

Report of the Chief Executive

18/00360/FUL

**HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION TO CONSTRUCT CINEMA (CLASS D2) AND COMMERCIAL UNITS (CLASS A1 - A5) WITH ANCILLARY USES (PLANT, BIN STORES ETC.) AND PUBLIC REALM. OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT TO INCLUDE RESIDENTIAL DWELLINGS (CLASS C3) WITH CAR PARKING, COMMERCIAL UNITS (CLASS A1 - A5) AND ASSEMBLY AND LEISURE UNITS (CLASS D2) WITH ASSOCIATED ANCILLARY AREAS (PLANT AND BIN STORES ETC) (WITH ALL MATTERS RESERVED)
LAND SOUTH EAST OF B & M, STYRING STREET AND STATION ROAD, BEESTON**

This application is to be determined by the Committee as the Council is the landowner and applicant.

1 Details of the Application

1.1 This is a major hybrid planning application comprising two elements. Detailed (full) planning permission is sought for a 19.6m high building accommodating a seven screen cinema (650 seats) at first floor with four commercial units, the cinema lobby, outside seating areas, bin store and substation/plant room at ground floor. These commercial units could be occupied by any use falling within an 'A' Use Class i.e. A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) or A5 (hot food takeaways). A 9.8m wide area of public realm, with central seating areas and planting beds, would be provided to the south east of this building. On the site to the south east of the public realm, outline planning permission, with all matters reserved, is sought for a mixed use development to include dwellings, commercial units (falling within an 'A' Use Class) and assembly and leisure units (Class D2), together with associated parking and ancillary areas (plant and bin stores etc). An indicative number of 132 dwellings has been proposed.

1.2 The following supporting documents were submitted with the application:

- Design and access statement
- Noise and vibration assessment
- Flood risk assessment and sustainable drainage strategy
- Transport assessment
- Travel plan
- Ventilation and extraction statement
- Phase II Geo-environmental investigation
- Preliminary Ecological appraisal
- Energy and sustainability statement
- Design code (for the outline site)
- Viability appraisal.

1.3 During the course of the application, a revised Phase II Geo-environmental investigation and further information about the proposed landscaping was submitted.

2 Site and Surroundings

Photograph 1



Styring Street Site (B & M in background) Station Road (Tesco)

Photograph 2



Middle Street with Tesco in background

Photograph 3



Styring Street site Station Road

Photograph 4



Pedestrian crossing on Station Road

Photograph 5



Site viewed from St John the Baptist churchyard

- 2.1 The site has an area of 0.68 hectare and is located within Beeston town centre. 1.8m high black mesh fencing surrounds the majority of the site. The land slopes down across the site from north west to south east by approximately 2-2.5m. It was formerly occupied by a multi storey car park, bus station, fire station and some commercial units, all now demolished. Part of the site was used as a compound by NET during the construction of the tram tracks. Two council car parks are located towards the middle of the site, both accessed from a single access on Station Road. The north western part of the site is used for temporary events such as Beeston Beach and the south eastern portion of the site is vacant. Hardstanding covers the majority of the site. There are two substations on the site; one beside Station Road and the other towards the north western site boundary. Vehicular access to the site is only possible from Station Road. A pedestrian walkway runs parallel to the north western boundary of the application site.
- 2.2 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).
- 2.3 The largely blank south eastern wall of 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. To the south east and south of the site there are commercial and residential properties fronting Middle Street.
- 3 Relevant Planning History
- 3.1 In 2017, planning permission (reference 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. This permission includes a condition which restricts the hours when works in association with an event e.g. construction and dismantling of buildings, commercial deliveries etc can take place (08:00 – 22:00) and restricts the hours when events are open to the public to 09:00-22:00.

- 3.2 A Design Review of the proposed development took place in March 2018. The Design Review Panel comprised experts from the built environment sector, chaired by an architect, who provided impartial advice on the scheme presented. A site visit was undertaken by the panel and then a discussion was held by the panel with the Council and the architect. After the panel session was held, a letter containing the comments and recommendations of the panel was provided.
- 3.3 An application for advertisement consent (18/00496/ADV) has been submitted for four marketing signs on the site. This is subject to a separate committee report.
- 4 Policy Context
- 4.1 **National policy**
- 4.1.1 The revised National Planning Policy Framework (NPPF) July 2018, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with an up-to-date development plan without delay.
- 4.1.2 Weight may be given to emerging plan policies according to the stage of plan preparation, the extent to which there are unresolved objections to the policies, and the degree of consistency of the emerging policies to the NPPF.
- 4.1.3 Planning conditions and obligations should only be used where they meet the requirements set out in paragraphs 54-56.
- 4.1.4 The document outlines that the government's key housing objective is to significantly boost the supply of homes and states that there should be a sufficient number and range of homes within safe and well-designed environments.
- 4.1.5 Town centres are stated to be at the heart of local communities and therefore a positive approach to their growth, management and adaptation should be taken. Residential development should be encouraged on appropriate town centre sites.
- 4.1.6 To promote healthy and safe communities, social interaction should be promoted through mixed-use developments, places should be safe and accessible (e.g. contain high quality public space) and enable and support healthy lifestyles (e.g. encourage walking and cycling).
- 4.1.7 In relation to assessing the highway impacts of a proposal, the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development should be designed so as to give priority to pedestrians and cyclists, meet the needs of disabled people, avoid unnecessary street clutter, allow for efficient goods delivery and access by emergency vehicles and enable charging of electric/ultra-low emission vehicles.

