

<b>Agenda Item</b> A9	<b>Committee Date</b> 7 January 2019	<b>Application Number</b> 18/00832/FUL
<b>Application Site</b>  Grand Theatre St Leonards Gate Lancaster Lancashire		<b>Proposal</b>  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
<b>Name of Applicant</b>  Mr Michael Hardy		<b>Name of Agent</b>  Mr Fenton
<b>Decision Target Date</b>  9 November 2018		<b>Reason For Delay</b>  Committee cycle and revised information/plans
<b>Case Officer</b>		Ms Charlotte Seward
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval subject to the resolution of servicing arrangements

## **1.0 The Site and its Surroundings**

- 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 adjacent to 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 There are a number of trees within the site. 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 2 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 The Proposal**

- 2.1 This application seeks permission for 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.

## **3.0 Site History**

- 3.1 A similar application was approved in 2008 (08/00421/FUL and 08/00422/LB). This permission lapsed due to lack of implementation. In 2015 (15/00965/FUL and 15/00964/LB) a very similar

application was made. This application was withdrawn due issues in relation to the impact on the adopted highway not being able to be resolved within the scope and character of the application made.

Application Number	Proposal	Decision
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 non-statutory consultees:

Consultee	Response
<b>Conservation Officer</b>	<b>No Objection.</b> Whilst during the determination period some clarifications have been provided on the information submitted, further justification and details are required which will need to be conditioned. The proposal will still lead to a level of harm to the Listed building, considered to be less than substantial, but some of the harm has been mitigated by the design which will allow the side elevation of the principal Listed building to still be appreciated from within the extension and the contemporary high quality design will make a positive addition to this part of the Conservation Area.
<b>Highway Authority</b>	Further information required.
<b>Tree Officer</b>	<b>No Objection</b>
<b>Environmental Health</b>	<b>No Objection.</b> There is a potential for contaminated materials to be present in the subsurface which will need to be addressed by the standard contamination condition.
<b>Natural England</b>	<b>No comments</b> to make
<b>Property Services</b>	<b>Support.</b> Note that the proposed plaza and informal theatre parking area is on land owned by Lancaster City Council but the area to be demolished is leased out to a third party so vacant possession is currently not available to accommodate that part of the development.
<b>Theatres Trust</b>	<b>Support.</b> Audience experience will be significantly enhanced. Performance rehearsal place will provide the theatre with help to maximise income. Removal of later additions to side will enhance, the proposal is minimal impact and the setting will be improved. Decorative features around box office door should be retained. Design suggestions made in relation to the placement of the disabled toilet.

#### **5.0 Neighbour Representations**

5.1 No representations have been received to date.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework**

- 127-130: Achieving well-designed places
- 193-202: Considering impacts on historic environment
- 178: Contamination
- Paragraph 165: Sustainable drainage systems
- Paragraph 175: Habitats and biodiversity
- Paragraph 178-179: Contamination
- Paragraph 180-181: Air quality

### **6.2 Local Planning Policy Overview – Current Position**

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 2019.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

### **6.3 Lancaster District Core Strategy (adopted July 2008)**

- SC1: Sustainable Development
- SC2: Urban Concentration
- SC5: Achieving quality in design

### **6.4 Development Management DPD**

- DM1: Town centre development
- Policy DM4: The Creation and Protection of Cultural Assets
- DM5: The night time and evening economy.
- DM20: Enhancing Accessibility and Transport Linkages
- DM22: Vehicle Parking Provision
- DM27: The protection and enhancement of biodiversity
- DM29: Protection of trees, hedgerows and trees
- DM30: Development affecting listed buildings
- DM31: Development Affecting Conservation Areas
- DM32: The setting of Designated Heritage Assets
- DM35: Key design principles
- DM37: Air quality management and pollution
- DM39: Surface water run-off and sustainable drainage
- Appendix B: Car Parking Standards

### **6.5 Other Material Considerations**

- National Planning Practice Guidance
- Low Emissions and Air Quality Planning Advisory Note (PAN) (September 2017)

