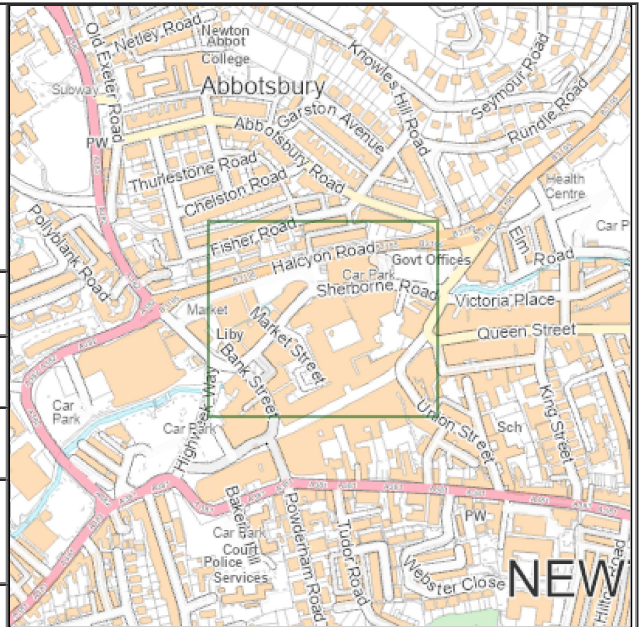


Planning Committee Report

Chairman: Cllr Colin Parker

Date	19 March 2024
Case Officer	Jennifer Joule
Location	Alexandra Cinema Market Street Newton Abbot Devon TQ12 2RB
Proposal	Restoration of single theatre auditorium, atrium extension to the south and associated alterations
Applicant	The Alexandra Theatre CBS
Ward	Bushell
Member(s)	Cllr Rob Hayes, Cllr Jackie Hook
Reference	22/01597/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION REFUSED

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1. REASON FOR REPORT

A Trustee of The Alexandra Theatre Newton Abbot Charitable Community Benefit Society (the applicant) is also a Council Member.

2. RECOMMENDATION

Permission be refused for the following reasons:

1. The proposed atrium-style southern extension constitutes less than substantial harm to the significance of the grade II listed Alexandra Theatre as a result of its large bulk and form, which would unbalance the symmetry of the building and be overwhelming to the existing relatively modest structure. There are not considered to be clear and convincing public benefits to provide the justification necessary for such harm to be permitted, as there is no clear case for the extension's need, nor evidence that alternative provision could not be pursued elsewhere. The proposal is therefore considered to conflict with Policy EN5 of the adopted Teignbridge Local Plan 2013-2033 as well as paragraphs 205, 206 and 207 of the National Planning Policy Framework (NPPF) 2023.
2. The formation of a new permanent loading bay off Sherborne Road is considered an unnecessary change in light of the existing loading area to the south of the building. It would represent poor urban design to remove an existing and attractive area of hard and soft landscaping when anticipated use of the bay is for relatively few days a year. The proposal is therefore considered contrary to the principles of sustainable and quality development set out at Policies S1 and S2 of the adopted Teignbridge Local Plan 2013-2033, notably the need to make effective use of land, design spaces which are attractive, and ensure highway requirements do not dominate a site's appearance and function.

3. DESCRIPTION

Site Description

- 3.1. The Alexandra Theatre is located within the centre of Newton Abbot. It forms the western part of the Market Hall building to the immediate south of Market Street and Sherborne Road.
- 3.2. The key planning constraints of relevance to the site and proposal are as follows:
 - The Alexandra Theatre is a grade II listed building;
 - It is located in close proximity to other grade II listed buildings, notably those along Market Street;
 - It is located above the culverted underground River Lemon and within Flood Zone 3, meaning it is at the highest risk of flooding;
 - Also at high risk of surface water flooding;
 - Within an Air Quality Management Area;
 - Within the designated Town Centre for Newton Abbot; and,

- Within the South Hams Special Area of Conservation (SAC) Greater Horseshoe Bat Landscape Connectivity Zone.

- 3.3. The building was originally constructed in the late 1860s under the architect John Chudleigh. It was constructed together with the Market Hall in locally-dressed limestone in the Italianate style. The west end of the building was originally occupied as a corn exchange but soon after completion it became a public hall, opened in 1871. In 1883 a stage was installed.
- 3.4. The Theatre's balcony level was added in the 1920s to facilitate the growing demand for films. The rendered brick extensions to the front elevation were added at this time and allowed space for a new staircase access to the balcony level and access to the new projection room. This second tier of seating was 'boxed-in' in 1998 to form the second cinema screen.
- 3.5. Since the 1970s, a cinema has occupied the building alongside use by local theatre and performance groups, including the applicants for this proposal.
- 3.6. The building was listed at grade II in 1972.
- 3.7. The Local Planning Authority understands that the terms of the lease with the Council, the land owner, currently permit only three weeks of theatre use per year. For the rest of the year the building is in use as a cinema.

