

Perth and Kinross Council
Development Management Committee – 9 October 2013
Report of Handling by Development Quality Manager

Alterations and extension to Perth Theatre 185 High Street, Perth, PH1 5UW

Ref. No: 13/01396/LBC
Ward No: 12 - Perth City Centre

Summary

This report recommends approval of the application for alterations, extension and formation of new entrance at Perth Theatre as the development is considered to comply with the Listed Building Legislation, the provisions of the Development Plan and supplementary Planning Guidance subject to compliance with conditions.

BACKGROUND AND DESCRIPTION

- 1 Perth Theatre is a category B Listed Building located within the Perth City Centre and Perth Central Conservation Area. This report assesses the works which require Listed Building Consent. A separate planning application has been submitted which is assessed under application 13/01395/FLL and also being reported to this Committee.
- 2 It should be noted that this is a re-submission of a previously approved 2010 application. There are no amendments to the intention or scope of works that require listed building consent. However the principal changes between the scheme which was granted planning approval in 2010 and the current adjusted proposals can be summarised as follows:
 - The central foyer space has been increased in size with consequent increase in the size of the café and bar areas.
 - the new studio theatre and north façade of the building has been slid northwards, closer to Mill Street by approximately 6m.
 - the third community room/rehearsal studio which was on the third (top) floor is relocated to sit beside the Youth theatre room on the second floor. This effectively reduces the height of the building in this area.
 - the general footprint of the studio theatre has been realigned so that it sits parallel with the original buildings which results in a simplification of the overall building geometry which helps mitigate the cost of the larger footprint.
 - larger washroom facilities have been introduced.
 - the stage door/dock/delivery area has been reorganised.
 - The Mill Street façade has been redesigned to create a cohesive elevation, wrapping the layers of cladding around both the studio theatre and the dressing room wing.

- 3 This assessment highlights the acceptability of the scheme against the current policy framework in place and if approved will allow the listed building works to proceed in tandem with the associated theatre planning application if approved.
- 4 In accordance with Regulation 5 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 the Listed Building application has been advertised in the Local Press, Edinburgh Gazette and a site notice was displayed on 26 August 2013.

NATIONAL POLICY AND GUIDANCE

Designing places

- 5 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Scottish Planning Policy

- 6 Is a statement of the Scottish Government's policy on nationally important land use planning matters sets out the national planning policy for. The applicable paragraphs in this instance are 110 – 114 which relate to the historic environment.

Scottish Historic Environment Policy (SHEP)

- 7 Sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations.

DEVELOPMENT PLAN

- 8 The Development Plan for the area consists of the Approved Perth and Kinross Structure Plan 2003 and the Adopted Perth Central Area Local Plan 1997.

TAYplan Strategic Development Plan 2012

- 9 The vision set out in the TAYplan states that:
- 10 *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

- 11 The principal relevant policy is:-

Policy 3: Managing TAYplan's Assets

- 12 The policy seeks to safeguard townscapes, archaeology, historic buildings as well as other assets.

Perth Central Area Local Plan 1997

- 13 Under the local plan the site lies within the Perth settlement boundary and the Perth Conservation Area. The principal relevant policies are in summary: -

Policy 15 Perth Central Listed Buildings

- 14 There will be a presumption against the demolition of Listed Buildings and a presumption in favour of consent for development involving their sympathetic restoration.

Policy 16 Perth Central Listed Buildings

- 15 Changes of use of Listed Buildings will be favourably considered where this ensures their retention in an appropriate manner and would not have an adverse effect on adjoining land uses.

Policy 29 Perth Central Access for Disabled

- 16 The Council will encourage the provision of facilities which afford easier access and mobility for the disabled.

Policy 54 Perth Central Conservation Area

- 17 Proposals for new buildings, changes to the appearance of existing buildings and, where appropriate, demolition of buildings will be assessed having regard to the design guidelines applicable to Conservation Areas contained in Annex 1 (See Pol 14).

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN JANUARY 2012

- 18 On the 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan underwent a period of representation ending in April 2012 and is currently the subject of an examination, but it not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

- 19 The principal relevant policies are in summary:

Policy PM1A – Placemaking

- 20 Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

- 21 The design and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy PM1B - Placemaking

- 22 All proposals should meet all the following placemaking criteria:
- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
 - (b) Consider and respect site topography and any surrounding important landmarks, views or skylines.
 - (c) The design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours
 - (d) Respect and existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
 - (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
 - (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
 - (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

Policy PM2 – Design Statements

- 23 Design statements will normally need to accompany a planning application if the development:(a) comprises five or more dwellings; or(b) is a non-residential use greater than 0.5 ha in area; or(c) affects the character and/or appearance of a Conservation Area, Historic Garden, Designed Landscape, or the setting of a Listed Building or Scheduled Monument. A design statement may also be required to accompany a Planning Application for other forms of development where design sensitivity is considered a critical issue. If applicants are uncertain as to whether a design statement is expected, or on the level of scope and detail that will be appropriate, then the views of the Council should be sought.

