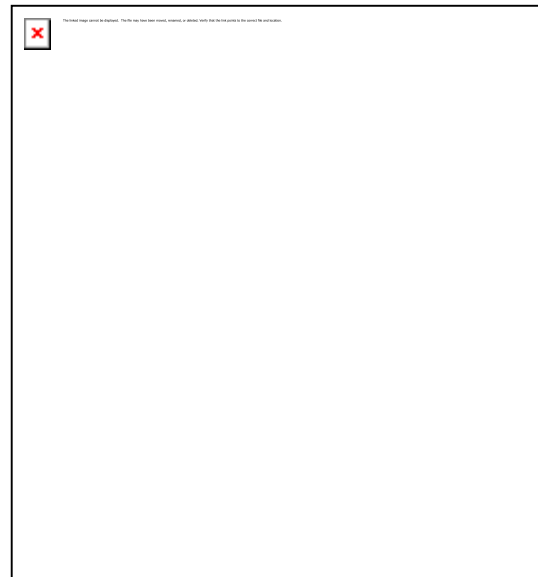


**My Ref:** 15/00950/PFUL3 (PP-04070526)

**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

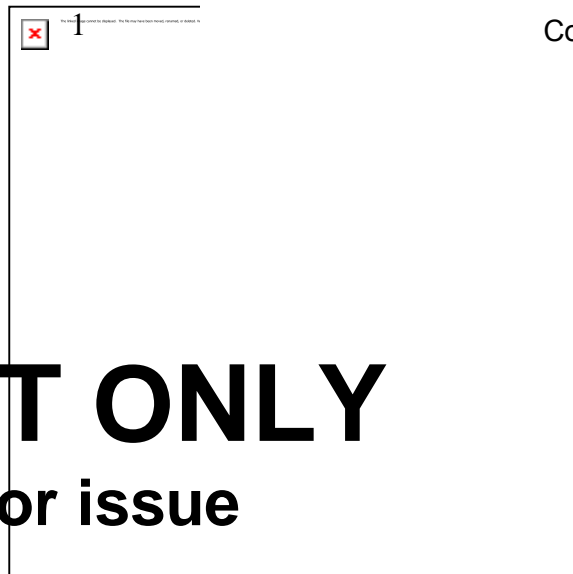
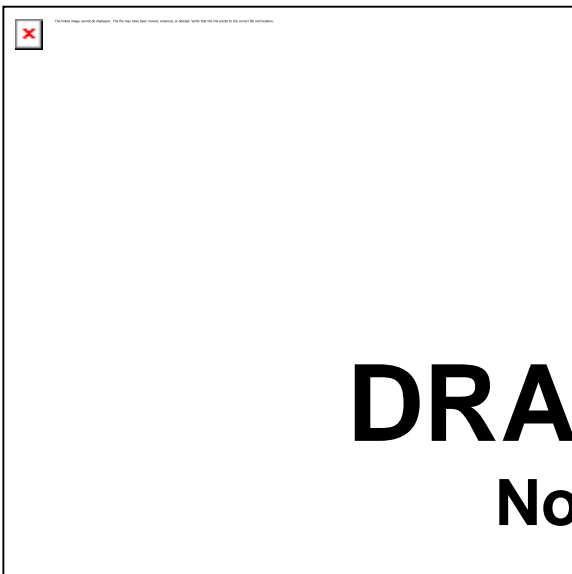
Nathaniel Lichfield & Partners  
Mr Matthew Williams  
14 Regent's Wharf  
All Saints Street  
London  
London  
N1 9RL  
United Kingdom

Date of decision:

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

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**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



Continued...

**DRAFT ONLY**  
**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.*



2

Continued...

**DRAFT ONLY**  
**Not for issue**

3. If, during development involving the breaking of ground, contamination not previously identified is found to be present at the site, no further development in the area relating to the breaking of ground shall be carried out until a remediation strategy has been to and approved in writing by the Local Planning Authority. The remediation strategy shall then be implemented as approved.

*Reason: The site is underlain by superficial deposits of alluvium in the south of the site. The underlying solid geology is the Nottingham Castle Sandstone, classified by the Environment Agency as a Principal aquifer, and the protection of the groundwater is therefore important in accordance with Policy NE10 of the Local Plan.*

4. No development on the Drury Walk element of the development shall commence until a detailed surface water drainage scheme for this element of the development, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development for the Drury Walk part of the development, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the green roof on the Drury Walk retail units. 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.*

5. 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.*



3

Continued...

**DRAFT ONLY**  
**Not for issue**

6. 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.*

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

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.*

8. 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.

