

Perth and Kinross Council  
Development Management Committee – 12 August 2015  
Report of Handling by Development Quality Manager

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

Ref. No: 15/00995/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 This report deals with the alteration and extension of Perth Theatre - a category B Listed Building located within the Perth City Centre and Perth Central Conservation Area. The application proposes an amended scheme to that already consented in 2013. There are no amendments to the intention or scope of works that require Listed Building consent. 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.
- 2 This report assesses the works which require Listed Building Consent. A separate planning application has been submitted which is assessed under application 15/00994/FLL and is also being reported to this Committee.
- 3 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 19 June 2015.

**NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through the National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

**DEVELOPMENT PLAN**

- 5 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 6 The overall vision of the Tay Plan states *“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.”*
- 7 The principal relevant policy is, in summary:

### **Policy 3: Managing TAYplan’s Assets**

- 8 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

## **Perth and Kinross Local Development Plan 2014**

- 9 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 10 The principal relevant policies are, in summary:

### **Policy PM1A - Placemaking**

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

### **Policy HE2 - Listed Buildings**

- 12 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. 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 building's character, appearance and setting.

## **OTHER POLICIES**

- 13 Scottish Historic Environment Policy (SHEP):- 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.

## **SITE HISTORY**

- 14 **89/00831/FUL** Alterations and extension to Perth Theatre 21.08.1989

- 15 **01/00351/ADL** Alterations to external signage and entrance walkway  
01.08.2001
- 16 **01/00775/ADV** Display of 3 x poster display cases 06.07.2001
- 17 **01/01147/ADV** Installation of poster display boxes to lamp standards to front  
of 18.09.2001
- 18 **03/00758/PPLB** Replace fire escape doors leading from Theatre into Cutlog  
Vennel and improve lighting along Cutlog Vennel 20.08.2003
- 19 **10/00914/FLL** Alterations, extension and formation of new entrance, application  
approved by the Development Control Committee in November 2010
- 20 **10/00915/LBC** Alterations, extension and formation of new entrance,  
application approved by the Development Control Committee in November  
2010
- 21 **13/01273/FLL** Refurbishment of Perth Theatre 26.07.2013 Application  
Withdrawn
- 22 **13/01274/LBC** Refurbishment of Perth Theatre 26.07.2013 Application  
Withdrawn
- 23 **13/01395/FLL** Alterations and extension to theatre 11.08.13 Application  
Permitted
- 24 **13/01396/LBC** Alterations and extension to theatre 29.08.2013 Application  
Permitted

## **CONSULTATIONS**

### **External**

- 25 None

### **Internal**

- 26 **Conservation Officer:-** The current applications are to amend the most recent approved plans (13/01395/FLL, 13/01396/LBC). The scale of the proposed new extension fronting Mill Street is reduced. The proposals raise no additional concerns in relation to the potential impact on the conservation area setting or the historic fabric of the main auditorium. Conditions are recommended to be attached to any consent.

## **REPRESENTATIONS**

- 27 No letters of representation have been received.

## ADDITIONAL STATEMENTS

28

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

## APPRAISAL

- 29 This report deals with the assessment of proposed demolition, alterations, extension and restoration of Perth Theatre - a Category B Listed Building.
- 30 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.
- 31 The supporting statement submitted confirms there were key objectives to the proposed alterations, extension and refurbishment of the Perth Theatre. These 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 and improving facilities for the Youth Theatre and Community.
- 32 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**

- 33 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.

- 34 Taking 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. While I acknowledge Historic Scotland's concerns that historic fabric will be lost I consider a holistic approach to this scheme has to be considered. The continued use of this building as a theatre with improved facilities, improved entrance and circulation will ensure that the building's intended use is maintained for the foreseeable future while catering for the expectations of its users. In this case, enhanced access to the building's key historic spaces far outweighs the loss of historic fabric.
- 35 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 factor to take into account is the principal view of the theatre from the High Street, Mill Street and Cow Vennel.
- 36 I do not consider that the setting of the building will be affected when viewed from the High Street or Cow Vennel. 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 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 Principal Auditorium**

- 37 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.
- 38 The proposed works associated with the auditorium take cognisance of the conservation plan and include the partial reopening of the upper circle, minor alterations to the seating layout to improve sightlines and the formation of ventilation infrastructure.
- 39 From an assessment of 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.

- 40 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 with 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.