Relevant Planning History

- 3.8. 95/03185/LBC - Build sound-proof internal wall to form 2nd auditorium & convert pt of foyer to project – Approved 1996
- 3.9. 22/01129/MAJ and 22/01130/LBC - Demolition of existing buildings, erection of four screen cinema building on upper levels with two Class E(a, b) units on the ground floor, associated ancillary accommodation and external works – Withdrawn
- 3.10. Linked application for listed building consent:

22/01598/LBC Restoration of single theatre auditorium, atrium extension to the south and associated alterations – Under consideration

Proposed Development

- 3.11. There are two main elements to the proposals:
 - Restore a single theatre/auditorium space within the existing two-screen cinema/theatre; and,
 - Build an atrium-style extension to the southern side of the building for use as a bar/café.

Other elements include:

- Removal of mature tree to southern side of building;
- Realignment of pavement to southern side of building to accommodate extension;

- Installation of new loading bay to northern side of building in place of existing landscaping;
- Planting of two fastigate trees within the pavement to the northern side of the building; and,
- Installation of ten additional cycle parking spaces adjacent to the new loading bay.

It should be noted that there are further proposed internal works which would not require planning permission but would require listed building consent. These changes are considered under the linked listed building consent application ref. 22/01598/LBC.

- 3.12. The applicant has amended the scheme during the determination period. When originally submitted, the proposal related to the full extent of the listed building and included changes to the Market Hall. The red line of the application site was subsequently reduced to comprise only the Theatre and revised drawings were supplied.

Heritage Impact

- 3.13. In coming to this decision the Council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.14. The significance of the Alexandra Theatre is considered to derive from its design, decoration and craftsmanship. It was and still is an important civic building and part of the Market Square. It is a good example of late 19th Neo-classical architecture in the Italianate style. It has a pure but simple form, with a series of arched window features. Its simple form and massing are part of its significance.
- 3.15. The Conservation Officer does not raise concern with the internal changes, namely the proposed single auditorium/theatre space including the restoration of the second seating tier and associated works. Officers support these changes as they will reinstate the 1920s works to enlarge the capacity of the theatre. It is expected that the original balcony remains in place and can be restored through the proposal. Furthermore, the changes to allow disabled access are welcomed. The internal works are therefore not considered to amount to harm to the asset.
- 3.16. The Conservation Officer has set out that the proposed southern extension amounts to substantial harm to the significance of the asset. Substantial harm is an unusually high degree of harm. Harm occurs on a spectrum, but the NPPF specifically provides two categories of harm which Local Planning Authorities should use: 'less than substantial' and 'substantial', with policy flowing on from a conclusion of either category of harm. Planning Officers have reviewed the Conservation Officer's comments as well as those from external advisory bodies and consider that the proposal amounts to harm which occurs at the higher end of the less than substantial category.
- 3.17. The Conservation Officer has advised that the harm arises in this case from the southern atrium extension. This harm derives from:

- The atrium extension will remove a fundamental component of the original design: the symmetry of the building;
- The atrium will cocoon the original elevation of the host building and the large new roof form will prevent an understanding of the original listed structure;
- The simple form and massing of the building will be lost, overwhelming the existing relatively modest structure; and,
- The atrium extension will partially remove the historic fabric of the semi-circular arched windows on the southern elevation, both an irreplaceable resource and an important feature of the original 1871 design.

3.18. Planning Officers agree with this assessment of harm but consider the overall impact of the extension is less than substantially harmful due to the glazed nature of the proposed atrium elevations, which will continue to allow views of the listed fabric enclosed within the extension. Furthermore, whilst the roof form is unduly large and bulky, the building will primarily be experienced from ground floor level where the roof form would not be viewed head on.

3.19. The changes to the building are shown on the proposed elevation drawings as follows:



Figure 1: Extract of the proposed southern elevation drawing ref. 22.20_PL_201 REV.C



Figure 2: Extract of the existing southern elevation drawing ref. 22.20_PL_007 REV.C

- 3.20. In their consultation responses both the Victorian Society and the Theatres Trust have raised concern with the design atrium extension and consider it amounts to less than substantial harm to the significance of the building. The Theatres Trust suggested an amendment to alter the roof pitch such that it would better preserve the symmetry of the building.
- 3.21. The NPPF (2023) advises that ‘great weight’ should be given by the decision maker to any heritage asset’s conservation.
- 3.22. In cases of harm, paragraph 206 of the NPPF requires that: ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.’
- 3.23. Paragraph 208 provides further policy on how decision makers should act where less than substantial harm is identified:

208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

An assessment of public benefits is undertaken below.

- 3.24. Policy EN5 of the adopted Teignbridge Local Plan requires that proposals ‘protect and enhance the area’s heritage...take account of the significance’ of any affected heritage asset. This proposal is considered to conflict with this Local Plan Policy because it will obscure and reduce understanding of the significance of the asset.

- 3.25. For the same reasons as those identified above, the proposal is considered to conflict with emerging Policy EN17: Heritage Assets, which would be given limited weight at this time.
- 3.26. There are other grade II listed buildings located along Market Street: the Adult Education Centre and Library, the Liberal Club, 7 Market Street and 9 and 11 Market Street. This proposal could be considered to fall within the settings of these buildings. However, the Conservation Officer has not identified any harm would arise to these buildings, and the location of the body of works to the southern side of the Alexandra Theatre will largely obscure views of the extension from these listed buildings. Therefore, it is considered that the proposal would have a neutral impact on their significance.

