

Report of the Chief Executive

APPLICATION NUMBER:	21/00027/REG3
LOCATION:	2 Station Road, Beeston, NG9 2WJ
PROPOSAL:	Construct mezzanines within Units 1 and 2/3

The application is brought to the Committee as the Council is the applicant.

1 Executive Summary

- 1.1 Two mezzanines, with a total floor area of 341m², within two of the recently constructed commercial ground floor units in the cinema and commercial (Classes A1-A5) complex granted planning permission in September 2018, are proposed. Following the amendments to the Use Classes Order in September 2020, the cinema (previously Class D2 Assembly and leisure) is now classed as sui generis ('in a class of its own') as are uses previously within Classes A4 (drinking establishments) and A5 (hot food takeaways) and uses within Classes A1-A3 (retail, financial and professional services and restaurants/café) are now within Class E.
- 1.2 Permission is required for the mezzanines because the ground floor commercial units are yet to be first occupied so do not benefit from any permitted development rights (internal alterations are generally permitted development except mezzanine floors which increase the floor space of retail premises by more than 200 square metres). The site is within Beeston town centre where retail development and main town centres uses are generally supported by planning policy.
- 1.3 The benefits of the proposal are increasing the floor space of existing units within the town centre which makes efficient use of land in a sustainable location. There are considered to be no negative impacts so on balance, the scheme is considered to be acceptable.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

Appendix 1

1 Details of the Application

- 1.1 The application proposes the insertion of mezzanine floors with a floor space of 105m² within unit 1 and 236m² within units 2-3. Both mezzanines would be set towards the rear of the commercial units which have a total floorspace of 1353m². The units have permission to be used for uses falling within the former 'A' use class (revoked on 1 September 2020). From 1 August 2021, the units will benefit from permitted development rights applicable to uses falling within the new Class E (including retail, financial and professional services, restaurants and cafés) and any rights for drinking establishments and hot food takeaways (sui generis uses). As the units are yet to be first occupied, they do not benefit from any permitted development rights (internal alterations are generally permitted development except mezzanine floors which increase the floor space of retail premises by more than 200 square metres – so units 2-3 would likely not benefit from such rights in any case).

2 Site and surroundings

- 2.1 The mezzanines are proposed within the ground floor unit beside Station Road (unit 1) and the larger central ground floor units (units 2 and 3). There are two other units forming the ground floor of the recently constructed flat roofed building which has the cinema above.
- 2.2 The building is located within Beeston town centre and is largely light grey brick slips with vertical green glazed brick features and strip lights. The ground floor is predominantly glazed. The public realm, which includes seating and landscaping, has been installed to the south east of the building with 1.8m high black mesh fencing on its south eastern boundary. 1.8m high security fencing is located to the south west of the building and beside Station Road to the north east. There are some storage containers on the land to the south east of the public realm and then a Council car park is located beyond to the south east, accessed from Station Road but consent exists for 132 apartments on this site, with a five storey block proposed adjoining the public realm to the immediate south east of the cinema building.
- 2.3 The land slopes down from north west to south east so Middle Street is approximately 2-2.5m lower than the site. To the immediate south west of the site is the bus and tram interchange on Styring Street with four-five storey apartments beyond, some of which are located within the Beeston West End Conservation Area. Beyond these apartments, to the north west, is St John the Baptist's church (Grade II listed) and churchyard. There are two other Grade II listed buildings within this area – the Crimean war memorial and Village Cross (both located on Church Street).
- 2.4 The two storey B & M retail unit forms the north western site boundary, with other retail/commercial units in Beeston town centre beyond. Station Road adjoins the north eastern site boundary with a pedestrian crossing leading to the two storey brick and timber clad Tesco store with adjacent car park. Beyond the residential

site to the immediate south east, there are commercial and residential properties fronting Middle Street.

