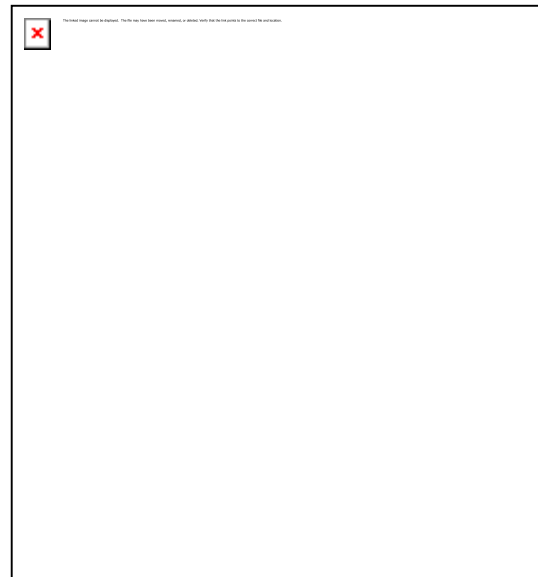


My Ref: 15/00950/PFUL3 (PP-04070526)

Your Ref:



Contact: Mrs Janet Keble

Email: development.management@nottinghamcity.gov.uk

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

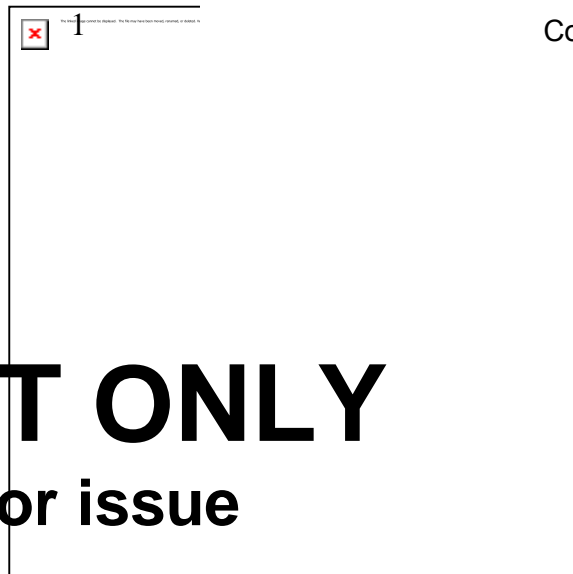
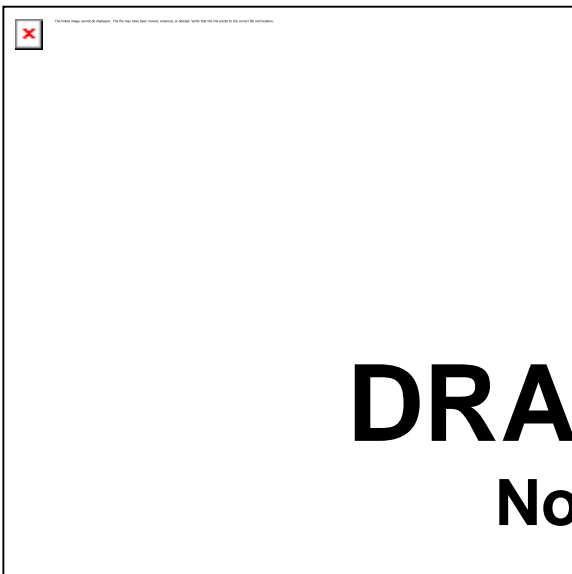
Tel: 0115 8764447
www.nottinghamcity.gov.uk

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

Date of decision:

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

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



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Not for issue

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

Time limit

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

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

Pre-commencement conditions

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

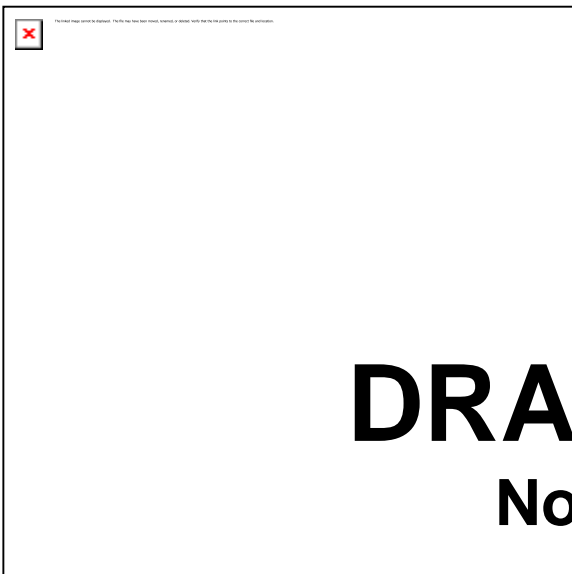


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Not for issue

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

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

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



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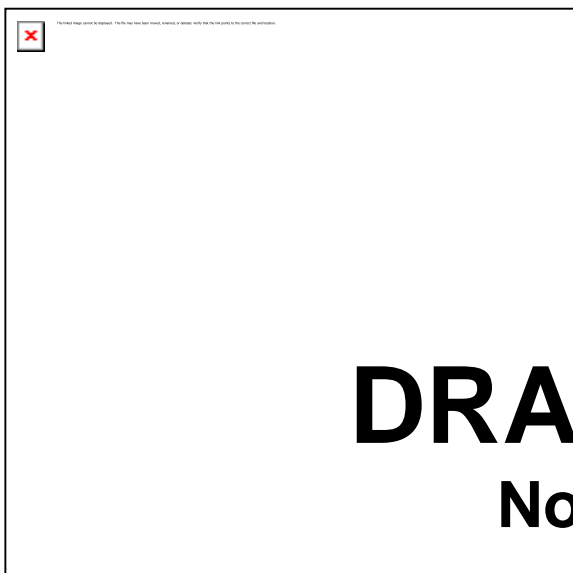
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8. No above ground works on Drury Walk shall be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- (a) Large scale elevations and sections at a scale of 1:50 or greater;
 - (b) Details of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

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

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

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



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Not for issue

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

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

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

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

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

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

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

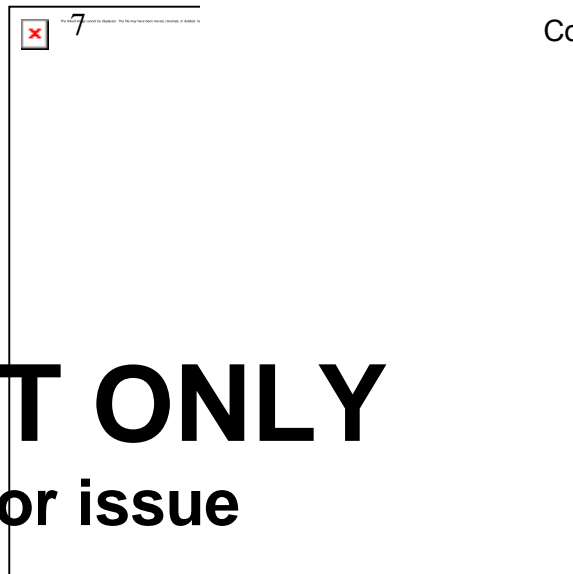
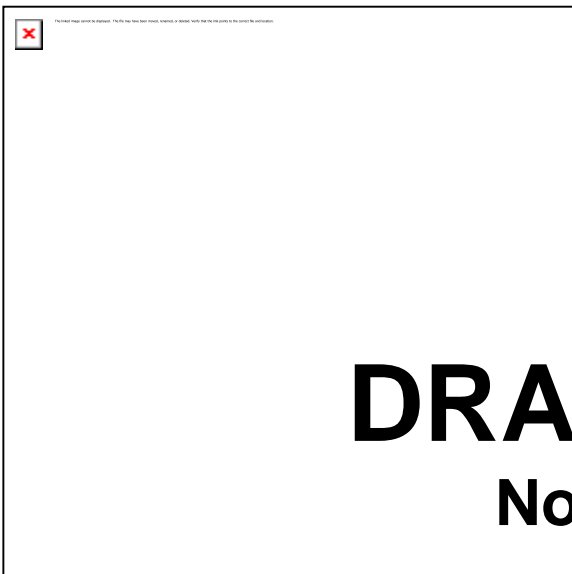
Reason: In the interests of enhancing biodiversity and the ecology of the Broadmarsh Centre in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

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

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

Pre-occupation conditions

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



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

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

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

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

15. The approved landscaping scheme for Drury Walk approved under Condition 8 shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any plants which die, are removed, or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

16. Any approved Class A3, Class A4 or Class A5 use within the development shall not be brought into use until, if required, they have been fitted with a fume extraction and ventilation system. The system shall not be installed other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Reason: In the interests of the amenities of neighbouring residents and businesses and the visual amenity of the area, in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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



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17. The combined noise from any mechanical services, plant or equipment (including any air handling plant) specified to serve the development, and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time when the development is in use.

