

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Victoria Centre Complex Victoria Centre, Milton Street**

**1 SUMMARY**

Application No: 13/02822/PFUL3 for planning permission

Application by: Nathaniel Lichfield & Partners on behalf of Intu Properties Plc

Proposal: External alterations to the Lower Parliament Street / Milton Street entrance of Intu Victoria Centre.

The application is brought to Committee because it is a scheme of local significance at a prominent corner location within the city centre.

To meet the Council's Performance Targets this application should have been determined by 20th January 2014

**2 RECOMMENDATIONS**

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

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

**3 BACKGROUND**

3.1 The application site is the southern entrance into the Victoria Centre, which is on the corner of Milton Street and Lower Parliament Street. The entrance is glazed on the ground floor, with a canopy extending over the footway. There are three upper floors in a concrete façade and ribbon glazing.

3.2 The application is a resubmission similar to an application reported to Planning Committee on 17 July 2013 (reference 13/01092/PFUL3). Committee resolved to approve the previous application in principle, but "sought further amendments to address Committee's concerns with regard to elevation treatment, materials and appearance of the entrance features". The applicant elected to withdraw the application in order to comprehensively review the design and to make this subsequent resubmission.

**4 DETAILS OF THE PROPOSAL**

4.1 It is proposed to express the central entrance with a projecting box in polycarbonate cladding over a section of clear glazing. The main entrance doors below would be realigned and the area of public realm outside the entrance would be repaved with granite paving. The facades to Milton Street and Lower Parliament Street would be over-clad with back-lit polycarbonate panels that are arranged in accordance with

the existing concrete bays of the building, and fixed back to the façade via a structural frame. The panels would be framed in anodised aluminium, which would also be used to clad the returns and vertical sections between the polycarbonate panels. The existing glazed canopy would be removed and the original concrete canopy would also be over-clad in anodised aluminium. The extent of the scheme would be finished with totem features at either end, which will also provide the opportunity for signage.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

The application has been advertised by site notices.

An email has been received from a citizen expressing support for the proposal. The current entrance to the Victoria Centre is dull, brutalist concrete and uninviting, as is the paved area outside. Like the look of the planned recladding, especially the way it is illuminated and changes colour, which has the potential to become a feature point. Scheme should improve the setting of the adjacent Conservation Area.

### **Additional consultation letters sent to:**

**Highways:** No objection. Area to be enclosed remains within private ownership and not on the public highway.

**Pollution Control:** The works are likely to be carried out predominantly after the shopping centre closes. Concern that residents in the Victoria Centre flats and in the vicinity of the Victoria Centre are likely to experience noise nuisance, potentially for a prolonged period as a consequence of the redevelopment. Recommend a condition to require the submission of a detailed noise management plan for approval.

## **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, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking 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.
- 6.3 Paragraph 134 of the NPPF is also relevant to this application. This advises on the need to weigh the extent of harm to the significance of a designated heritage asset against the public benefits of the proposal.

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

ST3 - City Centre.

BE3 - Building Design.

BE12 - Development in Conservation Areas.

NE9 - Pollution.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) The design and appearance of the development
- (ii) The impact on the adjacent Old Market Square Conservation Area

### **Issue (i) The design and appearance of the development (Policy ST3, BE3 and NE9)**

- 7.1 The existing 1972 façade to the Victoria Centre is tired and dated and is in need of upgrading. The proposed investment in the external appearance of the southern entrance is to be welcomed.
- 7.2 The southern entrance does not currently have a significant presence in the street scene of the area. The proposal to express this entrance with a simple contemporary box in a lightweight polycarbonate material is considered to be appropriate and will transform its appearance. The use of clear glazing to the lower section (with feature downlights) will help to emphasise the height of the main entrance into the Centre and, together with the polycarbonate section above, will provide a focal point for shoppers.
- 7.3 The use of back-lit polycarbonate panels to over-clad the existing concrete bays offers the opportunity to provide a dynamic quality of finish to the building. Colour changing LED technology will be used to reflect and promote the seasons, festivals, celebrations or events, and the applicant has provided a series of images to demonstrate the general effects that can be achieved. Whilst the use of colour across the façade will provide interest throughout the year at dusk and evening hours, it also considered that the ordered arrangement of the polycarbonate panels in bays, and with anodised aluminium vertical breaks, will also provide a significantly improved quality of finish and appearance to the building throughout the day.
- 7.4 Back-lit polycarbonate panels are also to be used in sections of the works to the Clock tower entrance into the Victoria Centre on Milton Street, and over the entrance from Glasshouse Street. There is, therefore, logic in using a consistent design philosophy and materials to provide a fresh identity to the Centre. In this respect, Committee will also note that the earlier proposal to use areas of tensile fabric cladding has been superseded by the revised polycarbonate panel design.
- 7.5 The comments of Pollution Control are noted and the need for a detailed noise management plan is a recommended condition of consent.
- 7.6 It is considered that the proposed alterations will enhance the local environment, townscape and character of the area in accordance with Policy BE3(a). A planning condition is proposed to govern the final details of the lighting of the building.

**Issue (ii) The impact on the adjacent Old Market Square Conservation Area (Policy BE12)**

- 7.7 The southern entrance of the Victoria Centre is adjacent to the boundary of the Old Market Square Conservation Area, which runs along the southern side of Lower Parliament Street. The Victoria Centre is prominent in views from the Conservation Area and its impact upon its character and appearance has also, therefore, been considered. The dated quality of the current façade of the Victoria Centre could be considered to be detrimental to the character and appearance of the Conservation Area. It is considered that the contemporary and lightweight quality to the proposed alterations will enhance views from the Conservation Area in accordance with Policy BE12.

**8. SUSTAINABILITY / BIODIVERSITY**

None.

