



**COMMITTEE DATE** 23/10/2019                      **WARD** Hucknall Central

**APP REF** V/2019/0511

**APPLICANT** Melcorpo Commercial Properties

**PROPOSAL** New main entrance off Duke Street and replacement of existing structural fin

**LOCATION** Byron Cinema, High Street, Hucknall

**WEB-LINK** <https://www.google.com/maps/@53.0369393,-1.2011542,19z>

**BACKGROUND PAPERS** A, C, E, H

App Registered: 09/08/2019

Expiry Date: 31/10/19

*Consideration has been given to the Equalities Act 2010 in processing this application.*

*This application has been referred to Planning Committee by Councillor Mitchell on the grounds of the impact on heritage, residential amenity and increased traffic.*

### **The Application**

The application proposes a new main entrance into the forthcoming new Byron Cinema, Hucknall. The application also proposes a replacement structural fin. The application intends to route customers through the side of the building underneath a continued canopy entrance. The new main entrance allows for reconfiguration of the internal layout enabling 4 modern cinema screens to be installed. The existing main entrance will be restored and used as an exit only.

### **Consultations**

#### **First Consultation**

Resident comments:

In respect of the original design, 4 letters of objection and 1 letter of support was received. The following issues have been raised:

#### **Objections**

- The existing fin should not be removed. The fin is an integral feature.

- Existing fin to be repaired and restored to original condition.
- If a new main entrance is to be created, the existing main entrance should be preserved.
- Concerns in respect of increased traffic affecting Duke Street.
- Concerns in respect of the impact of a new main entrance on the amenity of residents of Duke Street in terms of noise and comings and goings.

Support:

- Important to re-open the closed cinema.
- Adding modern improvements and removing some out dated sections are a progressive movement.
- Increase opportunities for the local arts community.
- New alterations should be in keeping with the conservation area.

Theatres Trust:

- No evidence that the building was operated as a theatre, therefore this application would fall outside our remit.
- Nonetheless, we are pleased to see that this building will be brought back to active cultural use.

The Byron Community Project Ltd:

- Would prefer the existing fin to be repaired or restored to its original condition
- New side main entrance will change the appearance of the building
- The building is only 1 of 5 Alfred J Thraves buildings left standing (out of 30)
- The original foyer and exits were sufficient for the original cinema use of the building
- The proposed development will exacerbate existing drainage issues in this location
- The proposed development would remove the 2 existing fire escapes and would not provide an escape for kitchen staff.
- The proposed development will increase traffic in this location.
- The proposed development will increase footfall and noise along Duke Street.

ADC Environmental Protection

- Object to proposed development due to potential noise created from patrons coming and going.
- Premises is located in a residential and commercial area.

**Second Consultation** (Friday 4<sup>th</sup> October for 7 days)

Resident comments (1):

- New plans are an improvement
- New fin should be an original replacement
- Question as to when the proposed development will be carried out

Theatres Trust:  
No further comments.

ADC Conservation:

- No objections.
- The proposal seeks to preserve the character and appearance of the Hucknall Conservation Area.

ADC Environmental Protection:

- After reviewing revised plans the Environmental Protection Team have no objections to the proposal.

### **Policy**

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

#### **National Planning Policy Framework (NPPF) 2018:**

Part 2 – Achieving well designed places

Part 6 – Building a strong, competitive economy

Part 12 – Achieving Well Designed Places

Part 16 – Conserving and enhancing the historic environment

#### **Ashfield Local Plan Review (ALPR) 2002:**

ST1 – Development

ST2 – Main Urban Area

SH1 – District Shopping Centre

EV10 – Conservation Areas

#### **Hucknall Conservation Area 2019**

#### **Relevant Planning History**

- **V/2019/0004** – Certificate of lawfulness for a proposed development to re-cover the roof
- **V/2019/0250** – Installation of roof plant and associated structures including provision of 4 AHU units and acoustic barrier

#### **Comment:**

The application seeks planning consent for the replacement of the existing fin and the creation of a new main entrance on the side of the building.

The building is currently closed, however the building was historically used as a cinema and recently as a bingo hall. The building is located on Hucknall High Street and is listed as a non-designated heritage asset (locally listed).

The site is located within the Main Urban Area of Hucknall, where the principle of development is acceptable under policy ST2 of the ALPR 2002. The building is also located within the District Shopping Centre under saved policy SH1 (1) of the ALPR 2002.

### ***Visual Amenity and Heritage***

A number of concerns have been raised regarding the loss of the existing fin and the impact of the proposed development on the character and appearance of the existing building and Hucknall Conservation area.

