

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at LB31-32 - Loxley House, Station Street, Nottingham, NG2 3NG on 17 June 2015 from 14.00 - 15.50

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold
Councillor Azad Choudhry
Councillor Alan Clark
Councillor Michael Edwards
Councillor Rosemary Healy
Councillor Toby Neal
(minutes 6-10)
Councillor Sally Longford
Councillor Brian Parbutt
Councillor Wendy Smith
Councillor Malcolm Wood
(minutes 6-9, 11)
Councillor Steve Young

Absent

Councillor Graham Chapman
Councillor Gul Nawaz Khan
Councillor Linda Woodings

6 APOLOGIES FOR ABSENCE

Councillor Graham Chapman – Other Council business
Councillor Linda Woodings – work commitments

7 DECLARATIONS OF INTERESTS

Councillor Malcolm Wood declared an Other Interest in agenda item 4(b) 'Unit 2, the Picture Works', as a Nottingham City Council-appointed Director of Nottingham Racecourse Ltd. The applicant, DG Private Hire Ltd, is a sponsor at Nottingham race course. Councillor Wood withdrew from the meeting during consideration of this item.

Councillors Alan Clark and Michael Edwards declared an Other Interest in agenda item 4(a) 'Broadmarsh Centre, Lister Gate' as Nottingham City Council-appointed directors of Enviro-Energy Ltd, which did not prevent them from speaking or voting.

Councillor Chris Gibson declared an Other Interest in agenda items 4(a) 'Broadmarsh Centre, Lister Gate' and 4 (b) Unit 2 The Picture Works, as a Nottingham City Council-appointed member of the Nottingham Express Transit Project Board, which did not prevent him from speaking or voting.

8 MINUTES

The minutes of the meeting held on 27 May 2015 were agreed as a true record and they were signed by the Chair.

9 BROAD MARSH CENTRE, LISTER GATE

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 15/00950/PFUL3, submitted by Nathaniel Litchfield and Partners on behalf of Broadmarsh Retail Limited Partnership for:

- Part demolition, alteration and extension of Intu Broadmarsh shopping centre, including change of use and erection of new buildings to provide for uses within A1-A5 (shops, financial & professional services, restaurants & cafes, drinking establishments and hot food take-away), and D2 (assembly and leisure).
- Demolition of western pedestrian bridge and refurbishment of eastern bridge across Collin Street.
- Alterations to existing entrances on Collin Street, Lister Gate and Drury Walk.
- Creation of new entrance on Middle Hill and other ancillary works and operations.

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

During discussion, the Committee made the following points:

- (a) there was strong support for the proposals, with the Committee recognising the efforts of City Council colleagues in negotiating amendments and improvements to the scheme. It was recognised that much time had passed since outline planning permission was originally granted in November 2000 and there was a strong desire for the Broadmarsh Centre to be redeveloped;
- (b) the look of the new proposed southern entrance was praised, as was the creation of the new Drury Walk and its mix of traditional and modern architectural styles;
- (c) the arch entry at Lister Gate was praised, but it was suggested that the proposed bronze colour needed further consideration;
- (d) several councillors were disappointed that the proposals did not include improvements to Severns House;
- (e) a councillor suggested that the retained footbridge should be made as attractive as possible;
- (f) a councillor questioned the suitability of proposed seating on Drury Walk for elderly citizens, and indeed elsewhere in the Centre;
- (g) councillors suggested including reference to the area's historical heritage within design details. Suggestions included the literary work of Abigail Gawthorn and referencing that there was at one time a monastery on the site;
- (h) several councillors also highlighted the importance of promoting the City Caves within the scheme;

- (i) Councillor Edwards expressed concern about the width of the proposed north/south route through the Centre, and proposed the following motion 'To explore further the widening of the street between Lister Gate Square and Collin Street in recognition of the significance of the route for pedestrians and others travelling north and south'. When put to the vote, the motion was defeated by 12 votes to 1.

RESOLVED to

- (1) **grant planning permission for the reasons set out in the report and update sheet, subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and update sheet;**
- (2) **delegate power to determine the final details of the conditions of planning permission to the Head of Development Management and Regeneration.**

10 UNIT 2, THE PICTURE WORKS

The Chair agreed to a request from a member of the public to record consideration of this item, in line with Nottingham City Council's Guidance on Responding to Requests to film, Record and/or Photograph Public Meetings.

Councillor Malcolm Wood declared an Other Interest in this item as a Nottingham City Council-appointed Director of Nottingham Racecourse Ltd. The applicant, DG Private Hire Ltd, is a sponsor at Nottingham race course. Councillor Wood withdrew from the meeting during consideration of this item.

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 15/00925/PVAR3, submitted by Mr Kevin Rowland on behalf of DG Private Hire Ltd for variation of condition 1 of planning permission 13/01945/PFUL3 for continued use as a taxi office until December 2016.