3 Relevant Planning History

- 3.1 In 2017, planning permission (17/00498/FUL) was granted to use the site for outdoor events of more than 28 days duration (e.g. Beeston Beach), including installation of temporary structures.
- 3.2 A hybrid planning application (18/00360/FUL) for a mixed use development on the site and land to the south east, including a cinema, commercial units and residential units, was granted permission in September 2018.
- 3.3 Advertisement consent (18/00496/ADV) for two large format signs and two banner signs (relating to the proposed development/sale of the larger site) was also granted in September 2018.
- 3.4 Reserved matters approval for 132 apartments and a flexible use commercial unit was issued in May 2020 (19/00816/REM) in relation to the land to the immediate south east of the site.
- 3.5 Advertisement consent for signage on the cinema was granted in December 2020 (20/00657/ADV).

4 Relevant Policies and Guidance

4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 6: Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment

4.2 Part 2 Local Plan 2019:

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 10: Town Centre and District Centre Uses
- Policy 11: The Square Beeston
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 23: Proposals affecting Designated and Non-Designated Heritage Assets

4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.

- Section 7 – Ensuring the vitality of town centres.
- Section 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.
- Section 16 – Conserving and enhancing the historic environment.

5 Consultations

- 5.1 **Council's Regeneration & Town Centres Officer:** comments awaited
- 5.2 **Council's Environmental Health Officer:** no objections.
- 5.3 **Nottingham Express Transit (NET):** as work is internal, no comments.
- 5.4 **Nottinghamshire County Council as highway authority:** no objections.
- 5.5 28 properties either adjoining or opposite the site were consulted and 2 site notices were displayed. No responses were received.

6 Assessment

- 6.1 The main issue for consideration is the impact of the proposed additional floor space on Beeston town centre.
- 6.2 **Principle**
- 6.2.1 The site is allocated for a mixed use, retail-led development in the Part 2 Local Plan (Policy 11) with no floor space restriction specified so the principle of additional floor space (to that approved under planning permission reference 18/00360/FUL) is considered to be acceptable.
- 6.2.2 Policy 10 of the Part 2 Local Plan (P2LP) confirms planning permission for 'main town centre uses' on upper floors in the town centre will be granted. The NPPF defines 'main town centre uses' as *retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)*. Policy 11 of the P2LP places an emphasis on viable uses within the development to encourage a vibrant evening economy.
- 6.2.3 Following amendments made to the Use Classes Order last year, the commercial uses that could occupy the mezzanine include all those within Class E which includes retail, restaurants and cafés, financial and professional services, other appropriate services in a commercial, business or service locality, indoor sport, recreation or fitness, medical or health services, creche, day nursery or day centre, uses which can be carried out in a residential area without detriment to its amenity, offices to carry out any operational or administrative functions, research and development of products or processes and industrial processes. Accordingly, this class covers a wide range of uses but it is considered that as the site is within the town centre, and the mezzanines will be located within a self-contained building,

there is no need to restrict permitted development rights relating to the use class of the mezzanines.

- 6.2.4 It is envisaged the mezzanines could be used for additional seating areas for restaurant/café uses or additional retail or storage space for retail units. The additional floor space proposed is intended to make the use of the building more flexible for potential occupants. Flexibility is considered to be key to aiding the recovery of the town centre post pandemic. The mezzanine floor space will have a resultant positive impact on the vitality and viability of Beeston town centre if its inclusion means the units can be let. Customers will be attracted to the new units and it is anticipated, footfall increase in the wider town centre would accordingly result.

6.3 Design and Heritage

- 6.3.1 As the application relates to the creation of internal floor space, there are no external design changes to consider as the exterior appearance of the building will not be affected. There will therefore be no impact on the nearby heritage assets or the external appearance of the building.

6.4 Amenity

- 6.4.1 The relatively modest increase in floor space is considered to have no significant implications for neighbouring amenity, particularly given the town centre location of the site.
- 6.4.2 The conditions relating to noise, outdoor seating and ventilation/filtration equipment on planning permission reference 18/00360/FUL remain applicable given the red line encompasses the entire building and public realm and will therefore be repeated.

