

Agenda Item	A6
Application Number	22/00048/FUL
Proposal	Relevant Demolition of part of Music Co-op building, single storey toilet block, boundary walls and external stairwells and ramps, and erection of a 2-storey extension to the Grand Theatre, extension of existing car park, construction of a retaining wall, construction of a replacement access ramp and steps, and repair to exposed facades of music Co-op building
Application site	Grand Theatre St Leonards Gate Lancaster Lancashire
Applicant	Mr Michael Hardy
Agent	Ms Joanna Holland
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval, subject to conditions

(i) Procedural Matters

The application would normally be dealt with under delegated powers but as the site includes land in the ownership of the City Council the application must go before Planning Committee.

1.0 Application Site and Setting

- 1.1 The Lancaster Grand is an established theatre. The building is Grade II Listed and lies within the Lancaster Conservation Area (Character Area 5). The site lies opposite St Leonards House, which is also Grade II Listed. The site also falls within the Canal Corridor North site.
- 1.2 The Grand Theatre building was Listed for its historic association as the first theatre established in Lancaster in 1782. The building has been altered and damaged by fire, but overall retains its historic Neo-Classical external appearance with an early-20th century interior. The building is constructed in sandstone rubble, with a rendered façade. Historically, there were terraced buildings to the north of the theatre which were demolished in the 1960s for a link road which was not developed. This has eroded the historic association of the setting of the theatre, but does allow for the building to be appreciated along the main street.
- 1.3 The parts of the site that are subject to 1:1000 surface water flood risk are along its frontage with St Leonard's Gate and its return frontage along Lodge Street. These two aforementioned roads are also subject to surface water flood risk of 1:30 and 1:100 risk in the immediate vicinity of the theatre.

2.0 Proposal

- 2.1 This application seeks permission for relevant demolition of part of Music Co-op building, single storey toilet block, boundary walls and external stairwells and ramps, erection of a 2-storey extension to the Grand Theatre, extension of existing car park, construction of a retaining wall, construction of a replacement access ramp and steps, and repairs to any exposed facade of Music Co-op building.
- 2.2 A similar application was approved in January 2019 (18/00832/FUL and 18/00852/LB) but was not implemented. The current scheme differs slightly from the previous approved scheme in that it includes a small portion of City Council land in order to provide an improved parking arrangement.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
22/00036/LB	Listed building application for removal of single storey toilet block, external stairwells and ramps, and erection of a 2-storey extension to the Grand Theatre	Pending consideration
22/01307/LB	Listed building application for the installation of lighting to front and side elevations, installation of signs to side elevations, facade repair to front elevation	Permitted
19/01530/LB	Listed Building application for the removal of render and repointing to the Lodge Street elevation, installation of one CCTV camera and installation of a defibrillator cabinet to the side elevation	Permitted
18/00832/FUL	Relevant Demolition of part of Music Co-op building, boundary walls and external stairwells and ramps, erection of a 2-storey extension to the Grand Theatre and a retaining wall, and repair to exposed facades of music Co-op building	Permitted
18/00852/LB	Listed building application for removal of external stairwells and ramps and erection of a 2-storey extension to the Grand Theatre	Permitted
18/01623/LB	Listed building application for the installation of one CCTV camera	Permitted
15/00965/FUL	Removal of existing single storey store house and external fire escape staircase to the side elevation, erection of a two storey side extension	Withdrawn
15/00964/LB	Listed building application for the removal of existing single storey store house and external fire escape to the side elevation, erection of a 2-storey side extension, creation of 2 doorways at the lower ground level, 1 doorway at the upper ground and 2 doorways at the first floor level, removal of the existing first floor bar and toilets and installation of replacement toilets	Withdrawn
08/00421/FUL	Part removal of existing single storey store house and external fire escape staircase at the north eastern elevation. Development of a two storey side extension to provide additional foyer accommodation and associated alteration	Permitted
08/00422/LB	Listed building consent for part removal of existing single storey store house and external fire escape staircase at the north eastern elevation. Development of a two storey side extension to provide additional foyer accommodation and associated alterations	Permitted