- 4.1.8 Section 11 outlines the need to make effective use of land, particularly previously-developed land. To achieve appropriate development density, consideration should be given to the identified need for different housing types, local market conditions, viability, the availability and capacity of infrastructure and services, promotion of sustainable transport, desirability of maintaining an area's character and setting or promoting regeneration and change and the importance of securing well-designed, attractive and healthy places. Where there is an existing or anticipated shortage of housing land, low density housing schemes should be avoided.
- 4.1.9 A fundamental aim of the planning process should be to create high quality buildings and places and section 12 includes guidance on achieving this aim. Design codes should be used to provide clarity of design expectations. Developments should function well and add to the quality of an area for the lifetime of the development; be visually attractive; be sympathetic to local character and history whilst not discouraging change; establish or maintain a strong sense of place; make efficient use of land and create safe, inclusive and accessible places with a high standard of amenity for existing and future users. Design should take into account the views of the community and where early, proactive and effective engagement with the community has occurred, such schemes should be looked on more favourably. Early use of tools and processes such as design review is recommended.
- 4.1.10 The need to take into account contaminated land when determining applications is detailed at paragraphs 178-179.
- 4.1.11 Section 16 deals with heritage assets, including the potential impact of development on their significance and that great weight should be given to the conservation of any such asset.
- 4.2 **Broxtowe Aligned Core Strategy**
- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings. It states that development should demonstrate how carbon dioxide emissions have been minimised. The policy goes on to set out the approach to renewable energy, flood risk and sustainable drainage.
- 4.2.4 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6150 in the Broxtowe Borough part of GN, of which 3800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.

- 4.2.5 'Policy 6: Role of Town and Local Centres' sets out the hierarchy of centres, with further details to be included in Part 2 Local Plans. Beeston is classed as a 'town centre'. It states that the vitality and viability of all centres will be maintained and enhanced through widening the range of uses (whilst maintaining a strong retail character), and environmental and access enhancements. The scale and nature of development should be appropriate to the role and function of the centre.
- 4.2.6 'Policy 8: Housing Mix and Choice' sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes, tenures and density. It sets out the approach to affordable housing and establishes a 30 per cent target for Broxtowe Borough.
- 4.2.7 'Policy 10: Design and Enhancing Local Identity' sets design and layout principles to be applied to new development and looks to ensure that an attractive, safe, inclusive and healthy environment is created and that valued local characteristics are reinforced. Heritage assets should be conserved and their settings preserved or enhanced.
- 4.2.8 'Policy 11: The Historic Environment' states that heritage assets and their settings shall be conserved and/or enhanced in line with their interest and significance.
- 4.2.9 'Policy 14: Managing Travel Demand' makes it a priority to select sites which are accessible by the most sustainable means of transport. It sets out measures to encourage a switch to sustainable forms of transport first before major highway capacity improvements are considered.
- 4.2.10 'Policy 16: Green Infrastructure, Parks and Open Spaces' sets out a strategic approach to the provision of new Green Infrastructure.
- 4.2.11 'Policy 18: Infrastructure' seeks to ensure new development is provided with the necessary infrastructure.
- 4.2.12 'Policy 19: Developer Contributions' confirms the current use of section 106 agreements.

4.3 Saved Policies of the Broxtowe Local Plan

- 4.3.1 The Part 2 Local Plan is currently awaiting Examination. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy K4 'Town Centres' – confirms the four town centres in the borough are the focus for shopping, employment, social, community and leisure uses, combined with residential uses where appropriate and that this mix will be maintained and enhanced through appropriate new development, protection of the character and townscape of centres, accessibility enhancements and safeguarding the character and function of prime shopping frontages.

- 4.3.3 Policy E29 'Contaminated Land' – development of land which may be contaminated will not be permitted until a site investigation has been undertaken and any necessary remedial measures have been agreed.
- 4.3.4 Policy E34 'Control of Noise Nuisance' – planning permission will not be granted for housing and other noise sensitive development if the occupants would experience significant noise disturbance.
- 4.3.5 H5 'Affordable Housing' - on housing sites of over 1 hectare or over 25 dwellings, the Council will seek to ensure that at least 25% of dwellings built will be affordable or, exceptionally, that a financial contribution is made to facilitate off-site provision.
- 4.3.6 H6 'Density of Housing Development' - provides density requirements for new residential development: where development is within 400m walking distance of frequent public transport services, a minimum density of 40 dwellings per hectare is required (or 45 dwellings per hectare where there is a choice of public transport modes) and, if the distance is beyond 400m, 35 dwellings per hectare.
- 4.3.7 H7 'Land Not Allocated for Housing Purposes' – residential development on sites within the existing built-up area will be permitted provided the amenity of existing and proposed occupiers is not adversely affected; the development would not result in an undesirable change in the character or appearance of the area; the development of a larger area is not prejudiced; satisfactory provision is made for access and parking; the site is not of significant nature conservation value and the site is not required to be retained for another purpose in the local plan.
- 4.3.8 Policy T1 'Developers' Contributions to Integrated Transport Measures' - planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.
- 4.3.9 Policy T11 and Appendix 4 require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards.
- 4.3.10 Policy S1 'Shopping and Associated Uses Within Town Centres' - within the four town centres, planning permission will be granted for the creation, redevelopment or expansion of shops, financial and professional services and food and drink uses (Classes A1-A3), providing there is no unacceptable impact on neighbouring uses or on the vitality and viability of the Town Centre.
- 4.3.11 Policy RC1 'Leisure facilities' - proposals for leisure facilities will be permitted provided seven criteria are met including that the proposal would be well related to the community it serves, the amenity of neighbouring properties and the character of the area would not be adversely affected and appropriate provision is made for vehicle parking and servicing.
- 4.3.12 Policy RC6: Provision should be made for public open space and children's play areas on residential development sites which exceed 0.5 hectares. The design

of any open space provision should take into account the possible provision of features beneficial to wildlife.