### **Economic Impact**

- 41 The application for alterations, extension and formation of a new entrance to Perth Theatre will provide essential new and upgraded facilities, whilst conserving the historic auditorium. This will allow the theatre to keep pace with the public's expectations and the needs of performers and producers. The extended facilities will enable the theatre to reach out to wider audiences and provide a broader range of performance and events including community-based work and educational activities. Accordingly the proposal will have a positive economic impact.

### **Planning Authority with an Interest in the Land**

- 42 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. 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**

- 43 None required

### **DIRECTION BY SCOTTISH MINISTERS**

- 44 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**

- 45 In conclusion, a balanced judgement has to be made on the application. While some of the building's 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.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 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).

Reason - In order to comply with the terms of Section 7(2) of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997.

- 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 local Planning Authority in consultation with the Conservation Team.

Reason - To ensure a record of the building's fabric prior to alteration is undertaken.

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

Reason - 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.

- 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 along with a methodology/ specification for the repairs to the historic external brickwork. Thereafter the scheme as approved shall be implemented all to the reasonable satisfaction of the local Planning Authority.

Reason - 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.

- 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. 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 local Planning Authority.

Reason - 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 NOTES**

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 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.

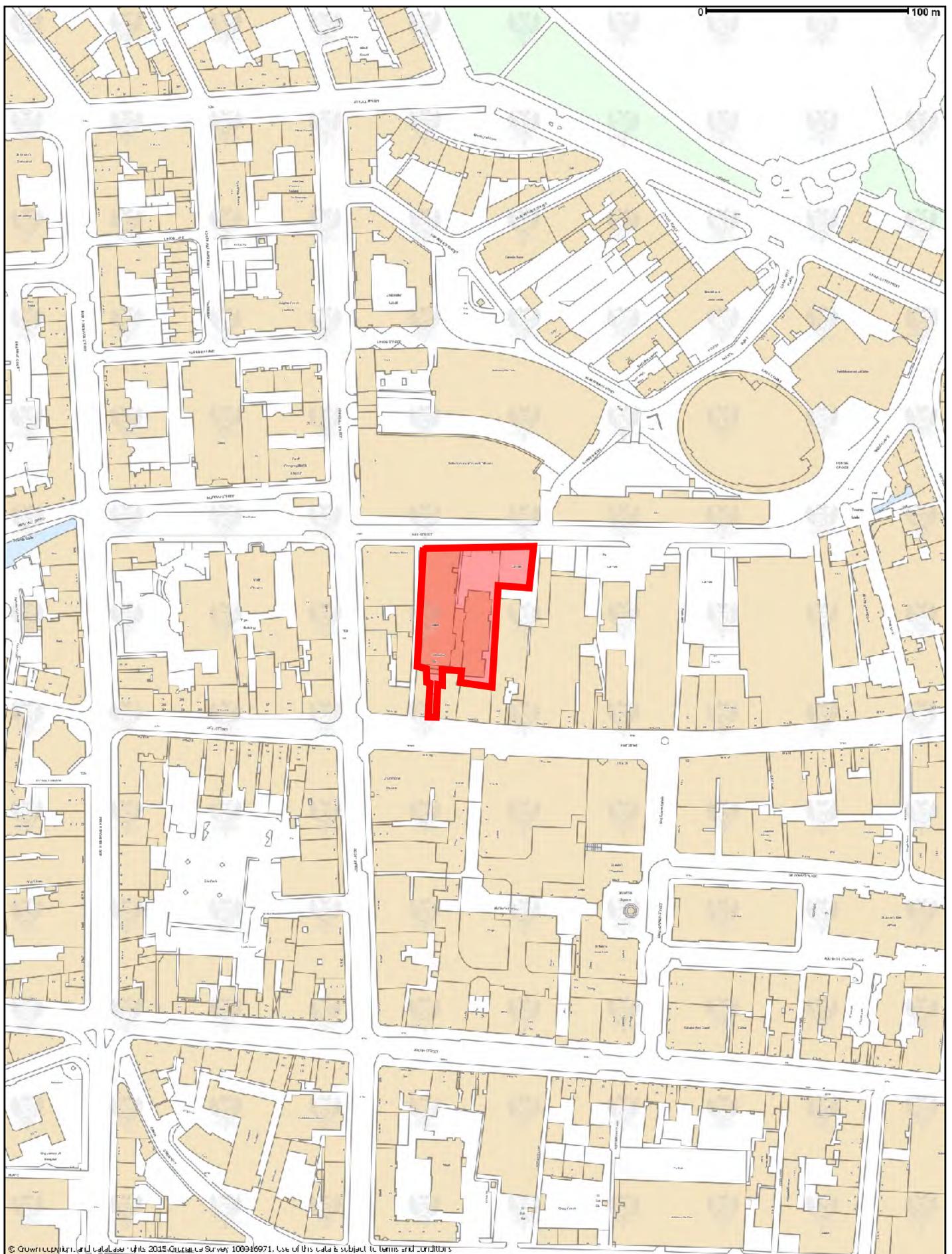
Background Papers: None.  
Contact Officer: John Russell – Ext 75346  
Date: 24 July 2015