The Public Benefit Argument

- 3.27. Given the NPPF makes provision for the decision maker to allow less than substantial harm to occur to listed buildings in some circumstances, it is necessary to consider if such circumstances, or clear and convincing justification, is available in the case of this application.
- 3.28. Given the importance of this justification to the likelihood of a recommendation of approval, the applicant was provided with an opportunity to set out this justification to the Local Planning Authority. The applicant's agent provided an email dated 28th July 2023 and a further statement in January 2024 which sought to justify the extension.
- 3.29. The key arguments presented by the applicant and agent are considered as follows. The first is that the southern extension is critical to support the commercial viability of the Theatre and enhance its overall offering to members of the public. It is stated that there is insufficient space in the foyer within the existing listed building to provide a revenue-generating facility and therefore an extension must be built.
- 3.30. Officers understand that a café and/or bar is often a feature of a theatre and consider it likely that the revenue of such a facility is a helpful supplement to ticket sales. However, no such case has been put forward by the applicants. There has been no assessment of anticipated revenue, no business case, no information on costings, financing or anticipated use arrangements. Whilst in a hypothetical scenario a café and bar would likely assist with revenue generation, there is no information supplied with this application to demonstrate that such an additional facility is necessary in this case. Given the high degree of harm arising from the extension, the Local Planning Authority would expect a detailed business case to provide the justification. For example, one would expect an argument to be made that the restoration to a single theatre (the main benefit of the scheme) was only possible if additional revenue streams were pursued, and hence the project would not continue without the southern extension's floorspace. Unfortunately, the application lacks this detail.
- 3.31. In the meantime, the proposal relies on general statements that the café/bar will provide an important source of income, whilst failing to justify that such an income stream would be necessary. The overall deliverability of the scheme is brought in to question as a result of the seeming lack of any detailed financial planning. If such justification had been provided, Officers may have been in a position to consider that there were sufficient public benefits arising from the scheme.

- 3.32. The proposed floor plan (extract below) shows two entrance spaces: a foyer within the existing scope of the building, and the new bar and café to the south. The role and function of the foyer is unclear, it could be circulation space or could be used for sales, but this has not been clarified. The necessity of the atrium extension remains unclear until all other options have been considered.

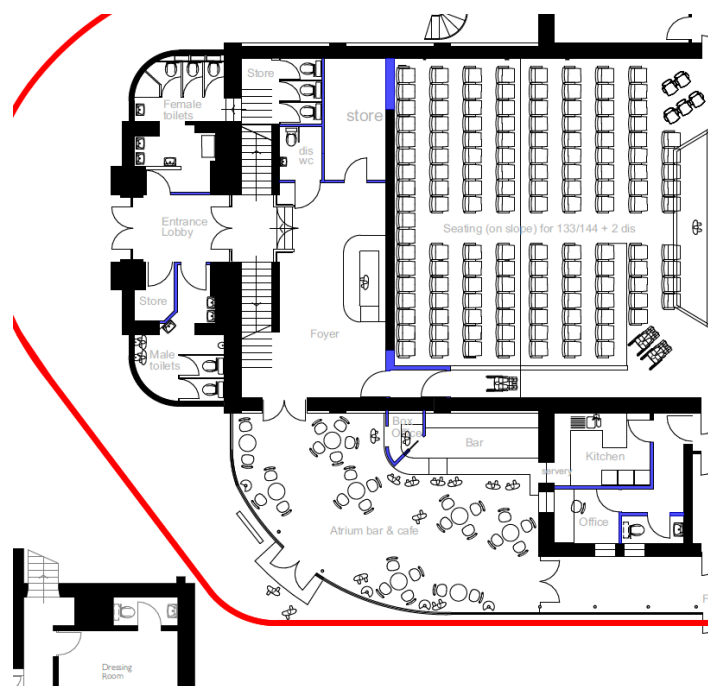


Figure 3: extract of the Proposed Ground Floor Plan ref. 22.20_PL100 REV C

- 3.33. Furthermore, taking in to account the land ownership of the site, and the Council's land holding in the town centre, which includes the wider Market Hall and Market Square, it is not clear that a bar/café space would need to be sited directly to the south of the new theatre to cross-subsidise the theatre space. If a café/bar was instead installed within the Market Hall itself (incidentally these proposals are under early consideration by the Council under the Future High Streets Fund), it could still provide synergies and cross-subsidisation of the theatre use.
- 3.34. Paragraph 207 of the NPPF sets out that consideration be given to conservation by grant-funding or through the use of some form of not for profit, charitable or public ownership. There is no evidence the applicants have pursued these routes to funding the restoration of the theatre without the southern extension. The Council has demonstrated, for example, that it is able to source central government funding, such as from the Future High Streets Fund. It is possible that the Council could obtain funding for restoration to a single theatre space without the need for the atrium extension to cross-subsidise the works.
- 3.35. A further argument is made that the atrium extension will provide a positive urban design feature by drawing pedestrians through the new proposed pedestrian link through to the Market Square and adding 'active frontage'. This pedestrian link is not part of this application but is something which has been put forward as part of applications 22/01129/MAJ and 22/01130/LBC for a new cinema structure, which were withdrawn, and has featured in the early stages of public consultation on proposals put forward by the Council under the Future High Streets Fund (for

which no planning applications have yet been submitted). Officers agree that the southern glazed extension could provide an attractive feature for pedestrians, drawing them through the new hypothetical route. Unfortunately, however, there is no guarantee such a route will ever be pursued, and there is no permission in place for its installation. Members must therefore consider the proposal in the context that there is no guarantee such an urban design benefit could be realised.