4.4 Part 2 Local Plan (Draft)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions anticipated to take place toward the end of this year. All of the policies listed below have been subject to representations that need to be considered through the Part 2 Local Plan examination process so only limited weight can be attached to the policies.
- 4.4.2 Policy 10 – Town Centre and District Centre Uses: within town centre boundaries, permission will be granted for A1 uses and will only be granted for a main town centre use if it does not result in over 10% of the ground floor frontage of the centre falling within this use class or result in over 50% of the primary frontage of the centre falling within a Use Class other than A1 and does not result in an adverse impact on the vitality and viability of the centre. Within town centres, upper floors should be occupied by a main town centre use or residential.
- 4.4.3 Policy 11 – The Square, Beeston: allocates the site for a mixed use, retail-led development with the following key requirements: minimum 100 homes, cinema, emphasis on uses which encourage a vibrant evening economy, public realm enhancements to the east and landmark buildings which provide a gateway into Beeston from the south and the interchange to the south west.
- 4.4.4 Policy 15 – Housing size, mix and choice: proposals on unallocated sites for development of more than 10 units within Use Classes C2 or C3 should provide 30% or more affordable housing on site, unless there are exceptional circumstances. Where less affordable housing is proposed, such applications should be accompanied by a viability assessment. Developments of market and affordable housing should provide an appropriate mix of house size, type, tenure and density including the provision of a proportionate amount of accessible and adaptable dwellings and self-build plots.
- 4.4.5 Policy 17 – Place-making, design and amenity: permission will be granted for development which meets a number of criteria including: that it integrates into its surroundings; provides or is close to community facilities; has good access to public transport; creates a place with a locally-inspired or otherwise distinctive character; provides sufficient, well-integrated parking; provides adequate external storage and amenity space and ensures a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.
- 4.4.6 Policy 19 - Pollution, Hazardous Substances and Ground Conditions: development of land which may be contaminated will not be permitted until a site investigation has been undertaken and any necessary remedial measures have been agreed.
- 4.4.7 Policy 23 - Proposals affecting designated and non-designated heritage assets: proposals will be supported where heritage assets and their settings are

conserved or enhanced in line with their significance. It will need to be demonstrated that the significance of the assets and their setting is understood, identify the impact of the development upon them and provide clear justification for the development. Criteria for assessing proposals affecting a heritage asset and/or its setting are provided.

- 4.4.8 Policy 24: The health impacts of development – a completed health impact assessment checklist will be required to accompany any application for 50 dwellings or more.
- 4.4.9 Policy 26: Travel Plans – a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sq m or more gross floorspace.
- 4.4.10 Policy 32: Developer contributions – financial contributions may be sought from developments of 10 or more dwellings or 1000 sq m or more gross floorspace for provision, improvement or maintenance, where relevant, of: affordable housing; health; community facilities; green space; biodiversity; education and highways.

5 Consultations

- 5.1 The County Council as Highway Authority confirm that although the proposed development will result in an increase in the number of two-way trips in comparison to the existing car park, the numbers are not significant so no further assessment is required. The shortfall in parking provision shown on the indicative plans for the residential element is seen to be a potential amenity concern rather than a highway safety issue given the Town Centre location and the existing Traffic Regulation Order. This situation will be exacerbated by the absence of parking for the cinema site although the proximity of public car parks and frequent public transport services is noted. Comments are made about the proposed position of the access for the residential site but as this is only indicative, it has been agreed such matters can be conditioned. It is noted a 3.5m wide service route from Station Road to Styring Street is proposed which large sized vans could access. It is suggested the service route be widened to 6m. Further information about a loading bay proposed beside Station Road was sought. Comments are made on the submitted Travel Plan and clarification, amendments and corrections are sought.
- 5.2 The County Council as Lead Local Flood Authority had no objection to the application subject to justification for not using infiltration as a primary means of drainage being provided before construction commences. Following receipt of further information, the LLFA confirmed they have no objection.
- 5.3 The County Council Planning Policy team advise the site is within a Minerals Safeguarding and Consultation Area for sand and gravel. They have no objections from a minerals perspective as the site is within a built up area of Beeston so is unlikely to sterilise a potential future extraction area. Given the scale of the development, they suggest it would be useful for a waste audit to be submitted. No contributions to local bus service provision or bus stop infrastructure are sought.