## **7.0 Comment and Analysis**

7.1 The main issues to be considered in the determination of this application are:

- Principle of development
- Impact on designated heritage assets
- Highways impacts
- Surface water and foul drainage
- Trees
- Ecology implications
- Air quality
- Contamination

### **7.2 Principle of development**

7.2.1 National policy requires that the sequential test should be applied to planning applications for main town centre uses that are not in an existing centre. Local policy reflects this, requiring that proposals for main town centre uses that are outside of the town centre locations should be subject to passing a number of criteria set out in Policy DM1, including a sequential test. Whilst this proposal is for a main town centre use outside of the existing centre, as it is for an extension to an existing theatre it is considered that these policies do not apply as the location of the development cannot be changed.

7.2.2 Policy DM4 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 DM5 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. This will be addressed in the assessment below.

### **7.3 Design and impact on designated heritage assets**

7.3.1 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.

7.3.2 The NPPF states that (para 193) 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 194). 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 196).

7.3.3 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 scheme submitted in 2015.

7.3.4 Following detailed assessment of the proposal, it is considered that the principle of a modern extension is 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.

- 7.3.5 There are a number of details that have raised concern. This includes the intersection of the extension with the existing blocked up windows. 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. In addition to this the solidity of the connection of the modern extension to the existing elevation has raised concern. Revised plans have been submitted to remove the plaster cladding to the existing external north east wall so that this will be left exposed within the building, ensuring that the original wall can be perceived and understood in the new extension internally and through the glazed connection. Alternative options for the sizing and location of extraction and ventilation equipment has been considered to reduce the scale of the building, and therefore its impact on the existing elevation, but no smaller size units or alternative locations that would have a reduced level of harm could be identified.
- 7.3.6 Further details have also been provided in relation to the making good of the elevations of the Music Co-op building, the north-east elevation of the theatre, fire exit in the rain screen cladding, the alterations to the internal layout of the existing building, details of boundary walls and ground levels, structural capability of the lodge to accept the proposed extension. This information is generally acceptable though conditions will be required to ensure the final details of these elements is controlled.
- 7.3.7 No further details have been provided about the connection points of the extension to the building. Whilst it would be preferable to have this information upfront it is considered that the principle of the connection can be considered acceptable, subject to the final details of the scheme being agreed through condition.
- 7.3.8 Clearly the overall finished quality of the development very much hinges 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.
- 7.3.9 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.
- 7.4 Highways Impacts
- 7.4.1 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 B.
- 7.4.2 The proposal intends to create a new access to the site shifting this slightly to the north east. County Highways has advised that a Section 278 agreement will be required to create the new vehicle access, close up the existing access, move a lighting column, and reinstate the footway. They have raised no objection to the shifting of the access, but have requested a condition to require the applicant to enter into a Section 278 agreement.

- 7.4.3 In relation to parking Appendix B 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 and this proposal reduces the area within the existing area available for parking. 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. Whilst County Highways has raised comment in relation to the lack of parking, they have not offered any objection to the proposal, noting access to parking close to the site. In relation to the proposed design of the plaza area, the parking plans have been amended to remove conflict with the existing access and has been formally laid out as requested by County Highways, and now demonstrates adequate turning space to access and egress these spaces. In addition to this, provision has been made for 8 cycle spaces. Whilst this does fall short of the 25 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. County Highways has requested that the parking be restricted to staff use only. Given the intended operation of the theatre this may be unduly restrictive as it is intended to be used by the acts that will also be performing at the theatre. On this basis it is suggested that a more reasonable restriction would be to require the parking to be restricted for staff/acts only.
- 7.4.4 Concern has been raised by County Highways in relation to the access to the site for servicing requiring the provision of a swept path analysis to show on site turning and to define the radius of the proposed access, to ensure that service vehicles are not obstructing the St Leonard's Gate. Despite requests the applicant has failed to provide the swept path analysis, stating that there is no current on site turning facility and that this proposal would not result in a change to this situation. Further consultation has been made with County Highways. A verbal update will be provided to committee.
- 7.4.5 Subject to the resolution of the issue of servicing with County Highways, it is considered that with the imposition of conditions to secure the off-site highways works, use of the parking by staff/acts only, and the implementation of the parking and turning area can make the proposal acceptable in relation to the highways safety.
- 7.5 Surface water and foul drainage
- 7.5.1 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.
- 7.5.2 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 cottages, 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 have 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.
- 7.5.3 Foul drainage is proposed to be drained on a separate system to the combined sewer. This can be 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 via condition.
- 7.5.4 Subject to the proposed conditions surface water drainage and foul drainage can be considered acceptable.