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

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of the visual amenity of the area in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.*



**DRAFT ONLY**  
**Not for issue**

9. 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 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.*

10. 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.*

11. 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.*



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**DRAFT ONLY**  
**Not for issue**

12. 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.

*Reason: To ensure that the potential of the Caves of Nottingham as a visitor attraction is met in accordance with Policy 5 of the Aligned Core Strategy.*

13. No development shall be commenced, with the exception of demolition and remedial works, until details of the green roof on Drury Walk, including a management plan for its' future maintenance has been submitted to and approved in writing by the Local Planning Authority:

The green roof shall be implemented in accordance with the approved details before the Drury Walk part of 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.*

14. 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 for the new build elements of Drury Walk and the cinema have 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)

15. The sustainable measures approved under Condition 14 shall be implemented and operational before the new build elements of Drury Walk and the cinema are 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.*

16. Unless otherwise agreed in writing toilet facilities, including disabled toilets, shall be provided within the Centre until such time as the new toilets, including a Changing Places facility, have been provided in accordance with details which shall be 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.*



**DRAFT ONLY**  
**Not for issue**

17. 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.*

18. In the eventuality that Collin Street has not been pedestrianised, prior to the closure of the pedestrian subway between the Broadmarsh Centre and Carrington Street, the existing build out to the north of Collin Street shall be extended to the east in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of pedestrian safety along Collin Street in accordance with Policy T3 of the Local Plan.*

19. No part of the development shall be brought into use until an additional covered staff cycle parking has been provided, the details of which shall first have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To promote sustainable travel in accordance with Policy T3 of the Local Plan.*

20. One month prior to the occupation of the development, a Travel Plan covering the Broadmarsh Centre shall be submitted to and approved in writing by Local Planning Authority. As a minimum the Travel Plan shall contain the results of the 2015 staff travel survey. The Plan shall thereafter be implemented at all times when the Centre is operational in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of sustainable travel in accordance with Policy T3 of the Local Plan.*

**Regulatory/ongoing conditions**

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



**DRAFT ONLY**  
**Not for issue**

21. 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.*

22. The following shall be open at all times:

(a) The north-south pedestrian route through the development connecting Lister Gate and Collin Street;

(b) The Drury Walk open street.

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

23. Within the north/south route and Lister Gate Square the following design principles shall be adhered to:

(a) the surface materials shall complement the surrounding public realm;

(b) the elevational treatment of the north/south pedestrian route shall present the appearance of external buildings.

*Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area and in accordance with Policies 5 and 10 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 following drawings/documents:

- Drawing reference BNY-SA-08-0002 B00
- Drawing reference BNY-SA-08-0003 B00
- Drawing reference BNY-SA-08-1002 B00
- Drawing reference BNY-SA-08-1003 B00
- Drawing reference BNY-SA-08-2002 B01
- Drawing reference BNY-SA-08-2003 B00
- Drawing reference BNY-SA-08-3002 B01
- Drawing reference BNY-SA-08-3003 B00
- Drawing reference BNY-SA-08-4002 B01



**DRAFT ONLY**  
**Not for issue**

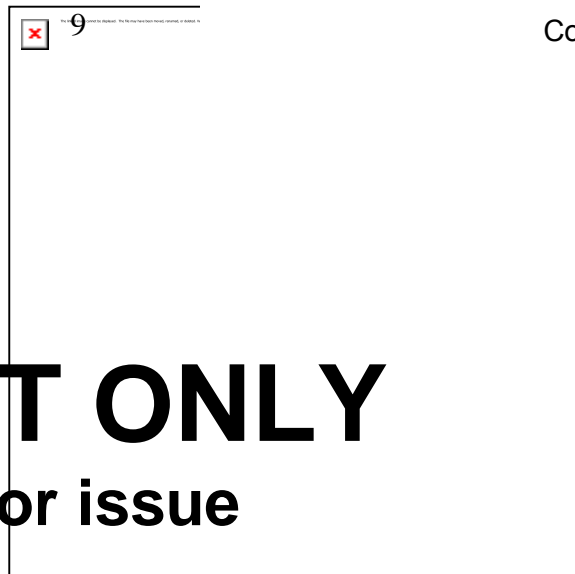
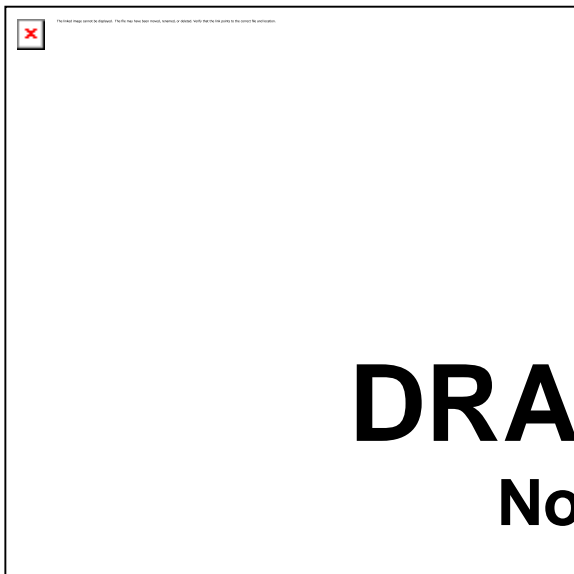