- 5.4 The Primary Care Manager at NHS Nottingham West Clinical Commissioning Group advises that the proposed residential development would not be easily accommodated within existing primary care resources and would trigger the need to provide health related S106 funding, proportionate to the residential development size. Such a contribution would be invested in enhancing capacity/infrastructure within existing local practices. Until all options have been explored, no definitive answer can be provided as to the most appropriate project but the contribution should be paid on commencement of development.
- 5.5 Western Power advise that they have two substations within the site and that the relocation of these will be fully rechargeable. Additional substations may be required.
- 5.6 Nottingham Express Transit has no objection but advise that liaison will be required during construction to ensure the works are carried out safely due to the close proximity of the site to the tramway. Conditions relating to the provision of 'goal posts' and wheel washing are recommended.
- 5.7 Historic England do not wish to offer any comments. They suggest that the views of the Council's specialist conservation and archaeological advisers are sought.
- 5.8 The Council's Conservation Adviser raises no objection. It is considered the site has an untidy gap appearance, compounded by the exposure of the unattractive blank south east side wall of B & M, which detracts from the adjacent Beeston West End Conservation Area. The proposed development would be a visual focal point on this gateway site, with the Conservation Area as a backdrop. It is noted that the area has a number of multi storey buildings and it is considered the scale of the cinema would respond to these. With appropriate massing (as indicated), the residential development, albeit a taller building, should not be overly dominant or overbearing. The development would remove the gap site and views of the blank side wall of B & M and the proposed development would be visually more cohesive and higher quality than the previously demolished buildings. Although it is noted the proposed buildings would remove views across the site towards the conservation area, these views have not historically been available and are not planned. Given the width of Styring Street, it is considered adequate separation distances would remain, in addition to allowing views of the buildings forming part of the north eastern boundary of the West End Conservation Area. No harm to the Conservation Area would therefore result from the proposed development. In relation to the impact on listed buildings, the setting of the Village Cross and Crimean war memorial (both on Church Street and both Grade II) will not be affected due to the intervening development and limited nature of the setting of these structures. The Church of St John the Baptist is considered to have a spacious and landscaped setting which is separated from the application site. Although the application site would be visible from the churchyard, this would be an oblique view which is already impacted by buildings fronting onto the Square so the spacious setting of the church would not be harmed. Other listed buildings would not be affected due to separation distances and intervening development.

- 5.9 The Council's Business and Projects Manager advises that the landscaping scheme is supported but maintenance arrangements will be important.
- 5.10 The Council's Environmental and Business Development Manager advises on the bin provision requirements for the proposed development.
- 5.11 The Council's Housing section request 30 per cent affordable housing be provided on the site and advises that there is the greatest demand for those in high housing need for one and two bedroom properties.
- 5.12 The Council's Business Growth Manager considers the development would be of great benefit to the town and wider economy, particularly as the site has been derelict for some time and is a distraction from the vibrant and attractive town centre. In June 2018, the town centre occupancy rate was 94% and is consistently above the national average so there is capacity to increase the number of commercial units in the town. The proposed cinema and restaurants will enhance the night time economy of the town, enhancing vibrancy. More jobs will be created and the inclusion of a residential element will provide local businesses with a number of residents in close proximity.
- 5.13 The Council's Technical Environmental Health Officer has no objection subject to conditions relating to piling, construction hours, plant/machinery details and noise, ventilation and filtration equipment, amplification and live music, hours of use for outside seating areas, media screens, contaminated land remediation and noise mitigation measures for the proposed dwellings.
- 5.14 Beeston and District Civic Society consider that the public realm should be more focussed on Styring Street, given the location of the bus and tram interchange. They consider the emphasis given to the cinema entrance is weak, overall the cinema design is "just a box with some surface decoration" and is a missed opportunity to provide a distinctive building. The upper floor of the cinema is expressed as two masses which do not provide any counterpoint to one another due to their similar height and volume. If the form of the building has to be accepted then the final detail of the façade is important and more detail of materials, openings and lighting should be provided. Well designed, decorative brickwork panels would be longer lasting than lighting features which will require maintenance. More detail should be provided to justify the impact on nearby heritage assets.
- 5.15 281 properties in the vicinity of the site were consulted on the application, four site notices were posted around the site and an advert was placed in the Nottingham Post.
- 5.16 21 comments have been received. Of these, three are objections, two are observations and 16 are in support/have no objection.
- 5.16.1 The objections raise concerns the following concerns:
- lack of parking for the development,
 - the design is from the 1960's and is not reflective of the Victorian buildings in Beeston,

- the cinema is too large for Beeston so will not be viable and will fail leaving the town with an ugly, empty, white elephant
- poor use of public money to attract a developer.

5.16.2 The observations request provision is made for public toilets and access to the cinema by mobility scooters. In addition, concern is raised that the Travel Plan is inadequate (just a framework) and lacks substantiation through a travel survey and the contaminated land survey is based on a commercial end use rather than residential.

6 Appraisal

6.1 The main issues relating to this proposal are considered to be the design of the scheme, the impact on heritage assets, residential amenity and the highway network, viability and the benefits of the scheme.

6.2 **Design**

6.2.1 A detailed design has been submitted for the cinema block and a design code document for the residential/commercial scheme. When considering the design of the cinema block, the Design Review Panel stated that "*the overall approach to the treatment*" of this block "*was considered positive*". The cinema design is dictated by the nature and size of the proposed cinema so is a functional shape. It is composed of two rectangular blocks (the south eastern block being slightly lower than the north western block) with a glazed corner feature on the (lower) block beside the public realm fronting Styring Street and vertical metal cladding on the corner fronting Station Road and the public realm (media screens were shown in this location, but will require separate advertisement consent). The cinema is cantilevered out to give significance to the cinema entrance and provide cover above the cinema entrance and outside seating areas of the ground floor units. A glazed curtain walling system is proposed fronting Styring Street between the two blocks. The building is proposed to be grey brick, with recessed vertical LED lighting on the outer walls of the upper floor, including on the north west elevation of the proposed cinema where it projects above the building occupied by B & M. The use of glazing and lighting, more transparent materials, help to break up the mass of the cinema and are considered to be suitable materials. As it is a modern building, beside a building with no design merit (B & M), there is considered to be no requirement for it to be reflective of the Victorian buildings in Beeston.