- 3.36. A final argument made by the applicant is that the proposal will facilitate improved disabled access to the theatre. Such an improvement would clearly represent a public benefit of the scheme. However, it is not clear that the atrium extension is essential to the disabled access provision and that other changes to the building could not be made to provide level access. This point was raised by the Conservation Officer.
- 3.37. There have been a large number of public representations submitted in support of the scheme. For a full breakdown of these comments please refer to Section 6. Public representations have commented on the benefits of the proposal in terms of reinstating the theatre, the formation of a cultural 'hub' for Newton Abbot, the potential for the theatre to take on a regional focus for entertainment and cultural provision, as well as the potential for wider benefits to arise for the town centre, such as additional visitor spend and enhanced status for the town. Officers recognise and agree with these public benefits. They are important factors to be taken into account.
- 3.38. It is important for the decision maker to bear in mind whether such benefits represent the clear and convincing justification argument required by the NPPF, and whether such benefits would arise in any case, without the southern extension. Would the restoration of the single theatre stage provide these benefits without the café/bar extension? How critical is the café/bar extension to the public benefits identified by members of the public in their representations? This is a matter of planning judgement for the decision maker.
- 3.39. The Design and Access Statement makes reference to the potential for the redeveloped space to offer a tribute to Frank Matcham, born in Newton Abbot in 1854 and a celebrated theatre architect. There is no information provided on how the proposals would achieve this aim but Officers would welcome this as a potential public benefit of the scheme.
- 3.40. A further important consideration for this proposal is the need for a renegotiation of the Theatre's lease with the land owner, Teignbridge District Council. The current terms of the lease allow only 3 weeks of use of the Theatre per year. The proposal and public representations note the public benefits of year-round performance use and indeed it is integral to the proposal that greater use be permitted. Whilst a full time theatre could provide many benefits for Newton Abbot, it is not within the scope of a planning permission, or the Local Planning Authority, to change the terms of the lease and grant increased use. Limited weight can therefore be afforded to this public benefit as there is no confidence that the Council would indeed look to change the lease terms. There is no evidence the applicant has engaged the Council in such discussions and no suggestion an amendment to the lease would occur. The deliverability of the scheme is therefore in doubt, albeit possible.

- 3.41. If achievable, the restoration of a year-round theatre would complement Local and Neighbourhood Plan policies for development in the Town Centre. For example, Policy NA8 supports the delivery of a broader evening economy through encouraging mixed-use developments and leisure schemes. Policy S12 would lend support in principle for an enhancement of the visitor offering, as would EC9 Developments in Town Centres and it is a requirement of S14 Newton Abbot to 'support proposals that reinforce the town's role as a focus for entertainment and cultural provision'. The Neighbourhood Plan's Policy NANDP5 - Provision of Community Facilities and Policy NANDP8 - Town Centre Regeneration would equally support such a scheme.
- 3.42. Drawing these arguments together, Officers consider that there are some public benefits which should be given weight in the planning balance. These include the potential for an urban design enhancement through additional active frontage on a potential new pedestrian route to Market Square, the potential for the public benefits identified in public representations and Local Plan policies to be realised, and the possible delivery of enhanced public understanding of Frank Matcham, an important architect originally from Newton Abbot.
- 3.43. Officers consider, however, that these public benefits are modest and uncertain. They fall far below the NPPF's requirement for 'clear and convincing' justification. Insufficient detail particularly in relation to the viability/commercial need for the atrium extension has been provided. Such an argument was what the case officer anticipated when further requests were made for the applicant to justify the atrium, and without this information it is extremely difficult to justify the proposal and make a recommendation of approval, despite the generalised statements of public benefit set out by both the applicant and members of the public.

Is it possible to weigh heritage benefits against heritage harms?

- 3.44. Given Officers consider that heritage benefit will arise from this scheme, in the form of the restoration of the single theatre/auditorium space, Members of the Planning Committee may ask if this benefit can be weighed against the conservation harm in the form of the southern extension.
- 3.45. There is relevant case law on this matter dating from 2021: *City & Country Bramshill Limited v Secretary of State* (Court of Appeal, 9 March 2021). In this judgment, it was found that it is not necessary for the decision maker to undertake a 'net harm' exercise, whereby one heritage harm is weighed against another heritage benefit, and only if 'net harm' is considered to arise is the public benefit argument then addressed.
- 3.46. Instead, the judgment sets out that it is not stipulated, or implied, in legislation or case law, that a decision-maker must undertake a 'net' or 'internal' balance of heritage-related benefits and harm as a self-contained exercise preceding a wider assessment of the kind envisaged in the NPPF. Nor is there any justification for reading such a requirement into the wording of the NPPF.
- 3.47. Therefore, in this case, the balancing exercise is one for the decision maker, taking into account all material considerations. On balance, it is advised that the overall level of harm constitutes 'less than substantial' harm, and this triggers relevant policy in the NPPF which must be followed in the decision making process.