**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 and sustainable 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: 13/02822/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MWPI8ZLYCB000>

2. Highways, 3.12.13

3. D. Sellars, 4.12.13

4. Pollution Control, 10.12.13

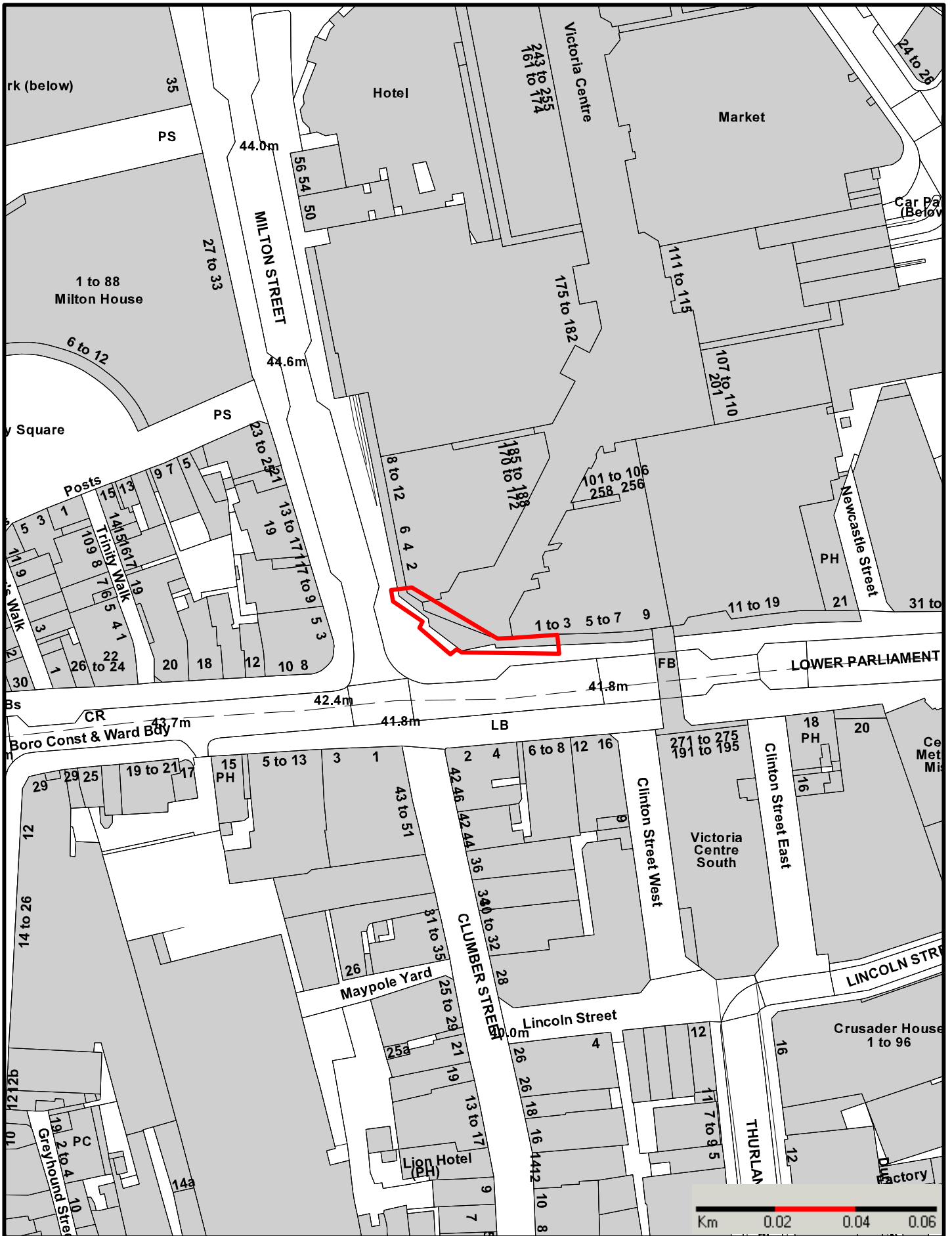
**17 Published documents referred to in compiling this report**

National Planning Policy Framework  
Nottingham Local Plan (November 2005)

**Contact Officer:**

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**Nottingham**  
City Council

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Date of decision:

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

Application No: 13/02822/PFUL3 (PP-03025749)  
Application by: Intu Properties Plc  
Location: Victoria Centre Complex Victoria Centre, Milton Street, Nottingham  
Proposal: External alterations to the Lower Parliament Street / Milton Street entrance of intu Victoria Centre. Resubmission of planning application reference 13/01092/PFUL3.

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 a Noise Management Plan, detailing how proximate residential occupants will be protected from noise nuisance during the course of the works, has been submitted to and approved by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved Noise Management Plan.

*Reason: In the interest of the amenity of proximate residential occupants to the approved development and in accordance with Policy NE9 of the Nottingham Local Plan.*

3. No development shall commence until a Lighting Management Strategy, outlining the parameters under which the colour changing back-lighting of the polycarbonate panels will be operated throughout the year, has been submitted to and approved by the Local Planning

Authority. The Lighting Management Strategy shall make reference to the range of colours that are to be used, the design of the range of lighting effects that are to be used, the frequency of colour change, maximum luminance levels, and the hours of operation throughout the year. The back-lighting scheme shall thereafter be operated in accordance with the approved Lighting Management Strategy unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In order to ensure that the lighting of the building is managed in the interests of the amenity of the area and in accordance with Policy BE3 of the Nottingham Local Plan.*

**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 25 November 2013.

*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. As the proposal includes works adjacent to the highway, the Highways Network Management team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway is possible. Please contact them on 0115 876 5238 at the earliest convenience.

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: 13/02822/PFUL3 (PP-03025749)

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](http://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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