6.2.2 The cinema lobby will be located at ground floor with one commercial unit either side which will add to the vitality and viability of the town centre (and encourage footfall from Station Road and Styring Street) and two more commercial units fronting the public realm. At this lower level, the building will be predominantly glazed with chamfered corners beside the public realm. Outside seating areas are proposed immediately adjacent to the ground floor commercial units. A service yard will be located to the rear of the units, accessed from Station Road so limiting the visual impact of back of house activity from the public realm. Above the ground floor glazing will be a horizontal band of 0.8m high dark grey metal louvres and beside Station Road, there will be six vertical louvres serving the substation/plant room. Three sets of double doors are proposed beside Station Road and one set beside Styring Street. The section of the building

containing the louvres and double doors will be recessed by 1.2m which will create a shadow effect and lessen the prominence of this service area in the street scene.

- 6.2.3 The proposed cinema building will be one of the tallest in Beeston at 19.6m. The Lace Mill on Wollaton Road is approximately 21m tall, the Council Offices are 13.6m tall and the Tesco store on the opposite side of Station Road to the site has a maximum height of approximately 10m. It is considered that the height of the building is acceptable in this town centre location. Having a tall building makes efficient use of the land and allows for a cinema use to be accommodated. It also creates a landmark building and acts as a directional reference point for the town centre.
- 6.2.4 Landscaping will take place to the south east of the proposed cinema building and abutting the outside seating areas of the commercial units, comprising four main planting beds with two smaller beds beside Station Road. The planting will include trees and public seating areas are proposed beside the planting beds. As a result of the Design Review Panel's comments, the corner of the building at the junction with Station Road and the open space have been angled so as to open up the public realm area when approaching the site from Station Road (which is reflective of the Styring Street approach). A path leads from the public realm directly to the pedestrian crossing towards Tesco.
- 6.2.5 Subject to conditioning material samples and details of the vertical lighting, the design of the cinema and commercial units is considered to be acceptable.
- 6.2.6 The Design Code for the residential/commercial scheme includes massing, key building lines, materials, entrance zones and maximum building heights. 132 residential units have been included in an indicative scheme for the site, with the indicative elevations showing a building which is in part eight storeys high (over 26m). It is considered a building of such a height can be achieved in an acceptable manner subject to the detail. As the residential/commercial scheme is in outline, it will be conditioned that the development is designed in accordance with the submitted Design Code to ensure a high quality scheme is achieved.
- 6.3 **Heritage assets**
- 6.3.1 Although the site itself contains no designated heritage assets, consideration has to be given to the impact of the proposed development on the heritage assets in the surrounding area, notably those located to the south west of the site, including the Beeston West End Conservation Area and three listed buildings (Church of St John the Baptist, the Village Cross and Crimean War Memorial). Of these, the setting of the cross and memorial would not be affected by the development due to intervening development and the limited nature of the setting of these structures. Other listed buildings in the locality would also not be affected due to separation distances and intervening development. As such, the church is identified as the only protected building that could potentially be affected.
- 6.3.2 The church (grade II) has a spacious and landscaped setting. Given the intervening road and buildings, there is no clear relationship between the

application site and the church. However, the site would form part of the backdrop when looking east/south east from the churchyard. This part of the setting is already impacted by buildings fronting onto The Square and as the application site is offset, it is considered the impact would be marginal. There would be a degree of inter-visibility but it is considered the spacious setting of the church would not be harmed.

- 6.3.3 The current appearance of the application site is considered to detract from the adjacent Beeston West End Conservation Area as it is visible on approaching the town centre with the Conservation Area as a backdrop. As the development will remove the gap site and views of the visually poor side elevation of B & M, it is considered it will be of benefit to the appearance of the Conservation Area. It is considered the proposal will be visually a more cohesive and higher quality development than the buildings that have been demolished. The area has a number of multi storey buildings and the scale of the cinema building is considered to respond to these. Although the residential scheme would introduce a taller building than any of the existing buildings, the proposed massing should ensure it would not be overly dominant or overbearing. The proposed buildings would remove views across the site towards the Conservation Area; however, these views have not historically been available and are not planned. Furthermore, as Styring Street is wide, this will ensure adequate separation distance remains and allow views of the buildings forming the boundary of the Conservation Area. It is therefore considered the proposal will not be harmful to the character or appearance of the Conservation Area.
- 6.3.4 Given the development history of the site, it is considered to be unlikely that significant archaeology will be affected by the proposal.
- 6.3.5 The Council's Conservation Advisor has raised no objection to the application. Overall, it is considered the proposed development will not harm any heritage assets and will be of benefit to the Beeston West End Conservation Area in terms of providing a high quality scheme on an adjacent gap site.
- 6.4 **Residential amenity**
- 6.4.1 No concern has been expressed by residents in terms of the impact of the development on amenity. The site is located in the town centre beside the tram/bus interchange and main roads so it is considered to be unnecessary to restrict the opening hours of the commercial units on the site given the level of noise created in such a location. However, to protect the amenity of existing residents to the south west of the site and the future residents of the proposed housing to the south east, restrictions will be placed on the hours that the outside seating areas associated with the commercial units can be used.
- 6.4.2 The Manor Centre development is comprised of four-five storey buildings fronting Styring Street opposite the outline site, with Middleton House on the corner of Styring Street and Middle Street being a three-four storey building. There is a distance of over 30m between the outline site and the nearest residential neighbours on the Manor Centre development (to the south west of the site). Although the residential/commercial properties to the south east of the site are located at a lower level than the site, there is a separation distance of over 35m between the site boundary and the front elevation of the nearest

property. Given these separation distances and as the site has roads on three sides and on the fourth side adjoins a retail unit (B & M), it is considered the proposed development will not be overbearing or cause any significant loss of light to nearby residents. The residential/commercial building on the outline site will be tall but it is considered that a building(s) can be designed which does (do) not have an adverse impact on the amenity of existing residents.