6.5 Highways and NET

- 6.5.1 No changes are proposed to servicing arrangements (lay-by on Station Road). As the site is located within the town centre and immediately beside the bus/tram interchange, there are considered to be no highway/tram issues given the relatively modest internal floor space increase, the sustainable location of the site and the lack of objection from both NET and the County Council as highway authority.

7 Planning Balance

- 7.1 The benefits of the proposal are increasing the floor space of existing units within the town centre which makes efficient use of land in a sustainable location and the proposal according with Local Plan policy.
- 7.2 There are considered to be no negative impacts so on balance, the scheme is considered to be acceptable.

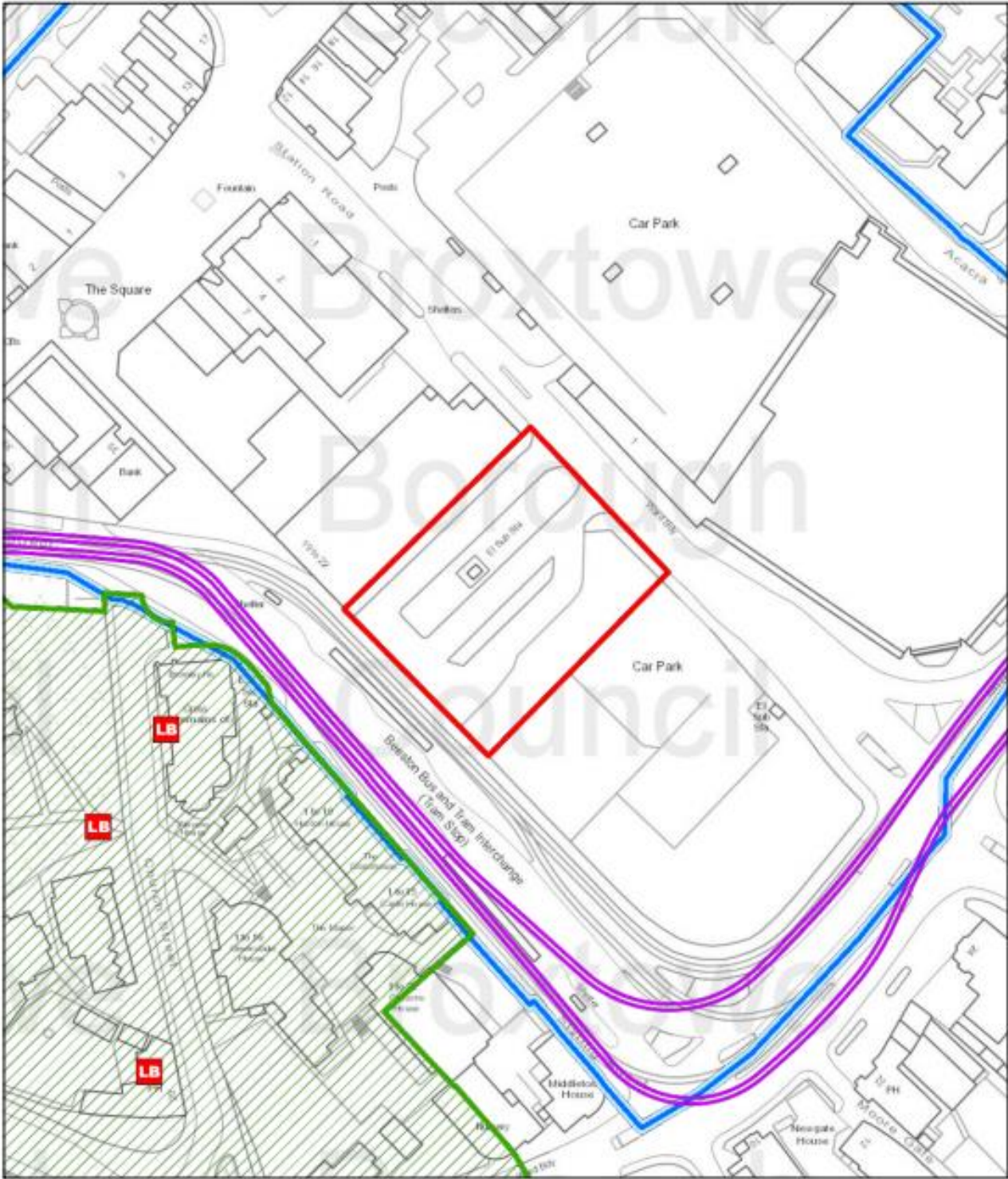
8 Conclusion

- 8.1 The additional floor space will provide greater flexibility for end users and will enable efficient use of land, supporting the vitality and viability of Beeston town centre. It will not give rise to highway safety or amenity concerns. It is recommended planning permission be granted subject to conditions as the application is considered to comply with Policies A, 6, 10 and 11 of the Aligned Core Strategy (2014), Policies 10, 11, 17, 19, 20 and 23 of the Broxtowe Local Plan 2019 and the National Planning Policy Framework.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings numbered BTC-LDA-XX-ZZ-M3-A-08 004 Rev A (Proposed Site Plan) and BTC-LDA-XX-ZZ-M3-A-08 001 Rev A (Red Line – Detailed Site) received by the local planning authority on 13.1.21 and 0576-LDA-XX-00M-DR-A-2010M Rev B (Phase 1 proposed ground mezzanine floor plan) and BTC-LDA-XX-ZZ-M3-A-08 200 Rev C (Proposed sections) received by the local planning authority on 20.1.