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
County Highways	No objections - requests a condition relating to a construction management plan and parking and manoeuvring strategy.
Natural England	No comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the applications are not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
Historic England	No comments received
Conservation Team	No objections - This scheme is essentially the same design as the 2018 submission. We support the minor changes in terms of parking access and circulation.
Engineers	No objections
County Archaeology	No objections – Requests a condition for a programme of archaeological work.
Canal and Rivers Trust	No comments to make in respect of the application.
Environmental Health	No objections – Requests a condition for a management plan to minimise dust emissions during demolition
Property Services	No objections - As landowner the city council supports this application and will work with the applicant to formalise the Grand Theatre's occupation and assist with the progression of this development.
Cadent Gas	No objection - Informative note required
Fire Safety Officer	Advice
The Theatres Trust	No comments received
Lancaster Civic Society	No objections - Welcomes plans to expand the reception facilities and other offices at this historic site.
National Amenity Societies	No comments received

4.2 The following responses have been received from members of the public:

- No public comments received

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle
- Design and Impact on designated heritage assets
- Sustainable Design
- Amenity
- Highways impacts
- Surface water and foul drainage
- Ecology implications
- Air quality
- Contamination

5.2 **Principle** (NPPF Section 2: Achieving sustainable development, Section 6: Economy and Section 7: Town Centres; Strategic Policies and Land Allocations DPD SG5: Lancaster Canal Quarter, TC2: City or Town Centre; Development Management (DM) DPD Policies DM16: Town Centre Development, DM23: Leisure Facilities and Attractions and DM25: The Evening and Night Time Economy)

5.2.1 The site is located within the City Centre boundary as defined by the Adopted Policies Map (2020). The NPPF defines theatres as a main town centre use. Local policy is supportive of proposals for

main town centre uses (as defined by the Framework) where they are located within the defined town centre boundary and accord with other policies elsewhere in the Local Development Plan.

5.2.2 Policy DM24 supports the creation or improvement of cultural assets subject to specific criteria being met which include the delivery of benefits to the wider economy, improvement of the cultural offer, sustainable access, no damage to the amenity of the area and the conservation and enhancement of an existing heritage assets. Policy DM25 supports the growth of the evening and night time economy subject to specific criteria being met which include design to ensure public safety, no detrimental impact on amenity and character of the area, suitable mitigation for noise and odour, accessibility and active ground frontage. Subject to these criteria being met the principle of development can be supported. As it will be outlined further in the assessment below, the proposed principle of development is considered to be acceptable.

5.3 **Design and impact on designated heritage assets** (NPPF Section 12: Achieving well-designed places and Section 16: Conserving and enhancing the historic environment; Strategic Policies and Land Allocations DPD Policy SP7: Maintaining Lancaster's Unique Heritage; Development Management (DM) DPD Policies DM29: Key Design Principles, DM30: Sustainable Design, DM37: Development affecting Listed Buildings and DM38: Development affecting Conservation Areas)

5.3.1 National policy states that development should be of good design that contributes positively to making places better for people, requiring development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. It is clear that permission should be refused for poor design that fails to take opportunities for improving the quality and character of an area. Local policy echoes this requiring that design should have regard to local distinctiveness have appropriate siting, layout, materials, orientation and scale.

5.3.2 The NPPF states that (para 199) that when considering the impact of a proposed development on the significance of a designated heritage assets, great weight should be given to the asset's conservation. This is irrespective of the degree of harm the proposal would result in. Any harm to, or loss of, the significance of a designated heritage assets should require clear and convincing justification (para 200). Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use (para 202).

5.3.3 The proposal involves the removal of a modern inappropriate fire escape and a single storey extension, which would be of benefit to the appearance of the building. This elevation would then be altered and extended to allow for a contemporary part glazed and part cladded extension which would connect to the Lancaster Grand and the adjacent original cottages. This scheme is reflective of the original scheme permitted in 2008 and the schemes submitted in 2015 and 2018. The proposal will also facilitate the creation of a plaza area which will provide a public realm enhancement. The current scheme involves a small area within the adjacent City Council Pay and Display car park which has been leased to the Lancaster Footlights in order to support delivery of the foyer extension which, together with external improvements, is identified as a key project within the Lancaster High Streets Heritage Action Zone programme.

5.3.4 It is considered that the principle of a modern extension remains acceptable. It is clear that there is a need for the proposed extension as the existing reception area, bar and disabled access are all constrained and negatively impact on the user experience of the building. There is also a lack of alternative performance space and a lack of suitable space for customers to use the building during the day. As such there is a clear need for the extension to enhance and improve the theatre experience at this site. In relation to the design of the proposed extension, given the scale, form and design of the Listed building, the situation of the building relative to neighbouring buildings it is considered that the only option for extending the facilities at the theatre would be to the north east elevation of the building (as proposed), and that it would be very difficult to extend in a traditional manner in a way that would maintain and enhance the Listed building. The design of the extension has been carefully considered to have a glazed connection to the existing buildings, allowing the original building to be perceived, and the bulk of the structure to be set out from the original building. The design of the building to use rain screen cladding and glazing materials would also result in a quality clean finish which would be distinct but complementary both to the sandstone rubble and the rendered façade. A new boundary wall will be erected to delineate the extended car park area and this will be clad in stone to match the existing building.