The existing fin, which is not the original fin, is currently in poor condition and would require significant repairs.

The proposed replacement fin is similar in size, design and scale to the existing fin, approximately 7.9m in length and is 1.2m in depth. The replacement fin includes a new triangular prism shape and is to be constructed from aluminum, similar to the existing. The new fin is considered a modern replacement which would enhance and respect the original design of the building.

Advertisement applications are required to be submitted to the local planning authority for all proposed advertisements on the building.

The proposed new main entrance is located to the south side elevation of the building, which was previously used as a maintenance entrance.

The proposed new entrance is considered a subservient addition to the existing building. The proposed new main entrance includes a stepped design that makes reference to the 3 elongated vertical glazed windows which form a characteristic feature of the existing building. The new main entrance includes a continuation of the existing canopy which is also shaped around the existing curve of the building. In terms of building materials, use of a glass and aluminum positively contrasts with the existing building materials.

The existing main entrance will function as an exit and the existing doors will be restored. It is considered that the use of the extended canopy is consistent with the design of the building and helps to integrate the new development with the building.

The proposal is considered to maintain the special character of the existing building and enhance the Hucknall Conservation Area, and bring the building back into an active use. The proposal would therefore be consistent with paragraph 197 of Part 16 - Conserving and enhancing the historic environment of the NPPF 2019, as the proposal is considered not detrimental to the significance of the non-designated heritage asset.

The proposal would conform with Part 12 – Achieving Well Designed Places of the NPPF 2019, which seeks to ensure that developments add to the overall quality of an area, and are sympathetic to local character and history, including the surrounding built environment.

### ***Residential Amenity***

Following re-consultation of residents in respect of a new revised design, 1 comment has been received from local residents. A number of issues were raised following the first consultation period based on the original design.

The revised new main entrance has been designed to lessen any potential impact on the amenity of nearby residential properties, in particular 2 Duke Street. It is located under a new canopy approximately 8.2m away from 2 Duke Street and is situated at a lower floor level than the neighbouring bay window. It is considered that the new main entrance will guide visitors away from nearby residential properties and channel customers into the new foyer. The stepped design feature will lessen any potential overbearing impact to 2 Duke Street.

Duke Street forms one of the main routes into Hucknall town centre and therefore footfall in this location can be expected to be higher than residential locations outside of the town centre. As such, it is considered that the new main entrance will not result in a significantly detrimental impact on the amenity of neighbouring residential properties.

The proposal consists of sustainable development and complies with the policy requirements of the NPPF 2019, namely Part 12 – Achieving Well Designed Places, which seeks to ensure that developments create a high standard of amenity for existing and future users.

### ***Highway Safety and Parking***

A number of concerns have been raised by potential increased traffic caused by the proposed development. It should be noted that a cinema can open in this location as it is permitted and the proposed development is not in respect of the use but include alterations to the building

Parking along Duke Street is restricted to yellow lines directly outside of the new main entrance and includes resident permit holder only further up Duke Street.

Nearby public car parks include Ogle Street, Piggins Croft and Hucknall Station which are considered a reasonable walking distance from the new cinema. Given the town centre location of the proposed development, it is envisaged that customers may use public transport or walk to the new cinema. As such, it is considered that the proposed development will not be significantly detrimental to the highway safety or existing parking capacity within the neighbourhood.

### ***Other matters***

Concerns have also been raised by the Byron Community Project Ltd in respect of drainage, fire escapes and internal reconfirmation of the building. Appropriate means of surface water drainage will be required to be built in accordance with the relevant building regulations legislation. Further, provision of fire escapes is not a material planning consideration and will be reviewed by building control. Any internal reconfirmation of the building does not require planning permission. Proposed internal changes to allow for a new main route into the building accommodate a new larger foyer and the installation of 4 cinema screens in the interest of providing an enhanced customer experience.

### ***Conclusion***

The proposal has been redesigned to lessen any potential impact on the amenity of neighboring residential properties. The proposal is considered to be respectful in design to the existing character of the building and creates an active use. The proposed development also contributes to the enhancement of the special character of the Hucknall Conservation area and helps to improve the quality of the appearance of the existing building. It is envisaged, the new cinema will trigger future growth in the night time economy and attract more people to Hucknall town centre. This application therefore is granted conditional consent, subject to the below conditions:

Recommendation: Grant – Conditional Consent

### CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: site plan 1:1250, existing elevations 1:100 No.6, existing ground floor plan 1:100 No. 1 (06/08/19) and proposed new entrance and elevations 1:100 No. 1805-HU-610 Rev. 2 (04/10/19). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

### REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.

## INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).