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No ventilation and/or filtration equipment shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the commencement of the respective use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.</p> <p><i>Reason: To suppress and disperse odour created from food preparation operations in order to protect nearby residents from excessive odour and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
4.	Outdoor seating areas directly associated with the commercial uses shall not be used by customers except between the hours of

	<p>08:00-23:30 and outside these hours, chairs, tables and other furniture for the purpose of or associated with facilitating outdoor seating, shall be removed from the seating areas.</p> <p><i>Reason: To protect nearby residents from excessive operational noise and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
5.	<p>No amplification equipment shall be used externally and no live music shall be played externally at the site between 23.00 and 08.00 hours on any day.</p> <p><i>Reason: To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
6.	<p>No fixed plant, machinery or equipment shall be installed within the site until a noise report, including details of the acoustic specification of such fixed plant, machinery or equipment has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development.</p> <p><i>Reason: To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>The rating level resulting from the cumulative use of any plant, machinery or equipment shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive receptor.</p> <p><i>Reason: To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 19 of the Part 2 Broxtowe Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the eight-week determination timescale.
2.	Ventilation and filtration equipment may require planning permission.

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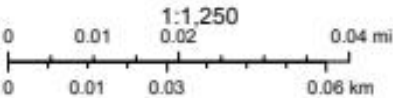