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

During discussion, a councillor highlighted the importance of retaining free flow of traffic on Queen's Road. He noted that approval of the application would allow for continuing assessment of the impact of the use as a taxi office, importantly once NET trams were operational in the area, on vehicular traffic flow.

RESOLVED to

- (1) **grant planning permission for the reasons set out in the report, subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**

- (2) **delegate power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission to the Head of Development Management and Regeneration.**

Legal/Governance Officer Note: Following the meeting, it was established that the report recommendation was incorrect, in that there was no Planning Obligation within the report. It is proposed to amend resolution 10(2) to remove reference to the Planning Obligation when the Committee confirms the minutes of the June 2015 meeting.'

11 **SITE OF SOCIETY LINEN AND ELECTRICITY SUB-STATION, DALESIDE ROAD**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on applications 15/01104/PFUL3, 15/01105/PFUL3, 15/01039/PVAR3 and 15/01042/PVAR3, submitted by Signet Planning Ltd on behalf of Cedar House Investments, for a new drive-through café and associated works, a retail unit with mezzanine floor (revision to hybrid planning permission reference 14/01140/POUT), variation of conditions 16 and 17 of outline planning permission 14/01140/POUT (relating to combined size and number of retail units) and variation of condition S1 of outline planning permission reference 14/01140/POUT (reduced size of retail terrace and raised elevations).

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

Mr Poole explained that the new planning applications were for a drive-through café, intended for occupation by Costa, with additional car parking, a revised unit within the retail terrace, to meet the needs of the intended occupier (Smyths Toys), and variations to the existing permission to allow for reconfigured floor space to meet market demand for larger units.

During discussion, the Committee made the following points:

- (a) It was important to ensure that the robust planting scheme intended for the site was maintained on an ongoing basis. It was noted this was being secured through appropriate condition and High quality planting was being utilised on the scheme;
- (b) Economic viability remained a key consideration. It was noted that although the scheme was being established before the arrival of residential demand at the Waterfront site, the scheme was not expected to have an adverse effect on the City Centre shopping offer and had been subject to a thorough viability assessment.

RESOLVED

- (1) **In respect of Application Number 15/01104/PFUL3:**

- (a) subject to prior completion of a Section 106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site:

grant planning permission for subject to the indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 1 to this report;

- (b) delegate power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to the Head of Development Management and Regeneration;
- (c) that councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:
- (i) necessary to make the development acceptable in planning terms,
 - (ii) directly related to the development and
 - (iii) fairly and reasonably related in scale and kind to the development.
- (d) that Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

(2) In respect of Application Number 15/01105/PFUL3

- (a) subject to prior completion of a Section 106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site:

grant planning permission for subject to the indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 2 to this report;

- (b) delegate power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to the Head of Development Management and Regeneration;
- (c) that councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:
- (i) necessary to make the development acceptable in planning terms,
 - (ii) directly related to the development and
 - (iii) fairly and reasonably related in scale and kind to the development.

- (d) that Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

(3) In respect of Application Number 15/01039/PVAR3:

- (a) subject to prior completion of a Section 106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site:

grant planning permission subject to the conditions imposed on planning permission 14/01140/POUT, subject to modified conditions 16 and 17 as set out in the report;

- (b) delegate power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to the Head of Development Management and Regeneration;
- (c) that councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:
 - (i) necessary to make the development acceptable in planning terms,
 - (ii) directly related to the development and
 - (iii) fairly and reasonably related in scale and kind to the development.

- (d) that Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

(4) In respect of Application Number 15/01042/PVAR3:

- (a) subject to prior completion of a Section 106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site:

grant planning permission subject to the conditions imposed on planning permission 14/01140/POUT, subject to modified condition S1 as set out in the report;

- (b) delegate power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to the Head of Development Management and Regeneration;
- (c) that councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:
 - (i) necessary to make the development acceptable in planning terms,

- (ii) directly related to the development and
 - (iii) fairly and reasonably related in scale and kind to the development.
- (d) that Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010;
- (5) having granted planning permission in respect of applications 15/01039/PVAR3 and 15/01042/PVAR3, to
- (a) delegate power to the Head of Development Management and Regeneration to issue a combined planning permission, subject to:
 - (i) the indicative conditions substantially in the form of those referred to in resolutions 3 and 4 above;
 - (ii) prior completion of a section 106 planning obligation which shall include a financial contribution of £60,000 towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connection to the site;
- (b) delegate power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to the Head of Development Management and Regeneration;
- (c) that councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:
 - (i) necessary to make the development acceptable in planning terms,
 - (ii) directly related to the development and
 -) fairly and reasonably related in scale and kind to the development.
- (d) that Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.