Highways and associated urban design impacts

- 3.48. The proposal entails two key changes to the exterior of the building which relate to pedestrian and vehicle movements. Firstly, to the north of the building, it is proposed to remove an existing area of hard and soft landscaping to install a new loading bay and ten cycle parking spaces (Sheffield-style stands).
- 3.49. Secondly, to the south of the building, owing to the extension, it is proposed to modify the line of the existing pavement to bring it out towards the public highway.
- 3.50. The County Council Highways Officer has sought to clarify the nature of the proposal. A simple form of transport statement was requested to clarify anticipated vehicle numbers, necessary unloading/loading arrangements and further detail in relation to the realigned footway (as it is not currently clear exactly where the new pavement will start/stop).
- 3.51. In relation to vehicle numbers and loading arrangements, the applicant submitted a supporting statement setting out anticipated use of the proposed loading bay. Whilst it is not exactly clear from the statement how many vehicle trips could occur nor how many days the loading bay would be in use, a conservative estimate using the information provided indicates it could be in use c. 180 days per year. The statement also notes that visiting theatre companies may require larger delivery vehicles which would be too large to make use of the new bay.
- 3.52. The Highways Officer has commented that the degree of loading and unloading anticipated would not require a dedicated loading bay. Instead he recommends making use of the existing provision to the south of the building.
- 3.53. There is no indication that the proposal would be a problem for highway safety nor create congestion within the local highway network. Therefore, there is no highways objection to the proposal as such. Instead, officers simply consider that there is insufficient justification for the works to remove the section of public footpath and landscaping already in place. Given there is a large loading bay, in the ownership of the Council and land owner, already in place to the south of the building, removing the reasonably attractive area of planting and narrowing the pedestrian footway along this section of pavement appears to be poor urban design and an unnecessary intervention.
- 3.54. This matter is therefore recommended to form a second reason for refusal of the proposal. It would appear contrary to the general aim of Sustainable Development set out at Policy S1 of the adopted Local Plan. It would also conflict with the principles of Quality Development set out at Policy S2, namely the need to make efficient and effective use of land, design spaces which are attractive, and ensure highway requirements do not dominate the site's appearance and function.
- 3.55. Whilst the detail of the changes to the pavement to the southern side of the building have not been clarified by the applicant, given the comments from the Environment Agency in relation to the pavement design (see below), it would be possible to address this matter through the use of a planning condition.

Flood risk

- 3.56. The site lies in the highest flood risk zone (zone 3) immediately above the underground River Lemon. It is also at high risk of surface water flooding.

- 3.57. The Environment Agency and Teignbridge's Drainage Engineers have provided no objection to the scheme but recommend the use of planning conditions to secure measures such as those to ensure the safety of occupants during a flood, to provide detailed drawings of the new kerb design for the footpath outside the atrium extension, and to ensure the use of flood resistant and resilient building materials.
- 3.58. It is noted that the loss of the tree to the south of the building and area of landscaping to the north will reduce the potential for sustainable urban drainage and potentially worsen surface water flooding. Through condition the applicant would need to consider measures to mitigate the loss of these features and additional tree planting could be secured.

Biodiversity

- 3.59. There is no objection to the proposal from a biodiversity perspective. Although the site lies within the Landscape Connectivity Zone for the South Hams SAC, its urban location ensures there is no concern with the proposed installation of a large body of new glazing with high light-spill potential. Enhancement measures are proposed and could be secured through the use of a planning condition.

Air quality

- 3.60. Although the site lies within an Air Quality Management Area, the Council's Environmental Health team have advised that there are no comments to be made on this proposal and hence no adverse impact on air quality is considered likely to arise.

Conclusion

- 3.61. The key planning matters relating to this proposal comprise the impact of the works upon the listed building, whether the harm of such works outweigh the public benefits which could arise, and whether the changes to the highway and pedestrian footway are necessary in light of the existing loading bay to the south of the site.
- 3.62. Officers recognise and support the applicant's intention to provide a restored single Theatre which could offer wider cultural and visitor benefits for the town, as well as offering heritage benefit through the loss of the upper-level 1990s cinema screen. Officers support the applicant's aim to provide a commercially-viable facility which would support itself through cross-subsidisation via additional floorspace in the southern extension. Officers also appreciate the likely significant cost and time commitment involved in putting together these planning and listed building consent applications, which have brought fresh-thinking to the wider town centre regeneration proposals.
- 3.63. Officers broadly concur with the views expressed in public representations of the potential benefits of the scheme, as well as the external bodies, such as the Theatres Trust and Victorian Society, all of whom comment on the benefits of strengthening the cultural offering of the town and enhancing community involvement and performance space.
- 3.64. The reason the application is recommended for refusal is therefore not because officers do not agree with the broad intention and ambition of the proposal, but

because the specific detail of the proposal fails to address planning policy adequately. To justify harm arising from the southern extension, which will overwhelm the existing listed building in architectural terms, the decision maker needs a clear and convincing justification of the public benefits; yet the applicant provides no evidence that the southern extension is in fact necessary to the commercial viability or deliverability of the theatre restoration project. Particularly in light of the land owner's wider holding in the town centre, and ownership of the adjoining part of the building (the Market Hall), the financial argument for the southern extension is not there. It seems feasible to officers that the internal theatre restoration works could take place without the southern extension. If that is the case, the application taken as a whole cannot be recommended for approval.