**NICK BRIAN  
DEVELOPMENT QUALITY MANAGER**

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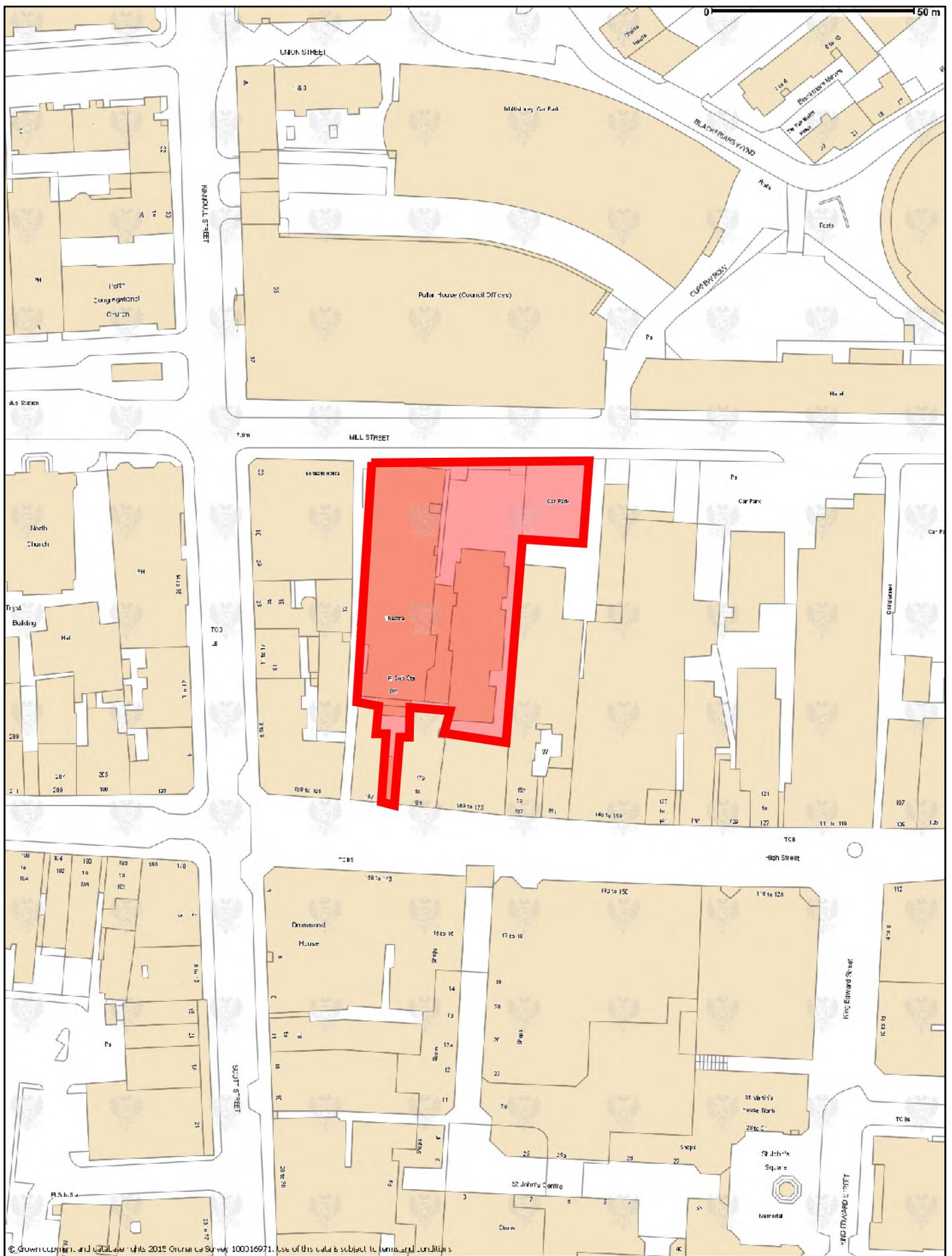
**Development Management Committee**



**15/0094/FLL**

**Alterations and extension to theatre at 185 High Street, Perth**





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