- 5.3.5 As in the case of the 2018 submission concerns have been raised regarding the marginal intersection of the extension with the existing blocked up windows on the north-east elevation. Whilst it would be preferable to have these windows left unaffected by the extension and fully perceived internally, any increase to the height of the building would result in the overall scale of the building being too great, which would be overbearing on the original building in scale. Therefore, in order to maintain the right proportions of the building as a whole, the roof of the proposed scheme is at a height where it intersects with the top of the arches, which means part of each arch is not visible. Although the tops of the arches may be hidden from view, the existing stone theatre wall will remain completely exposed. As in the case of the previous approval details of the connection points of the extension to the building will be conditioned.
- 5.3.6 Clearly the overall finished quality of the development will hinge on the final detail and execution of the works. In order to ensure this, conditions would be required (in addition to those set out above) in relation to stonework repairs, materials, external/internal doors, balustrades and bollards, surfacing, lighting, flues and vents, rainwater goods and internal fixtures.
- 5.3.7 National policy requires that great weight should be given to the asset's conservation, and where there is less than substantial harm to the significant of the Listed building, this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Overall, it is concluded that the proposal would result in less than substantial harm to the Listed building, but it is recognised that the design of the extension has been optimally considered to ensure the least harm or impact to the Listed building and its settling. The scheme would clearly result in the optimal use of the heritage asset and would have considerable public benefit from ensuring the growth and bringing up of the existing facility modern standards and expectations of a theatre. On this basis, subject to the conditions proposed, it is considered that the public benefit of the scheme would outweigh any harm to the Listed building and also ensure a high-quality finish to the development.
- 5.4 **Sustainable Design (NPPF Section 12: Achieving Well-Designed Places) and Section 14: Meeting the challenge of climate change; Development Management (DM) DPD Policies: DM29 Key Design Principles, DM30 Sustainable Design and DM53 Renewable and Low Carbon Energy Generation)**
- 5.4.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, but they must also be adaptable to the impacts of the climate crisis and support resilient communities.
- 5.4.2 Although no specific renewable energy measures (such as solar panels) are included in the scheme, the submission sets out that the proposed palette of materials has been chosen to create a durable and sustainable building fabric and recognises the importance of sustainability and energy efficiency in the construction of the extension. The proposed scheme has been developed to maximise the use of key principals which aim to create a sustainable building overall and would therefore contribute to reduced carbon emissions, helping to minimise the impact on climate change. For example, the north facing glazed facade will provide natural lighting into the building without the associated heat build-up from solar gain, which will mitigate cooling loads.
- 5.4.3 Insulation levels and thermal performance will achieve current building regulations as a minimum, but the submission sets out that they are intended to exceed these levels in order to mitigate future energy consumption. It is considered that the erection of the extension will improve the overall thermal properties of the wider building.
- 5.5 **Amenity (NPPF Section 8: Promoting healthy and safe communities and Section 12: Achieving well-designed places; Development Management (DM) DPD Policy DM29: Key design principles and DM57: Health and Well-Being).**
- 5.5.1 In conjunction with the National Planning Policy Framework, the development plan requires proposals to be of a high quality so that they contribute positively to the locality's sense of place and

the community's wider health. In this regard, the Council expects adequately preserving existing levels of amenity which existed prior to the proposal.

