

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Broad Marsh Centre, Lister Gate

1 SUMMARY

Application No: 15/00950/PFUL3 for planning permission

Application by: Nathaniel Lichfield & Partners on behalf of Broadmarsh Retail Limited Partnership

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 Gate and Drury Walk. Creation of new entrance on Middle Hill and other ancillary works and operations.

2 RECOMMENDATIONS

2.1 **GRANT PLANNING PERMISSION** for the reasons set out in this report, the report to the meeting of Planning Committee on 17th June 2015 and the update sheet to that earlier report, subject to the conditions listed in the revised draft decision notice at the end of this report.

2.2 Subject to 2.1, rescind the resolution of this Committee on 17th June 2015 to grant planning permission subject to the conditions listed in the draft decision notice appended to the June 2015 report (minute 9).

3 CURRENT POSITION

2.1 Councillors will recall that this proposal was considered by Planning Committee at its meeting on 17th June 2015 when it was resolved to grant conditional planning permission, with the final details of the conditions of the planning permission being delegated to the Head of Development Management and Regeneration. The report to June Planning Committee and the update sheet for that meeting is appended for information.

2.2 The planning permission has not yet been issued and since June officers have maintained a close dialogue with the applicant to ensure that the planning permission to be issued is in accordance with best practice and to better understand the needs of the applicant to enable the timely delivery of the scheme. The wording of all the proposed planning conditions has been reviewed. Whilst the

final detailed wording of a number of these have been amended by agreement under the delegation granted to the Head of Development Management by the decision of the Committee in June three of the proposed conditions now require change which is beyond the scope of the delegated power.

- 2.3 This report is brought to Committee to specifically consider these three conditions. They relate to the pedestrian access to the Caves of Nottingham, the control of non Class A1 uses in the Centre and the materials to be used along the north/south route from Collin Street to Lister Gate. The numbering below relates to the conditions contained in the original draft decision notice which was appended to the June 2015 report.

3 APPRAISAL

Condition 6 (b) and (c)

- 3.1 Draft condition 6 (b) and (c) required the submission and approval of details the surface materials and elevational treatment of the north/south route and Lister Gate Square. The applicant has significant concerns about the impact the current wording of the condition would have upon the immediate and future letability of the units in this part of the centre.

- 3.2 The suggestion is that the alternative wording should be in the form of a new condition as follows:

“The following design principles shall be adhered to:

- (a) Along the north/south route and within Lister Gate Square the surface materials shall, as far as practical, complement the surrounding public realm;
- (b) Along the north/south route the elevational treatment of the units shall represent the appearance of external buildings”.

- 3.3 There is a wish to ensure the co-ordinated delivery of investment in the public realm within the Broadmarsh Centre with the improvements planned for Collin Street and Carrington Street although it is also recognised that these are two independent projects. The applicant has confirmed that the materials to be used will be to an external specification, as illustrated in the planning application. The concerns in relation to the wording of this condition as originally drafted as set out in para 3.1 are acknowledged. It is considered that the revised wording set out above remains sufficient to ensure that the quality of the north/south route will be appropriate whilst also providing the applicant with the greater confidence sought.

Condition 7 (d)

- 3.4 Draft condition 7 (d) requires the submission and approval of details of the pedestrian access to the Caves of Nottingham. It is proposed that this be amended because as currently drafted there is a concern that it would hinder the ability of the applicant and the Caves operator to agree a commercially viable entrance to the Caves. The suggestion is that the alternative wording should be in the form of a new condition as follows:

“Prior to works commencing on the upper mall level, details of a strategy for the promotion of the Caves of Nottingham, including the entrance point, shall be submitted to the Local Planning Authority.”

- 3.5 The original reason for imposing this condition was to ensure that the opportunity presented by the development proposals to enhance the potential of the Caves of Nottingham as a visitor attraction is secured. It is clear from discussions with the applicant that the potential of the Caves is fully recognised and supported and they have had constructive dialogue with the Caves operator already. The revised wording of the condition as set out above would not require approval by the local planning authority but it is considered that this is an acceptable compromise which would ensure that this issue is given sufficient prominence. The revised condition is now re-numbered 12 in the draft decision notice attached.

Condition 19

- 3.6 Draft condition 19 sought control over the change of use of any unit in the Centre from Class A1 retail use (other than those already shown as non Class A1 use on the submitted floor plans) by requiring a separate planning application to be submitted. The aim was to ensure a balanced mix of uses within the Centre and the current north/south shopping pattern via Lister Gate Square be maintained and to reinforce the retail uses on Bridlesmith Gate.
- 3.7 The applicant has requested the removal of this condition, explaining that having to apply for planning permission for any non Class A1 use, where that non A1 use is now allowed under permitted development rights, within the Centre would cause uncertainty and delay during the letting process. This would put the Broadmarsh Centre at a significant disadvantage by making it less flexible, less marketable and less deliverable by introducing controls which do not exist elsewhere in the City Centre which could affect its' vitality and viability.
- 3.8 There is an effective lettings strategy in place which provides reassurance and following discussions in detail to fully understand this, the expected demand and rental values of the units within the Centre and the implications of this condition it is agreed that it can be removed as this control is not necessary to maintain the viability and vitality of the City Centre. This approach is felt to accord with best practice by undertaking dialogue with the applicant to properly understand the impact of planning conditions on the deliverability of a scheme and limiting their use to only where this is necessary.

4 FINANCIAL IMPLICATIONS

None.

5 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Whilst the Council has various interests and aspirations for the site and this development, the Committee should reach its decision based on planning considerations and compliance with the development plan. Other Council policies and interests should only be afforded weight if they are material planning considerations. Should legal considerations arise these will be addressed at the meeting.

6 EQUALITY AND DIVERSITY IMPLICATIONS

None.

7 RISK MANAGEMENT ISSUES

None.

8 STRATEGIC PRIORITIES

Working Nottingham -providing job opportunities and economic growth

9 CRIME AND DISORDER ACT IMPLICATIONS

None.

10 VALUE FOR MONEY

None.

11 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 15/00950/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NM7Y7ULYCB000>

12 Published documents referred to in compiling this report

Greater Nottingham Aligned Core Strategy (2014)

Nottingham Local Plan (November 2005)

National Planning Policy Framework (2012)

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