- 3.65. With regard to the loading bay and loss of landscaping, the proposal put forward does not appear to be the best use of land, in light of the substantial existing loading area to the immediate south of the site.
- 3.66. Taking these points together, officers recommend refusal of the scheme for two reasons: the unjustified heritage harm, and the undesirability of the loading bay works.

4. POLICY DOCUMENTS

4.1. Teignbridge Local Plan 2013-2033 (TLP)

S1 Sustainable Development Criteria
S2 Quality Development
S6 Resilience
S7 Carbon Emission Targets
S12 Tourism
S13 Town Centres
S14 Newton Abbot
EC1 Business Development
EC9 Developments in Town Centres
EC12 Tourist Attractions
WE12 Loss of Local Facilities
WE13 Protection of Recreational Land and Buildings
EN2A Landscape Protection and Enhancement
EN3 Carbon Reduction Plans
EN4 Flood Risk
EN5 Heritage Assets
EN6 Air Quality
EN7 Contaminated Land
EN8 Biodiversity Protection and Enhancement
EN9 Important Habitats and Features
EN10 European Wildlife Sites
EN11 Legally Protected and Priority Species
EN12 Woodlands, Trees and Hedgerows
NA8 Newton Abbot Town Centre Development
NA9 Opportunity Area: Town Centre Markets Area

4.2. **Newton Abbot Neighbourhood Development Plan 2016**

Policy NANDP2 – Quality of Design

Policy NANDP3 - Natural Environment and Biodiversity

Policy NANDP5 - Provision of Community Facilities

Policy NANDP8 - Town Centre Regeneration

Policy NANDP11 - Protection of Designated and Non Designated Heritage Assets

4.3. **National Planning Policy Framework (NPPF) (2023)**

4.4. **National Planning Policy Guidance (PPG)**

4.5. **Proposed Submission Local Plan 2020-2040**

This is the Regulation 19 version of the Emerging Local Plan (i.e. the final draft). It is the version of the Plan which will be submitted to the Planning Inspectorate for public examination. The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

5. **CONSULTEES**

5.1. **Conservation Officer – Teignbridge District Council**

Extracts of detailed/final observations 21st December 2023 (for the full consultation response please refer to the application file)

Background

This application, submitted by a local theatre group, aims to retrofit the existing two stages back into one theatre and a stage for performances as well as being a cinema. The building is adjacent to the historic Market Hall. It should be noted that schemes are also being considered concurrently on ways to invigorate the Market Square. Part of the proposal is a new pedestrian route through to the Market Square.

Design issues

The proposed scheme for the theatre retains the existing tiered balcony seating but extends this down to stage level providing a maximum capacity of 265 seats with a traditional stage arrangement. The number of seats are reduced to 240 seats when the stage is extended forward to provide an improved space for dance performances, orchestras and other community uses.

The design retains the existing stage facilities including the flying systems, the orchestra pit, the wings and six backstage changing rooms. Disabled access is provided to stage level by a platform lift and to a side gallery for performance viewing.

Beneath the tiered seating, a concourse area contains a bar and box office with links to improved toilet facilities and to the new entrance and atrium space. The atrium will also serve as a café and occasional small performance and exhibition space.

An administration office is shown adjacent to the gallery with a view into the auditorium. The auditorium will be renovated to provide a modern performance space with acoustics for a variety of uses.

Significance

In particular regard to this application, it is important to note that originally the western floor plan and elevations are clearly symmetrical. This is an important component of the 1871 classical design, with its semi-circular arched stone windows by architect John Chudleigh.

Types of Harm: When assessing what constitutes 'harm' to a heritage asset the NPPF (paragraphs 205 – 208) categorises harm into three areas: substantial harm; less than substantial harm; and no harm. Substantial harm is any impact which would seriously affect a key element of the special architectural or heritage significance of an asset (Planning Practice Guidance, 2019).

Comments

In general the concept to reinstate the original theatre inside is supported.

However, one of the reasons the building designed by Victorian architect John Chudleigh was listed is that it is considered to be of “special architectural interest”. The original features such as the row of semi-circular arched windows, and feature grey limestone tower, is why the host building was listed in the first place. The current proposal will “harm” or cover up these design features.

The proposed new additions and alterations to the southern end of the building are considered “substantial harm” and not just “less than substantial harm”, because they would have a large impact on the original design features that can be seen.