- 5.5.2 The site is in proximity to a number of residential units which are restricted to student occupation. However, the proposal will not intensify the use of the theatre in terms of seating numbers but will provide a larger foyer area and bar to improve circulation and access to the building. It is therefore considered that the scheme would not impact unduly on the nearest residential occupants in this city centre location.
- 5.6 **Highways impacts (NPPF Section 9: Promoting sustainable transport and Section 12: Achieving well-designed places; Development Management (DM) DPD Policies DM29: Key design principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling and DM62: Vehicle Parking Provision)**
- 5.6.1 National policy seeks to ensure that a safe and suitable access can be achieved for all users. Local policy seeks to ensure that development incorporates suitable and safe access to the existing highway network and road layout in accordance with design standards, and parking is provided in accordance with Appendix E of the DMDPD.
- 5.6.2 In relation to parking Appendix E requires 1 parking space per 10 seats. The existing theatre has 457 seats and therefore the existing theatre should make provision for 46 car parking spaces and 23 cycle spaces. With the extension (applying a general leisure use category) the net additional floor space of 359sq.m would generate a requirement for 15 spaces, 3 bays for disabled, 2 bike spaces, and 2 motorcycles. The existing facility falls significantly short of parking standards within the existing informal parking area which is used by staff and visiting acts. Although this proposal seeks to extend the car parking area which will be formally laid out, the proposed 12 parking spaces will fall significantly below the threshold demanded by Appendix E. Notwithstanding this, it is considered that this facility lies within a sustainable location with immediate access to an existing large area of parking nearby as well as public transport. In addition to this, provision has been made for 10 cycle stands. Whilst this does fall short of the number required, given the space constraints of the site, it is difficult to provide any additional spaces, and notwithstanding the insufficient number of spaces it would still result in an increase in provision on the existing facility. Normally a requirement would be made to have these spaces made secure by being enclosed, but on balance it is considered that the proposed scheme would be of benefit to the setting of the Listed building.
- 5.6.3 The proposal intends for the existing access to be relocated by shifting this slightly to the northeast as the existing access would be blocked by the extension. County Highways have raised no objections to this but has requested the submission of a swept path analysis. As in the case of the 2018 submission, this has not been provided as the existing servicing arrangement is in the highway and there is no current on-site turning facility for large vehicles. This proposal would not result in a change to this situation although the size of the car park will be increased. The County Highways consultee has also requested a parking and delivery strategy. The frequency of refuse collections will not increase and the intensification of deliveries, as a result of this development, is not considered to have a severe impact upon highway safety. However, it is considered necessary to formalise the existing arrangements and provide a more robust improved arrangement in the form of a parking and delivery strategy (including waste collections). Such a strategy will secure the method, frequency and timing of refuse collection and deliveries to ensure that peak periods for vehicles, cycles and pedestrians are avoided to minimise the conflict with highway users. It is anticipated that this is already occurring at the Theatre and this condition will simply formalise the situation.
- 5.6.4 As highlighted within paragraph 5.3.3 the extension to the Theatre car park will utilise a small portion of the adjacent City Council car park on St Leonards gate. This will result in the loss of approximately 7 Pay and Display parking spaces, including a disabled parking bay and cycle stands. Enquiries to the Council's Parking Team revealed that there are only limited times when parking at St Leonardsgate is at full capacity so the loss will just displace to other available spaces.
- 5.6.5 Subject to the inclusion of imposition of conditions to secure the implementation of the parking and turning area and the provision of a parking and delivery strategy the proposal is considered acceptable in relation to the highways safety.

5.7 **Surface water and foul drainage** (NPPF Development Management (DM) DPD Policies DM34: Surface Water Run-off and Sustainable Drainage and DM35: Water Supply and Waste Water.)

5.7.1 Policy requires that new development should seek to demonstrate that there is no increase in surface water run-off rates both on and off site upon completion of development and where practical reduce run-off. New development should also secure appropriate management and maintenance measures.

5.7.2 The existing site drains foul and surface water into the combined sewer. This proposal seeks to continue to drain the existing surface water hitting the roof of the existing Lancaster Grand building into the combined sewer. Given that this would not represent any change this can be considered acceptable. The proposal, however, seeks to deal with the run-off from the extension and the plaza area via a soakaway (the preferred drainage option for surface water drainage). This proposal would therefore seek to make a reduction to the level of surface water entering the combined sewer which would be of benefit to the drainage in the area. An indicative design of the soakaways has been provided which would appear adequate for the surface area to be drained, but as no percolation tests have been provided it is unclear whether the ground conditions are suitable for a soakaway and whether any enhancements will need to be made to ensure an appropriate infiltration rate. It is considered that this can be left to a condition requiring the details to be agreed prior to the commencement of development.

5.7.3 Foul drainage is proposed to be drained on a separate system to the combined sewer. This is considered to be acceptable and the preferred method of dealing with foul waste. A condition will require the final details of the scheme to be agreed.

5.7.4 Subject to the conditions requiring the submission and implementation of precise details, surface water drainage and foul drainage can be considered acceptable.

5.8 **Ecology implications** (NPPF section 15: Conserving and enhancing the natural environment; Strategic Policies and Land Allocations (SPLA) DPD Policies: SP8: Protecting the Natural Environment); Development Management (DM) DPD Policy DM44: Protection and Enhancement of Biodiversity)

5.8.1 National Planning Policy Framework paragraph 180 requires where significant harm would amount to biodiversity that cannot be mitigated or compensated for planning permission should be refused. Policy DM44 reiterates that development proposals that have the potential to affect protected habitats or species must be accompanied by relevant surveys detailing likely impact and appropriate mitigation and compensatory measures.