## 7.6 Trees

7.6.1 National and local policies require that biodiversity is conserved and enhanced and that opportunities to incorporate biodiversity in and around the development should be encouraged. The application site has a small number of existing trees. These 6 trees have been identified to be retention category C and U and are to be removed as part of the development. No objections have been raised from the Tree Officer and no conditions are proposed due to the lack of opportunity to provide replacement planting within the proposed scheme. Whilst the removal of the trees would result in the loss of trees in a Conservation Area, overall it is considered that the trees are not of a condition or quality that would justify their retention. As such the loss of the trees can be considered acceptable.

## 7.7 Ecology implications

7.7.1 National Planning Policy Framework paragraph 175 requires where significant harm would amount to biodiversity that cannot be mitigated or compensated for planning permission should be refused. Policy DM27 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.

7.7.2 Initially insufficient information had been provided in relation to bats as a result of the survey only being carried out on the Music Co-op building to be demolished. An addendum has now been supplied which includes the Lancaster Grand Building and the Cottages in the assessment.

7.7.3 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.

## 7.8 Air quality

7.8.1 National policy requires that planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. Local policy requires that Air Quality Assessments (AQA) must be submitted for any development within or adjacent to an AQMA, and that development must ensure that users are not significantly adversely affected by the air quality within the AQMA and include mitigation measures where appropriate. The policy in the Emerging Development Management DPD goes further to state that development must avoid worsening any emission of air pollution in areas that could result in a breach and states that the Council will encourage opportunities to deliver net reductions in air emissions through on-site or off-site measures. The Air Quality Planning Advisory Note (PAN) sets out the methodology that should be used to assess impact and sets out levels of required mitigation for certain types of development. In relation to the existing PAN document the development is of a type that triggers the mitigation, though this document is not adopted so no weight can be attributed to it. It is solely for guidance purposes.

7.8.2 The proposal lies outside of the 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 D2 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. As any impact as a result of this proposal on air quality is likely to be limited and it is an existing facility it is considered unreasonable to require any mitigation as a result of this proposal.

7.9 Contamination

7.9.1 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 DM35 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.

**8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application.

**9.0 Conclusions**

9.1 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. Subject to conditions, matters relating to design, drainage, contamination access and parking can be adequately dealt with by condition. Subject to the resolution of the matter of the servicing of the site with County Highways, it is considered that this application can be recommended for approval.

**Recommendation**

Delegate back to the Planning Manager to approve subject to the resolution of highways safety matters (servicing), but resolve that Planning Permission **BE GRANTED** in principle subject to conditions:

1. Standard time condition
2. Development to accord with listed plans
3. S278 off-site highways improvements works for the creation of a new access, including new dropped kerb, reinstatement of the footway and review of position of lighting column
4. Standard contamination condition
5. Surface water drainage details, including percolation tests
6. Separate foul drainage system
7. Cycle storage
8. Implementation of parking and turning
9. Following demolition of extensions and outbuildings, details of stonework repairs to be submitted (including to boundary walls to the south east of the site)
10. Details and samples of all external materials:
  - cladding
  - roof materials
  - frames
  - fin details
  - glazing
  - external doors
  - balustrades and bollards
  - surfacing treatments
  - external lighting, including any lighting to window arches
  - flues and vents
  - rainwater goods
12. Details of fixtures to the main building (inc. details of connection to exposed window arches)

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

In accordance with the above legislation, Lancaster City Council has 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