Note: Further guidance can be found in Planning Advice Note (PAN) 68 Design Statements.

Policy HE2: Listed Buildings

- 24 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special interest. Encouragement will be given to proposals to improve the energy efficiency of listed buildings within Perth and Kinross, providing such improvements do not impact detrimentally on the special interest of the building. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

OTHER POLICIES

- 25 Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998).

SITE HISTORY

- 26 89/00831/FUL Alterations and extension to Perth Theatre, application approved, 21 August 1989
- 27 01/00351/ADL Alterations to external signage and entrance walkway, application approved, 01 August 2001
- 28 01/00775/ADV Display of 3 x poster display cases, application approved, 06 July 2001
- 29 01/01147/ADV Installation of poster display boxes to lamp standards to front, application approved, 18 September 2001
- 30 03/00758/PPLB Replace fire escape doors leading from Theatre into Cutlog Vennel and improve lighting along Cutlog Vennel, application approved, 20 August 2003
- 31 10/00914/FLL Alterations, extension and formation of new entrance, application approved, 19 November 2010
- 32 10/00915/LBC Alterations, extension and formation of new entrance, application approved 7 February 2011
- 33 13/01273/FLL Refurbishment of Perth Theatre 26 July 2013 Application Withdrawn
- 34 13/01274/LBC Refurbishment of Perth Theatre 26 July 2013 Application Withdrawn

CONSULTATIONS

Historic Scotland

- 35 Note that the majority of the revisions now proposed from the 2010 scheme are related to the refinement and modification of the new build elements which they have no concern over. They note that some minor modifications will be made to the main auditorium to improve access from the foyer spaces and provide adequate fire escapes and sound lobbies, and that these will be done to retain the original Edwardian character. They advise that the impact of these alterations is not clear and they will need to be clarified further and justified, as appropriate, when the application is notified to us. Alternatively, Historic Scotland advise that a condition could be set to cover this aspect.

The Theatre Trust

- 36 Welcomes the plans to reinstate the original upper circle of the auditorium and infilled orchestra pit as these measures will restore the original Edwardian layout envisioned by the Architect William Alexander. They also note that the majority of works will entail the removal of later additions and from their interpretation of the plans none of the works would adversely harm the special character and architectural significance of the Category B Listed Building.

REPRESENTATIONS

- 37 None.

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Submitted

APPRAISAL

- 38 This report deals with the assessment of proposed demolition, alterations, extension and restoration of Perth Theatre a Category B Listed Building.
- 39 The determining issues in this case are:- the statutory requirement under Section 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for the planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses; whether the proposal complies with development plan policy; how the proposal relates to the Disability Discrimination Act, the relevant supplementary guidance and if there are any other material considerations which justify a departure from policy.

- 40 The supporting statement submitted confirms there were key objectives to the proposed alterations, extension and refurbishment of the Perth Theatre. This included improving the identity of the theatre by forming a new frontage on Mill Street, creating suitable access and circulation space for members of the public, forming a new Studio Theatre space, improving facilities for the Youth Theatre and Community.
- 41 These objectives have resulted in a scheme which seeks to remove a segment of structures round the main auditorium to the south and east to allow the insertion of a new extension.

Demolition of listed structures to allow formation of new extension to include improved facilities, circulation space and new entrances:

- 42 It should be noted that the Disability Discrimination Act 1995 is an important piece of legislation to bear in mind when considering access for this proposal. It was introduced with the aim of opening up access to facilities in a way that provides (as far as possible) identical access for all. However, it is recognised that there are conflicts between this Act and the Listed Building Legislation therefore benefits must be balanced against the potential damage alterations may cause to the significance of the building itself. The general presumption is in favour of the preservation of listed buildings except where a convincing case can be made for their alteration.
- 43 Having had the opportunity to undertake a site visit, take account of the Conservation Plan as well as the consultation responses I consider that the demolition of the later structures attached to the main auditorium to be acceptable. The continued use of this building as a theatre with improved facilities, improved entrance and circulation will ensure that the buildings intended use is maintained for the foreseeable future while catering for the expectations of its users. In this case enhanced access to the buildings key historic spaces far outweighs the loss of historic fabric. I acknowledge Historic Scotland has concerns regarding minor modifications to the main auditorium to improve access from the foyer spaces, fire escapes and sound lobbies. However, I consider that the clarification on how the new build will relate to the buildings original Edwardian character at these junctures can be clarified by conditional control. This was also a requirement of the 2010 consent.
- 44 While the word setting is not defined in planning legislation Historic Scotland's Technical Guidance Notes (formerly part of the Memorandum of Guidance on Listed Buildings and Conservation Areas 1998) specifies that authorities are firmly encouraged not to interpret the word narrowly. It highlights at all times the listed building should remain the focus of its setting. Attention must never be distracted by the presence of any new development whether it be within or outwith the curtilage. In this instance I consider the appropriate factors to take into account are the principal views of the theatre from the High Street, Mill Street and Cow Vennel.
- 45 I do not consider that the setting of the building will be affected when viewed from the High Street. The formation and insertion new development to create pedestrian access on Cow Vennel is considered to be an appropriate scale and