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

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

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

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

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

Standard condition- scope of permission

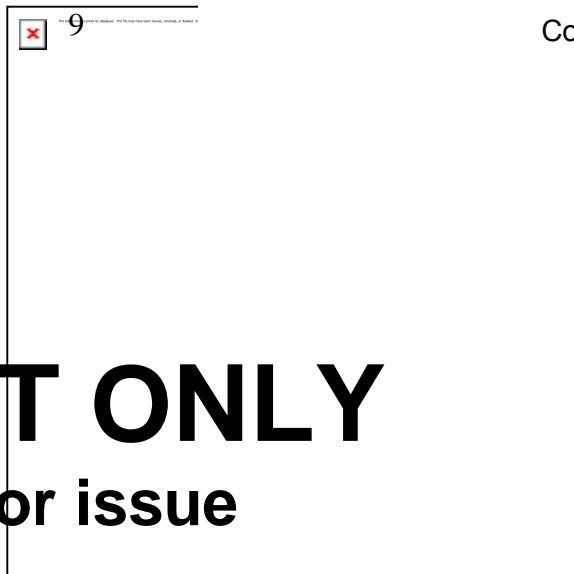
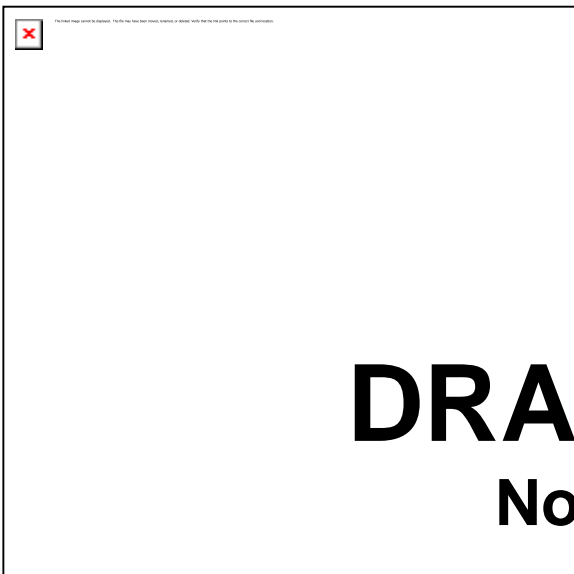
S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 7 April 2015.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what



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other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

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

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

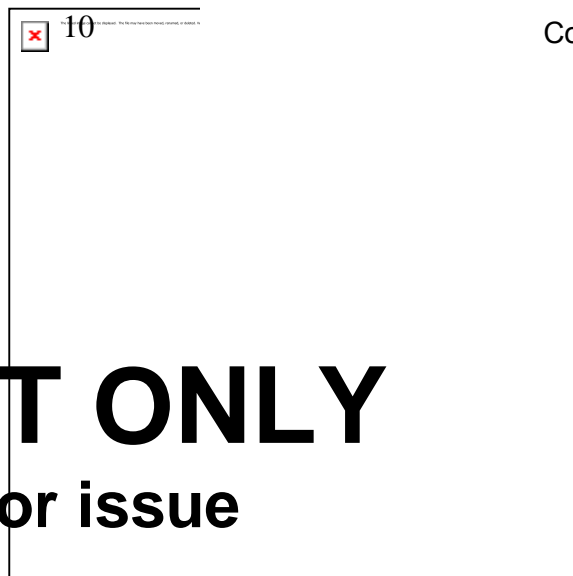
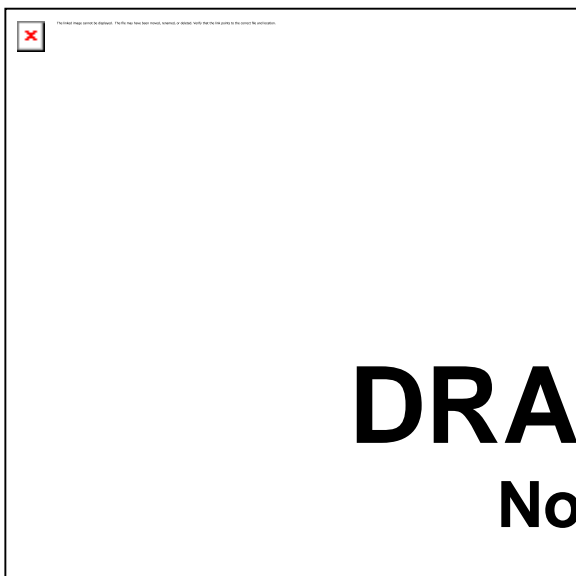
5. It is strongly recommended that ventilation systems are designed, installed and maintained by competent ventilation engineers. It is strongly recommended that ventilation systems include the following:

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

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

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

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



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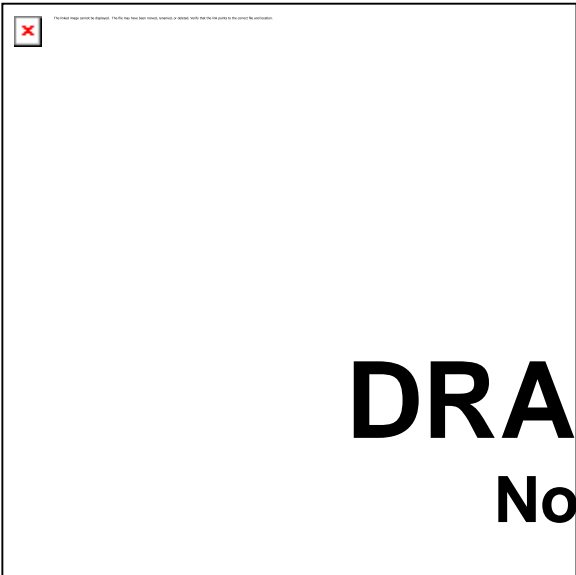
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8. The City Archaeologist shall be notified in advance of the demolition work associated with creating the north south pedestrian route to enable him to be afforded the opportunity to inspect the site. Contact details gordon.young@nottinghamcity.gov.uk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

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

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



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Not for issue

RIGHTS OF APPEAL

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

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

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

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

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

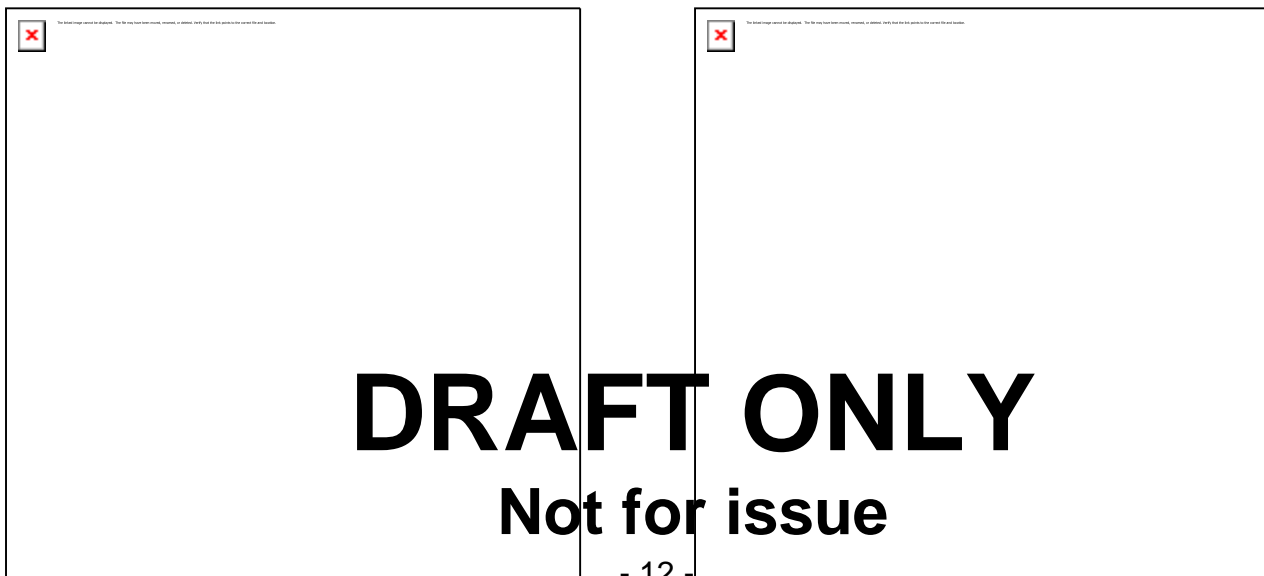
The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

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

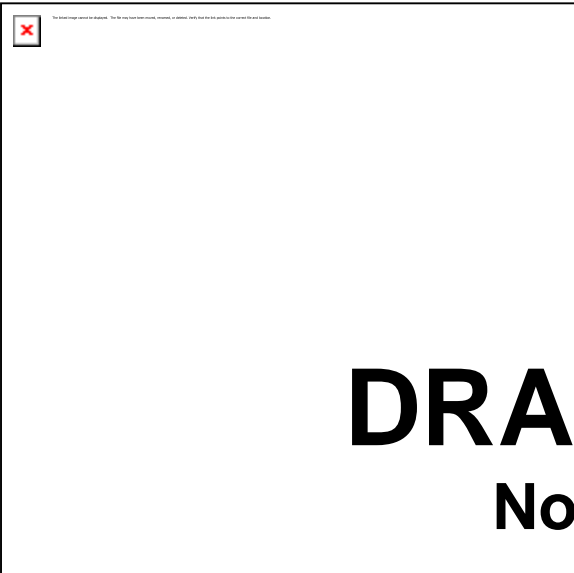
PURCHASE NOTICES

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

COMPENSATION



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



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