5.8.2 Cumulatively the information provided for the site concludes that the buildings are not considered to support bats and there is no evidence of notable foraging or community activity was recorded. On this basis it is advised that no further survey work is required. The information provided is a little unusual insofar as it is a summary of a survey that was carried out and therefore it is not possible to assess the full bat survey report comprehensively against the Natural England Standing Advice for Bats Surveys. Notwithstanding this, the survey was carried out at an appropriate time of year, and the methodology, number and scope used would suggest the conclusions can be considered valid. In addition to this, findings of the report do not find any evidence of use of the buildings by bats and found very limited use of the area by bats for foraging. On this basis the reports only provide a recommendation of enhancement of the area to increase the potential for use through native planting. Given the nature of the proposals such enhancement would not be possible to achieve. Given the existing limited ecological value of the site and the limited change that would result from this proposal it is considered that it would not be reasonable or possible to implement any enhancement and therefore no such conditions are required.

5.9 **Air quality Noise and Pollution** (NPPF paragraphs 183-186; Development Management (DM) DPD Policy DM31: Air Quality Management and Pollution)

5.9.1 The proposal lies outside of the Air Quality Management Areas (AQMA) but only by 50m. The scale of the proposal is such that it does not trigger the requirement for an Air Quality Assessment because the net gross floor area falls below the "greater than 500 sq.m" trigger requirement for an AQA for assembly and leisure uses. The proposal would not increase the seating capacity of the theatre but

seeks to enhance the ancillary areas such as the reception, bar, and improved disabled access. As such it will be an improved building but it will not change its potential impact on the traffic generation to the site, which is already fixed by its seating arrangements. The only elements of the proposal that could result in increased traffic generation would be the performance space and the customer space for daytime use but this is considered to have a marginal increase that would not trigger a requirement for an AQA. Nevertheless, it is considered appropriate to condition the requirement for the provision of Electric Vehicle Charging points.

5.10 **Contamination** (NPPF section 15: Conserving and enhancing the natural environment; Development Management (DM) DPD Policy DM32: Contaminated Land)

5.10.1 National policy requires that sites should be suitable for the development proposed taking account of ground conditions and includes any requirements for mitigation or remediation of contamination. Local policy DM32 reflects this. No information has been submitted in relation to contamination. The proposal site is, however, located on the site of cottages that would have had basements which would have been filled and levelled following demolition. As such the creation of the new basement has the potential to encounter contamination. As a result, in order to ensure that any contamination is effectively remediated the standard contamination condition needs to be applied to any permission granted.

6.0 Conclusion and Planning Balance

6.1 The proposal has been carefully designed to ensure that the impact on the Listed building would not amount to greater than less than substantial harm. It is considered that this harm is outweighed by the public benefit that would result from the enhancement of the facilities at the theatre, which are desperately needed to secure its continued growth and success. Overall, it is considered that the submission represents an acceptable scheme which will not impact unduly on the surrounding street scene or Conservation Area and, will help not only the viability of the site, but the wider area. Subject to conditions, matters relating to design, drainage, contamination access and parking can be adequately dealt with by condition. It is therefore considered that this application can be recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time Limit (3 years)	Control
2	Development to accord with listed plans	Standard
3	Standard contamination condition	Pre-commencement
4	Implementation of a programme of archaeological work.	Pre-commencement
5	Parking and delivery strategy	Pre-commencement
6	Surface water drainage details, including percolation tests	Pre-commencement
7	Separate foul drainage system	Control
8	Details of fixtures to the main building (inc. details of connection to exposed window arches)	Pre-commencement
9	Details and samples of all external materials: <ul style="list-style-type: none"> • cladding • roof materials • frames • fin details • glazing • external doors • balustrades and bollards • surfacing treatments • external lighting, including any lighting to window arches 	Pre-commencement

	<ul style="list-style-type: none"> • flues and vents • rainwater goods • boundary wall 	
10	Following demolition of extensions and outbuildings, details of stonework repairs to be submitted (including to boundary walls to the south east of the site)	Following demolition
11	Parking and delivery strategy	Prior to use
12	Construction Management Plan	Pre-commencement
13	Cycle storage	Prior to use
14	Electric Vehicle Charging points	Prior to use
15	Implementation of parking and turning	Control

Advice from Cadent to be attached to decision notice for the attention of the applicant.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Officers have made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None