The building is of importance, because of its design, decoration or craftsmanship. It was and still is an important civic building and part of the Market Square. It is a good example of late 19th Neo-classical architecture. It has a pure but simple form, with a series semi-circular windows. Its simple form and massing are part of its significance.

The proposed extension will have a big impact on the way it is seen from the street. By adding a large entry auditorium on the side wall, it will cover up the original architectural detailing, which is one of the main reasons for listing the building. It is also proposed to add small additions to the tower, further eroding the way the building is viewed.

Conclusion

The current application is Not Supported.

Reason: The proposed exterior works would cause substantial harm (in NPPF terms) to the character and significance of the listed Alexander Theatre. It would

cover significant architectural design detailing (by John Chudleigh), the architect of the original Theatre elevations.

5.2. **Conservation Officer – Teignbridge District Council**

Initial observations 15th February 2023

The Theatre was originally built as the Corn Exchange dated 1871 but altered to a Theatre by 1900.

In 1920 further alteration included blocking the windows to enable films and in 1927 a balcony was added and other foyer alterations in 1930.

The current proposals look to reinstate a single theatre from the current two screen split at the balcony point. This allows for an increased Foyer and bar area beneath the upper circle.

These alterations are supported in principle however the original balcony feature is understood to be at least still in situ and it would be preferable to incorporate and reinstate the balcony feature to the new auditorium.

There are however a number of issues with current application that are harmful to the significance of the Theatre.

The Atrium extension involves a large opening to be created in the side wall of the existing building below an existing window and a large, curved glass wall atrium extend out with a catslide continuation of the roof slope to extend over it.

The extension would unbalance a current symmetrical plan form of the building and the scale, form and enlarged roof would be overwhelming to the existing relatively modest building. The extension would also surround the existing store /access addition to the side and it is proposed to remove the roof of this structure raise the walls to underside of the new atrium roof. There are no details as to how the existing structure is to be handled and the proposed alterations including the works to the existing addition, stone walling, existing windows and door openings, and what new materials and finishes are proposed.

While the new atrium would provide access to a wheel chair access lift and gallery to the auditorium this could be accommodated without this structure and extensive alterations.

There is also no justification for the large scale extension as the alterations internally to create a large foyer bar that would include a small stage area would appear more than sufficient to support a Theatre of 270 seats.

The proposal needs a heritage statement that properly assess the buildings fabric and architectural significance of the building and a more informed approach to designing the alterations are required to achieve the appropriate conservation balance in achieving a viable use. The current designs do not sufficiently evidence that they have been developed to respond to the Theatre's architectural significance, integrity, floor plans and fabric.

In addition, while not part of the considerations for this application the atrium would restrict the potential for a new cinema on the adjoining site and improved

pedestrian links to Market Square. A more coordinated approach between the two parties could achieve a more viable Arts and Culture hub for Newton Abbot that allows for Theatre improvements, new Cinema and enhanced public spaces and access.

So while I am supportive of the principle of reinstating a single auditorium and enlarged Foyer area within the extent of the existing building there appears no justification for the atrium extension and the harmful works to the heritage asset that are proposed to achieve this contrary to the National Planning Policy Framework paragraphs 199, 200 and 202. And Local Plan Policy EN5

I consider the proposal should be withdrawn and amended to better achieve the balance between the improved use and the architectural integrity and significance of the Theatre.

5.3. Highways Officer – Devon County Council

Initial observations from 8th February 2023

The design and access statement states "The theatre could host small-scale touring productions, comedy nights, and widen its community projects."

Before a recommendation can be made the Highway Authority would like further information as to how the loading/unloading of props and/or scenery will be accommodated. The only "backstage" access appears to be from Sherborne Road which currently has "no waiting at any time" restrictions, making it unsuitable for loading and unloading.

Further observations from 25th August 2023

It is not clear from the site plan what is happening with the realigned footway. The kerb line just appears to stop. Further details of this are required before further comment can be made.

The current restrictions on Market Street are "No Waiting At Any Time". Therefore any unloading/ loading of scenery/props/equipment etc from Market Street is not allowed. There is currently not enough evidence submitted that would justify the construction of a new loading bay either. It would still make more sense to utilise the existing service area, if possible, rather than removing the planted area and creating a new loading bay.

Further observations following additional information from the applicant 6th February 2024

A Highway and conservation statement has been submitted outlining the likely vehicle movements associated with loading and unloading of equipment and materials for the theatre.

Although the documents suggests that there will be a number of performances throughout the year, it is the opinion of the Highway Authority that the amount of loading and unloading does not necessitate a dedicated loading bay.

Provision should be made within the existing Western service yard.

5.4. Archaeology – Devon County Council

I refer to the above application and your recent consultation. Given the limited below-ground impact of the proposed extension the Historic Environment Team has no comments to make on this planning application. However, I would advise that the Planning Authority's Conservation Officer is consulted with regard to any comments they may have the scheme and the impact upon the listed building here.