form which creates a suitable relationship with the surrounding listed structures. The new extension when viewed from Mill Street will create and provide a new entrance to the theatre, in this instance I consider the development to be an improvement as a cohesive street frontage is created which removes the servicing and public car park area which detracts from the building and indeed the conservation area at present. Conditions should however be attached to the consent which would look in detail at the junctions between new and old fabric as well as the submission of external materials to ensure the finish is appropriate.

Internal works to the Principle Auditorium:

- 46 The principle Auditorium is a fine example of Edwardian Theatre Design and consists of fine plasterwork to 2-tiered auditorium with horse-shoe plan circle and balcony, linking to boxes and proscenium; narrow cast-iron columns; bowed balcony front with consoled features and straight upper balcony front with elegant swag detail. A conservation plan has been submitted in support of the application which documents the evolution of this space which predominantly consists of redecoration and reseating schemes.
- 47 The proposed works associated with the auditorium take cognisance of the conservation plan and include the reinstatement of the orchestra pit between the stage and stalls, partial reopening of the upper circle, minor alterations to the seating layout to improve sightlines and the formation of ventilation infrastructure.
- 48 Assessing the content of the conservation plan and taking cognisance of the consultation responses I am content that the proposed alterations and refurbishment of the auditorium should be welcomed.
- 49 The reinstatement of the orchestra pit will restore the original configuration and relationship between stage and stalls while the partial re-opening of the upper circle will provide members of the public a different perspective of this historic space. I have no objection to the revised seating layout but I do note that further information should be sought on the refurnishing which can be adequately controlled by condition. The extract systems will have an effect on the original fabric however as these are largely kept to the underside of the circles and uses the existing bulkheads, I am content that the impact has been minimised as far as possible. Taking account of the above I am content that these internal works to this segment of the building are acceptable and comply with the adopted local plan.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 50 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval is not a significant

departure from the Development Plan, a notification to the Ministers is not required.

LEGAL AGREEMENTS

51 None required.

DIRECTION BY SCOTTISH MINISTERS

52 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

53 In conclusion, a balanced judgement has to be made on the application. While some of the buildings historic fabric and features will be lost to accommodate the proposed works it is quite clear that there are added benefits, increased functionality, better circulation and access arrangements as well as opening key historic spaces within the auditorium. In this case the positive aspects substantially outweigh the negative. I therefore consider the application should be approved subject to conditions to control certain aspects of the development. I have taken account of material considerations and find none that would justify refusing the application.

RECOMMENDATION

A Approve the application subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the listed building consent.
2. That no demolition or downtakings associated with this consent shall be undertaken until the Royal Commission on the Ancient and Historical Monuments of Scotland have either recorded the building(s) or have indicated in writing that they do not wish to record the building(s).
3. No development shall commence until a photographic survey cross referenced to survey plans and elevations has been submitted to and approved in writing by the Council as Local Planning Authority
4. No developments shall commence until detailed drawings of the junctions between the retained historic fabric and new work have been submitted to and approved in writing by the Local Planning Authority in consultation with Historic Scotland. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the Council as Local Planning Authority.
5. No development shall commence until samples of new external finishing materials have been submitted to and approved in writing by the Local Planning

Authority. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the Council as Local Planning Authority.

6. No development shall commence until precise details for the decoration and re-furnishing of the auditorium have been submitted to and approved in writing by the Local Planning Authority in consultation with Historic Scotland. This will require to be supported by historic analysis to support the decoration and furnishing/refurnishing scheme. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the Council as Local Planning Authority.

Reasons

1. To ensure that the development is carried out in accordance with the plans approved.
2. In order to comply with the terms of Section 7(2) of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997.
3. To ensure a record of the buildings fabric prior to alteration is undertaken.
4. In order to safeguard the special architectural or historic interest of the building and to ensure the Planning Authority maintains effective control over the development.
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6. In order to safeguard the special architectural or historic interest of the building and to ensure the Planning Authority maintains effective control over the development.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no material considerations which justify a departure therefrom.