Drawing reference BNY-SA-08-4003 B00  
Drawing reference BNY-SA-08-5002 B01  
Drawing reference BNY-SA-08-6002 B01  
Drawing reference BNY-SA-08-LL06 B01  
Drawing reference BNY-SA-08-LL07 B01  
Drawing reference BNY-SA-08-LL08 B01  
Drawing reference BNY-SA-08-LL09 B01  
Drawing reference BNY-SA-08-LL10 B00  
Drawing reference BNY-SA-08-LL15 B00  
Drawing reference BNY-SA-08-LL16 B00  
Drawing reference BNY-SA-08-LL17 B00  
Drawing reference BNY-SA-08-LL18 B00  
Drawing reference BNY-SA-08-LL20 B01  
Drawing reference BNY-SA-08-LL21 B01

*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. Temporary and permanent Traffic Regulation Orders will be required during the construction process and for the life of this development site. These have separate legal processes and the Orders can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the processes to be completed; please contact Traffic Management on 0115 876 5245 to instigate the process.
4. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. 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.



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**DRAFT ONLY**  
**Not for issue**

5. Planning consent is not consent to work on the highway. To carry out the permanent and temporary off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd)

6. In order to enable the development to be carried out it will be necessary to stop up (permanently close) the footpath running through the Centre between Lister Gate and Collin Street and the pedestrian subway running from the Centre to Carrington Street. These are separate legal processes and the applicant is advised to liaise in the first instance with John Lee, Senior Public Rights of Way Officer on 0115 876 5246.

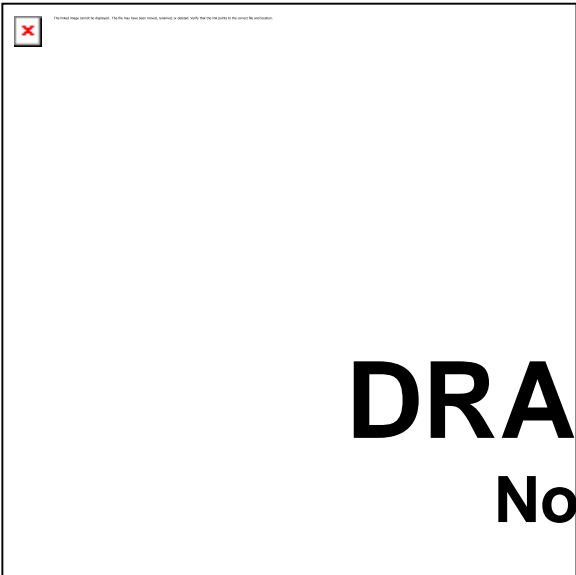
7. It is strongly recommended that ventilation systems are designed, installed and maintained by competent ventilation engineers. It is strongly recommended that ventilation systems include the following:

- 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.

8. . 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/>

9. 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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**Not for issue**

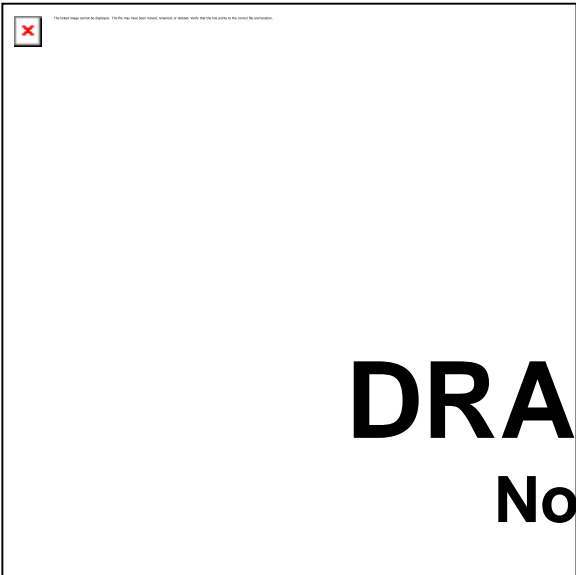
10. The City Archaeologist shall be notified in advance of the demolition work associated with creating the north south pedestrian route to enable him to be afforded the opportunity to inspect the site. Contact details [gordon.young@nottinghamcity.gov.uk](mailto:gordon.young@nottinghamcity.gov.uk) 0115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

11. 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).