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-  Tram Route

 Site
-  Conservation Area

 Town Centre Boundaries
-  Listed Building



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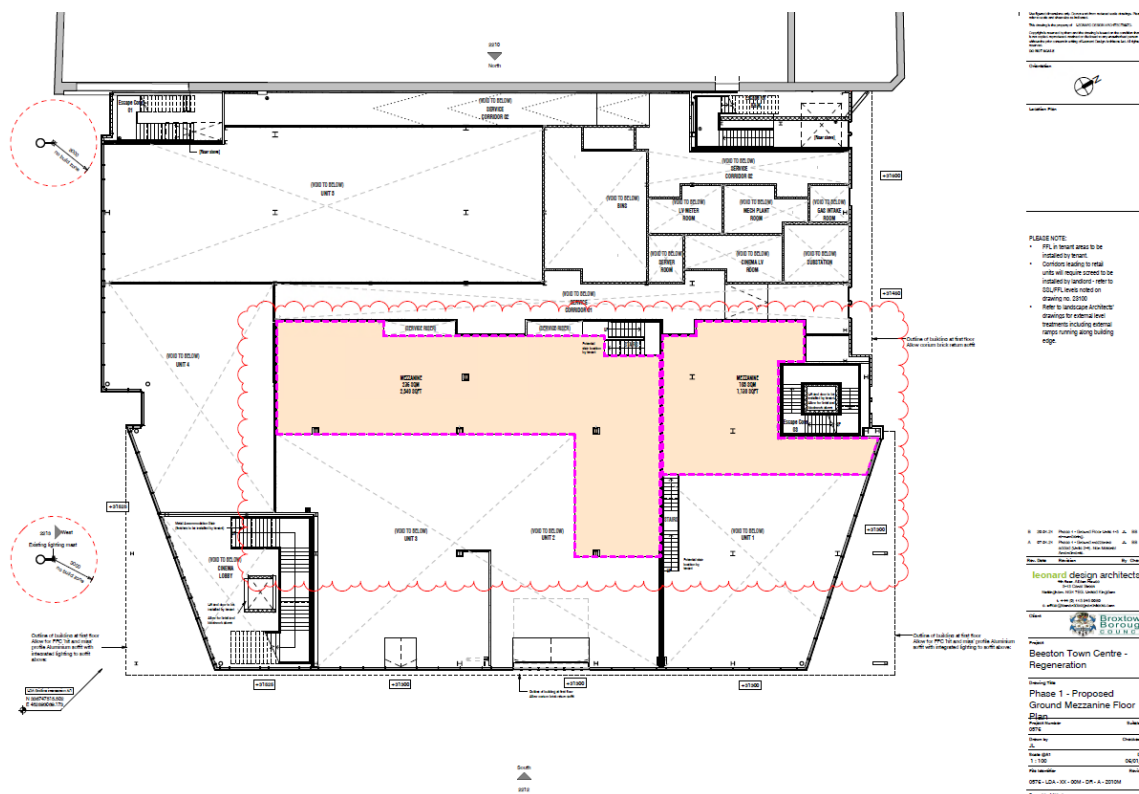
Photographs

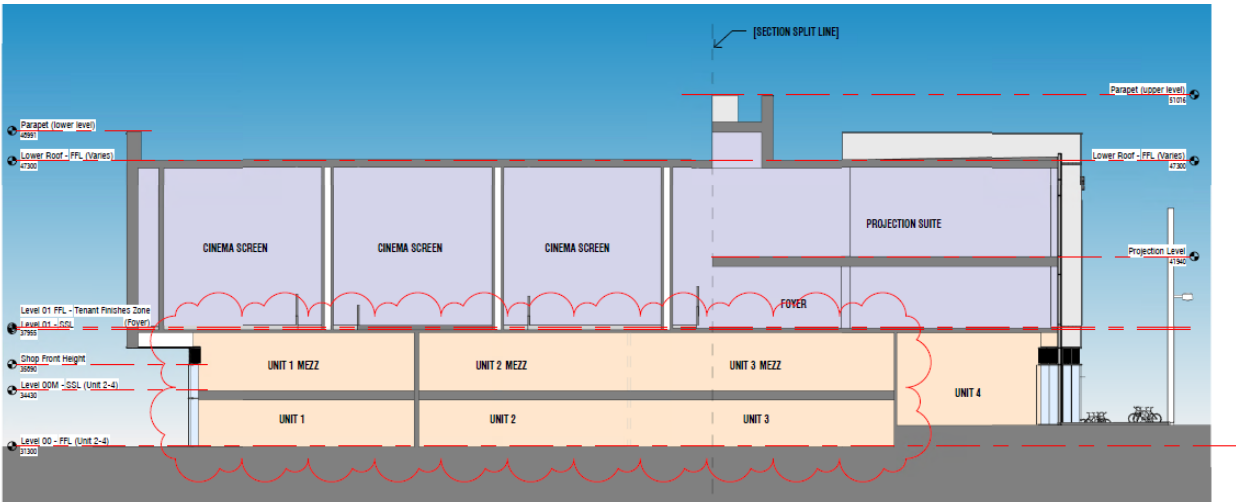


Building as viewed from south east



Plans (not to scale)





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