C PROCEDURAL NOTE

As the application involves substantial work to Category B Listed Buildings the consent shall not be issued until formal ratification from Historic Scotland has been received.

D INFORMATIVES

- 1 No work shall be commenced until an application for building warrant has been submitted and approved.
- 2 This is approval of your application Ref no 13/01396/LBC for listed building consent only. It does not include any approval for your related application for

Planning Consent Ref no 13/01395/FLL. You should therefore not commence work until you have received Planning Consent.

Background Papers: None

Contact Officer: Name John Russell Ext 75346

Date: 18 September 2013

Nick Brian
Development Quality Manager

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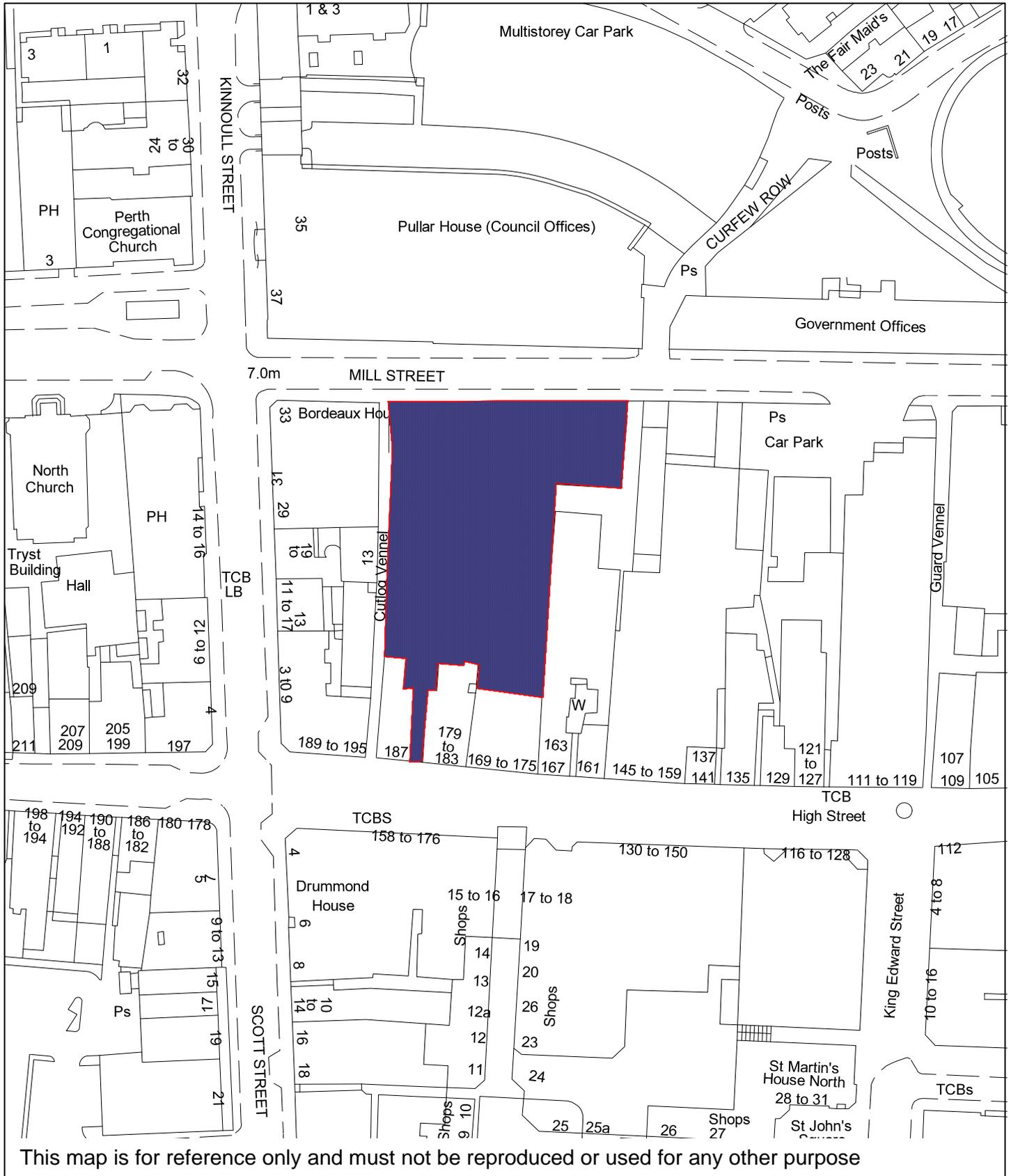
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Perth & Kinross Council

13/01396/LBC

185 High Street, Perth

Alterations and extension to theatre



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↑ Scale
1:1250