6.4.3 By virtue of the restricted size of the outline site and the need for a certain number of dwellings to make the scheme viable, the density of the proposed residential development will be high. From the indicative plans submitted, it is considered that a development can be designed which will afford the future residents with a sufficient level of amenity. The site is located immediately beside the tram tracks on two sides and by roads on three sides so it will be conditioned that suitable noise mitigation measures are integrated into the design of the new building(s) to minimise noise disturbance for future residents.

6.5 Highway safety considerations

6.5.1 No parking is proposed for the cinema and ground floor commercial units on the north western site. A lay-by beside Station Road is proposed to be used for servicing of these units. Parking and servicing arrangements for the residential/commercial site are only indicatively detailed as this part of the scheme is an outline application.

6.5.2 Lack of parking has been raised as a concern by an objector to the development. Given the very sustainable location of the site within Beeston town centre and beside the tram and bus interchange, it is considered acceptable for there to be no parking provision associated with the cinema and commercial units. The location of the site will encourage use of public transport and for those who choose to drive, public car parks are available within the town centre. It is considered the cinema and food and drink units below are likely to be in greatest demand in the evening hours when parking is free and availability of spaces is much higher as most town centre shops will be closed.

6.5.3 The provision of the Station Road lay-by will be conditioned to ensure it is provided prior to the cinema/commercial units coming into use to ensure sufficient servicing provision is made.

6.5.4 In terms of the residential/commercial site, details of access, parking and servicing can be conditioned to ensure that there is no harm to highway safety, particularly at the Middle Street/Station Road junction.

6.5.5 The submitted Travel Plan has been amended to address the deficiencies raised by the County Council.

6.5.6 In conclusion, it is considered that there are no significant highway issues which would warrant refusal of the application based on guidance contained in the NPPF, subject to conditions relating to matters detailed above.

6.6 Viability

6.6.1 The NPPF advises that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

6.6.2 The size of the residential development generates the need for the provision of affordable housing and financial contributions towards education, improving public transport in the local area (ITPS) and the provision and maintenance of public open space.

6.6.3 The applicant submitted a viability appraisal which concluded that the development was not viable if any contributions were insisted upon. This was reviewed for the Council by an independent consultant who agreed that the scheme was not viable if contributions were sought.

6.6.4 The reviewing consultant has recommended an overage agreement be sought to secure contributions should the scheme be more profitable than currently envisaged. As the Council is both the applicant and the Local Planning Authority, this means a S106 Agreement cannot be used due to difficulties of enforceability. It is very clear that the scheme as proposed is not viable with any S106 contributions. However, the situation may change in the future and were it to do so, the Council would look for provision to be in place to capture any upturn in value. This should be factored into the contract of sale of the residential site. It is therefore not a determining factor for this application.

6.7 **Benefits**

6.7.1 The site has been under-utilised for a number of years due to the economic climate and the prolonged use of a large portion of the site during the construction of the tram. Bringing the site back into active use is seen as a significant benefit of the scheme.

6.7.2 A cinema and associated development will attract visitors to Beeston town centre in the evening and therefore provide a boost to the night time economy of the town which is a current identified deficiency.

6.7.3 The proposed cinema and other commercial units will add to the range of uses available in Beeston town centre and create associated jobs. In addition, some construction jobs will be created to build out the development. Other economic benefits will be New Homes Bonus and rateable income.

6.7.4 The design quality of the scheme overall is considered to be an enhancement to the area. Through the provision of public realm through the centre of the site, improvements to the appearance of the town centre will occur.

6.7.5 It is considered that the proposed development will meet the NPPF objective of sustainable development as a number of economic, social and environmental benefits will arise from the proposed development.

6.7.6 The Council does not currently have a five year housing land supply. This matter will be rectified with the allocations included in the draft Part 2 Local Plan which will be subject to examination hearing sessions later this year. Given the

current lack of a five year land supply, as paragraph 11 of the NPPF states, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF's policies taken as a whole. As there is not considered to be any harm to heritage assets, highway safety or neighbour amenity and as the design is considered to be acceptable as discussed in the sections above, permission should be granted. The residential element will provide much needed housing in a sustainable location and assist in meeting the Council's housing targets at a time when a five year land supply cannot be demonstrated. In addition, there are other benefits of the scheme as listed above.

6.8 Other issues

- 6.8.1 The Environmental Health Technical Officer is satisfied with the ground investigation reports submitted and recommends a remediation condition.
- 6.8.2 There is no planning policy requirement for public toilets to be provided on the site and toilets are available in local cafés, public houses, supermarkets and the Council Offices.
- 6.8.3 The Council as landowner and a public body has a responsibility to make efficient use of its resources. In addition, specifically in relation to this site, it has to balance this efficiency aim with ensuring Beeston town centre remains a viable and attractive town centre for all users. The long terms viability of a cinema is a matter for future developers.
- 6.8.4 Until a scheme has planning permission, it is difficult to attract a developer and the advertisement consent application is a pre cursor for attracting developers.
- 6.8.5 The applicant has been in contact with Western Power about the substations on site and obtained a quotation for relocation and upgrading.
- 6.8.6 Lifts are proposed within the cinema and all the units will have level access so the development will be accessible.