12. The trailing snapdragon (*Asarina procumbens*) population in the area referred to as No Man's Land is of botanical and historical importance. It is therefore recommended that a further survey of this area be undertaken to establish distribution and abundance of the plant and that you consider the possibilities for the enhancement of this area, possibly working with a local partner.

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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**DRAFT ONLY**  
**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](http://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.

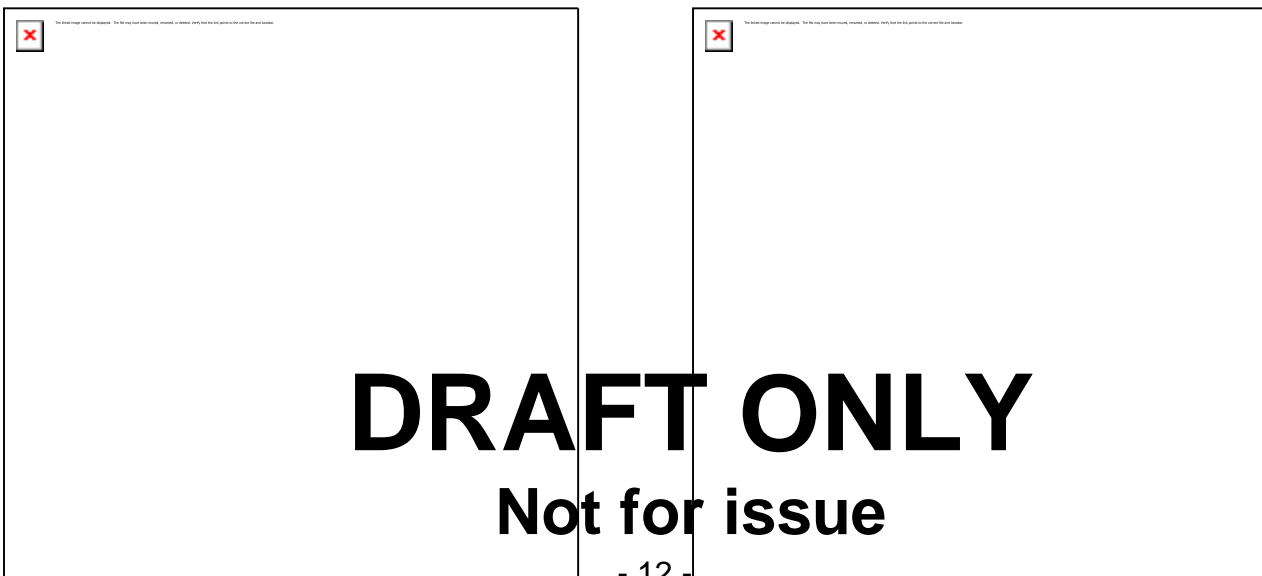
The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

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.

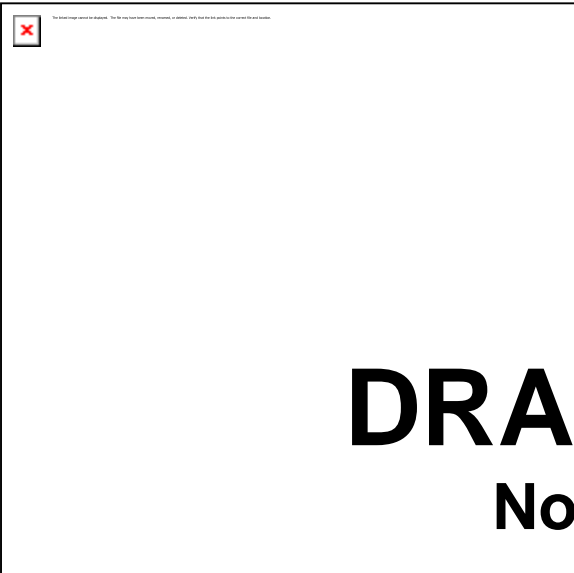
## PURCHASE NOTICES

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.



**DRAFT ONLY**  
**Not for issue**