the Local Planning Authority in writing before any above ground development commences. The development shall thereafter be carried out in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance 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)

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 15 March 2017.

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. Adjacent Noise Sources

There are adjacent sources of environmental noise that may have an impact on the future users of the approved development. It is appropriate that the approved development is constructed with a view to protecting future users from noise sources including: trams [including potential vibration issues], pubs open during the daytime, and music venues and clubs holding sound checks.

4. Planning permission is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at highway.agreements@nottinghamcity.gov.uk to ensure all necessary licences and permissions are in place.

5. 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.

6. Nottingham Express Transit/NET

All works must be carried out in accordance with the instructions contained within the "Working Near NET" leaflet, a copy of which is attached.

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: 17/00565/PFUL3 (PP-05898419)

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 – 21 JUNE 2017

Title of paper:	Broadmarsh Car Park Development Brief	
Director(s)/ Corporate Director(s):	Paul Seddon – Chief Planner	Wards affected: Bridge
Report author(s) and contact details:	Rob Percival, Area Planning Manager 0115 8764065 rob.percival@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Ann Barrett, Team Leader, Legal Services 0115 8764411 ann.barrett@nottinghamcity.gov.uk	
Date of consultation with Portfolio Holder(s) (if relevant)		
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
<p>Following the Executive Board’s recent approval to demolish the Broadmarsh Car Park and Bus Station, this report seeks comments on a draft Development Brief that will provide guiding design principles for its replacement.</p> <p>The redevelopment of the Broadmarsh Car Park is integral to the plans to transform the southern side of the City Centre, alongside the redevelopment of the Broadmarsh Shopping Centre and surrounding roadspace and public realm improvements.</p> <p>The final approval of the Development Brief is an executive function. Planning Committee is therefore asked to support the adoption of the Development Brief by the Portfolio Holder for Planning, Housing and Heritage.</p>		
Recommendation(s):		
1	That Planning Committee provide any specific comments on the draft Development Brief, in the attached appendix, that it may wish to make	
2	That Planning Committee support the adoption of the draft Development Brief by the Portfolio Holder for Planning, Housing and Heritage	

1 REASONS FOR RECOMMENDATIONS

- 1.1 Planning Committee's comments on, and support for, the draft Development Brief are sought to enable its progression to adoption by the Portfolio Holder for Planning, Housing and Heritage. Once adopted the Development Brief will provide the necessary contextual analysis and guiding principles on which a detailed scheme for the replacement Broadmarsh Car Park and Bus Station can be developed for consideration at the planning application stage.

2 BACKGROUND

- 2.1 Executive Board agreed to the demolition and replacement of the Broadmarsh Car Park and Bus Station at its meeting on 1 June 2017. A draft Development Brief has been produced that sets out the principles which should be used to inform the detailed design of its replacement. The new car park and bus station, together with the redevelopment of the Broadmarsh Shopping Centre and surrounding roadscape and public realm improvements, will transform the southern side of the City Centre and provide a catalyst for wider regeneration. It will also provide the opportunity to significantly enhance this facility which, in addition to the replacement car park and bus station, is to include retail units and possibly some residential units at the upper levels. Achieving the right solution for this key site is critical so the Development Brief will provide the necessary contextual analysis and guiding principles to inform the design of the detailed scheme, and against which it can be measured at the planning application stage.
- 2.2 Replacing the car park/bus station with a like for like facility of a similar size is acceptable in principle, being compliant in land use and planning policy terms. Indeed, permission was granted for the extension and refurbishment of the existing car park as recently as February 2016 (application 15/03034/NFUL3). The purpose of the Development Brief is to provide the necessary clarity on matters of siting, scale, mass, form, access and function.
- 2.3 The Development Brief will be considered for adoption by the Portfolio Holder for Planning, Housing and Heritage who will take into account any comments of this Committee.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Not preparing a development brief – this would mean that there is no clear steer on what the Council considers to be acceptable design principles for the replacement car park and bus station, and would not provide the necessary reassurance on this matter before detailed design work commences.

4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 The preparation of the Development Brief has been met from resources allocated to the demolition and replacement of the Broadmarsh Car Park and Bus Station.

5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 LEGAL COMMENTS

5.2 The adoption of the Development Brief is an Executive Function however the Council's constitution allows the Planning Committee to have the opportunity to comment on and inform its content. As the Brief is not following the process for local policy adoption under the Planning and Compulsory Purchase Act 2004 it will not carry as much weight as approved local policy documents, but will still be capable of being a material consideration at both the design and determination stages of any application.

6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

6.1 N/A

7 EQUALITY IMPACT ASSESSMENT

7.1 Has the equality impact of the proposals in this report been assessed?

No

Yes

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

8.1 None.

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 None.

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The Briefing Document is marked 'to follow' and will be circulated as a supplement to the agenda when available.

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