6.9 Conclusion

- 6.9.1 The redevelopment of this prominent, gap site will be of benefit to Beeston town centre as a whole. It is considered the detailed scheme achieves a high standard of design and that the overall development will not have a harmful impact on heritage assets. The cinema and associated uses at ground floor will provide a boost to the vitality and viability of the town centre, particularly the night time economy. The site is located in a highly sustainable location and the outline proposal will provide much needed housing. It is considered a residential development can be designed which provides a sufficient standard of amenity for future occupants and without having an adverse impact on neighbouring residents. There is considered to be no significant harm to highway safety arising from the proposal. Subject to the conditions as detailed below, the proposed development is considered to accord with national and local planning policy.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

Conditions in respect of outline element

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
3. No development shall commence until a phasing plan for the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.
4. No phase of development shall be commenced until detailed drawings and particulars showing the following for that respective phase have been submitted to and approved in writing by the Local Planning Authority:
 - (a) the layout, scale, and external appearance of all buildings;
 - (b) the means of access and parking and servicing provision within the site;
 - (c) the particulars of the materials to be used in the facing of the external surfaces of all buildings;
 - (d) cross sections through the site showing the finished floor levels of the new buildings in relation to adjacent land and buildings. These details shall be related to a known datum point;
 - (e) landscaping.

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

5. No development shall be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include the following details:
 - (a) numbers, types, sizes and positions of proposed trees and shrubs;
 - (b) proposed hard surfacing treatment;
 - (c) planting, seeding/turfing of other soft landscape areas;
 - (d) a timetable for implementation of the scheme.

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

6. No phase of development shall commence until plans showing provision for bin storage for that respective phase have been submitted to and agreed in writing by the Local Planning Authority. No building shall be occupied until its respective bin storage has been provided.
7. The development shall be designed in accordance with the Beeston Town Centre Regeneration Design Code (Phase 2), August 2018.
8. No development shall commence until detailed measures for protecting the proposed residential occupants from environmental noise have been submitted to and approved in writing by the Local Planning Authority. Any approved measures shall be completed before any respective dwelling which requires noise mitigation is first occupied, unless an alternative period is agreed in writing by the Authority.
9.
 - a) No development shall commence until a remediation method statement has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems as detailed in GeoMatters Geo-Environmental Assessment report (ref GML17254/2/2 Aug 2018).
 - b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-
 - (i) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and
 - (ii) It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.

Conditions in respect of full element

10. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
11. No development above slab level shall commence until samples/details of the proposed external facing materials, including the lighting strips and detailed drawings of the lighting strips, have been submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.
12. No development above slab level shall commence until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
 - (a) numbers, types, sizes and positions of proposed trees and shrubs,
 - (b) proposed hard surfacing treatment,

- (c) proposed lighting details
- (d) planting, seeding/turfing of other soft landscape areas,
- (e) proposed retaining walls or similar structures
- (f) a timetable for implementation.

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

13. No commercial unit shall be first occupied until cycle parking facilities have been provided in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority. These facilities shall thereafter be retained in the agreed form for the lifetime of the development.
14. No commercial unit shall be first occupied until the lay-by beside Station Road has been provided in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority. The lay-by shall be retained for the lifetime of the development in accordance with the agreed details.
15. 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.
16. Outdoor seating areas directly associated with commercial uses shall not be used by customers except between the hours of 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.

Conditions in respect of whole scheme

17. The development hereby permitted shall be carried out in accordance with drawings numbered: BTCR-LDA-XX-ZZ-M3-A-08 004 'Proposed Site Plan', BTCR-LDA-XX-ZZ-M3-A-08 200 'Proposed Sections', BTCR-LDA-XX-ZZ-M3-A-08 002 'Red Line - Outline Site', BTCR-LDA-XX-ZZ-M3-A-08 106 'Proposed Roof Level', BTCR-LDA-XX-01-M3-A-08 102 'Proposed Plan - Level 01', BTCR-LDA-XX-02-M3-A-08 103 'Proposed Plan - Level 02' and BTCR-LDA-XX-03-M3-A-08 104 'Proposed Plan - Level 03' received by the Local Planning Authority on 21 May 2018; BTCR-LDA-XX-ZZ-M3-A-08 000 'Red Line Overall Development' received by the Local Planning Authority on 22 May 2018 and BTCR-LDA-XX-00-M3-A1-08 005 'Proposed Block Plan' received by the Local Planning Authority on 30 May 2018; 2116_PL_01 'Overall landscape masterplan' received by the Local Planning Authority on 20 August 2018 and BTCR-LDA-XX-00-M3-A1-08 100 Rev C 'Proposed plan level 00', BTCR-LDA-XX-ZZ-M3-A1-08 300 Rev B 'Proposed Elevations - North and South Elevations' and BTCR-LDA-XX-ZZ-M3-A1-08 301 Rev B 'Proposed Elevations -

East & West Elevations' received by the Local Planning Authority on 30 August 2018.

18. No phase of development shall commence until details of any piling or other penetrative foundation design for that respective phase have been submitted to and approved in writing by the Local Planning Authority, including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.
19. No construction or site preparation work in association with this permission shall be undertaken outside the hours of 07:30-18.00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays.
20. 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.
21. 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.
22. 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.
23. The approved landscaping for each phase of development shall be carried out not later than the first planting season following the substantial completion of each respective phase or first occupation of the building(s) within the respective phase, whichever is the sooner, and any trees or plants which, within a period of 10 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.

Reasons

1. & 2. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
3. To secure an orderly form of development.
4. The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
5. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding

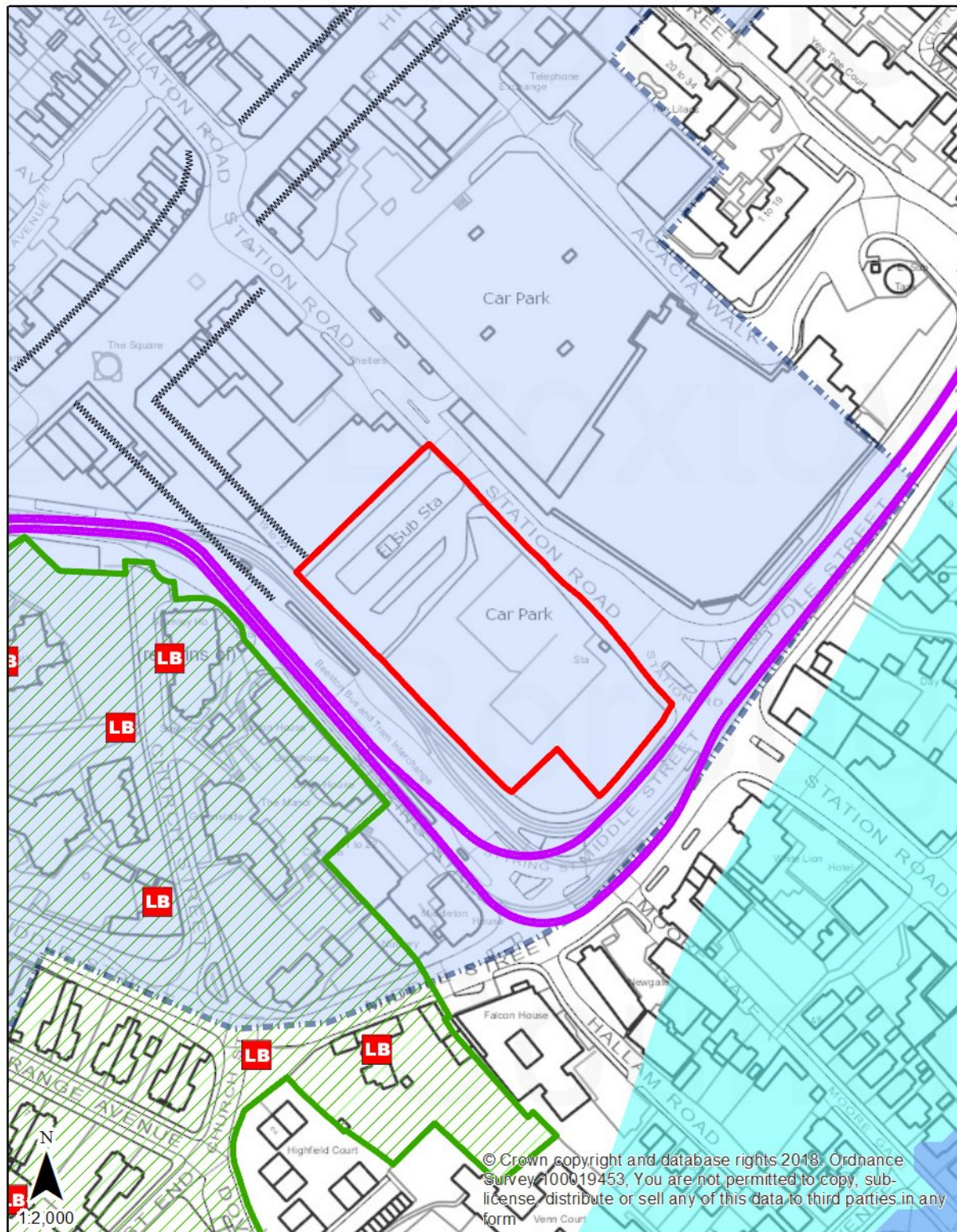
- matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of the appearance of the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
6. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure sufficient provision is made for bin storage on the site in the interests of highway safety and residential amenity and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
 7. To ensure a high quality form of development and in accordance with the aims of the NPPF and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
 8. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to protect future occupiers from excessive environmental noise and in accordance with the aims of Policy E34 of the Broxtowe Local Plan 2004.
 9. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing in the interests of public health and safety.
 10. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
 11. Insufficient details were submitted with the application and to ensure the details are satisfactory and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
 12. Insufficient details were submitted with the application, to ensure the details are satisfactory and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
 13. In the interests of supporting sustainable modes of transport and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).
 14. In the interests of highway safety to ensure sufficient provision is made for servicing and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).
 15. 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 10 of the Broxtowe Aligned Core Strategy (2014).
 16. To protect nearby residents from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
 17. For the avoidance of doubt.
 18. To protect nearby occupants from excessive construction noise and vibration and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

19. To protect nearby occupants from excessive construction noise and vibration and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
20. To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
21. To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
22. To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
23. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Note to Applicant

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on Tel: 0115 9772210.
3. The applicant is advised to contact Western Power before works commence on site in relation to substations on site.
4. It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).
5. The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.
6. Ventilation and filtration equipment may require planning permission.
7. Media screens will require advertisement consent.

Background papers
Application case file



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Legend

- Site
- Flood Zone 2
- LB Listed Building
- Tram Route
- Conservation Area
- Flood Zone 3
- Prime shopping frontages
- Town centre