5.5. Victorian Society (extract of comments – for full comments please refer to the application file)

This application envisages the continued use of the Alexandra Cinema as an entertainment venue with some alterations to the fabric to enable this. Overall, the Victorian Society in principle supports a proposal which would ensure the building's continued use as a cinema (as use which it has had for most of its life) and if this application is viewed as an alternative to 22/01129/MAJ then it is preferable as it would not harm the setting of the listed building. Some of the proposed alterations, such as the glazed extension forming a new entertainment space would cause a less than substantial level of harm to the listed building, but the Victorian Society believes this would be justified by the public benefit resulting in the preservation of the building as an entertainment venue.

The application documentation lacks some detail and if it is progress further more detail in terms of drawings and a clear idea of demolitions of the existing building will be required, with a detailed explanation of all the works proposed for the building.

5.6. Theatres Trust (extract of comments – for full comments please refer to the application file)

In principle we support this aspiration. It would deliver a theatre for the town with an indicative capacity of around 270 seats with wheelchair places. Currently theatre provision in Newton Abbot is limited by the restriction on use of the Alexandra, whereas the applicant has provided an indication of wider need and demand for a year-round facility. This in itself would positively enhance and diversify the town's cultural offer, and in addition to this there would be a secondary space capable of hosting smaller/'grass roots' events. Availability of a café/bar with prominence and good visibility would help bring more people into the venue and generate additional income to support its cultural programme and overall financial sustainability.

We assume that currently sets and equipment are brought into the auditorium through the fire exit to the Market Street service road and then lifted onto the stage. This seems to remain the route through (although potentially this may become more challenging because of the pedestrianisation proposals) but this is not an efficient means especially if there is a fuller year-round programme. A potential solution would be to switch the WCs on the north side with the dressing room and rehearsal room and utilise that as a route directly onto the stage. This would also require provision of a parking bay for loading where there are currently double-yellow lines for which engagement with the Council's highways team would be recommended.

On external design we broadly consider these plans to be sensitive to the building's form and significance, although we suggest the new roof might be expressed as a separate pitch to better maintain the building's symmetry. Final

plans for the Alexandra should also correspond with those of the market hall, and vice versa, and we encourage engagement between the respective parties.

Overall we welcome these proposal and are supportive of plans. Policy S14.j of the Teignbridge Local Plan 2013-2033 (2014) supports proposals which reinforce Newton Abbot's role as a focus for entertainment and cultural provision. Part d. of Policy NA8 seeks delivery of a broader evening economy. These proposals would help achieve those aims. Paragraph 93 of the NPPF (2021) seeks planning decisions to plan positively for facilities of this nature. In terms of heritage these plans necessitate internal and external alterations including a side extension. Some of those alterations will reverse later changes and thus constitute heritage benefits, and in other cases will support the site's use and function as a theatre and community facility and enable its retention in such use rather than a more harmful and wholesale change as originally envisaged within the Future High Street plans. We consider the side extension constitutes less than substantial harm. With reference to paragraph 202 of the NPPF, overall that harm as well as those arising from internal alterations is mitigated by the public benefits of this scheme and the delivery of its original and likely optimum viable use.

5.7. Environment Agency 6th Jan 2023

We have no objections in principle to this proposal, however we advise that further detail is required on the proposed changes to the pavement to ensure that this does not result in an increase in flood risk. While these details could be sought via a planning condition, we note that the Highway Authority also requires additional details, so it may be prudent for this detail to be sought prior to the determination of the application.

This area is at risk of surface water and fluvial flooding, and water flows down into market street parking area. We advise that any changes to the pavement may alter the flow paths of this flood water. The changes therefore need to be carefully considered to ensure that there is no increase in flood risk. If you are minded to approve this application without these details, we recommend that they are obtained via a planning condition prior to any development taking place.

5.8. Drainage Officer – Teignbridge District Council

Further consideration is required with regards a flood warning and evacuation plan. There is an EA flood warning system in place for the Newton Abbot area and therefore, the plan should include registering with this service and arrangements should be in place to provide safe evacuation before an extreme flood, taking into account flood depths, velocities and likely debris factor. The LPA Emergency Planner shall be consulted regarding the developments safe access and egress proposals.

The applicant also needs to consider flood resistance and resilient measures in the design of the building.

The proposed design of the building should provide a betterment to the existing surface water drainage management in accordance with the principles of SuDS.

The proposal should consider overland flow routes from the development due to exceedance design flows and blockages to ensure that the design changes does not result in an increase in flood risk.

5.9. **Biodiversity Officer – Teignbridge District Council**

The wildlife survey found no sign of use by bats. Herring gull was found/thought to breed on the flat roof of the adjacent market building. Proposals to enhance biodiversity through installation of bat and bird boxes were included and these are welcomed.

CONDITIONS REQUIRED

The works shall proceed in strict accordance with the precautions, measures and enhancements described in the Bat and Protected Species Survey (by Ecologic, dated July 2022).

REASON: For the protection and enhancement of biodiversity and to provide biodiversity net gain.

5.10. **Air Quality – Teignbridge District Council**

No observations

5.11. **Designing out Crime (summarised comments – for full comments please refer to the application file)**

No objection – series of recommendations to reduce crime and anti-social behaviour:

- Ensure doors and windows meet security standards and new atrium glazing should include attack-resistant glazing
- Be mindful of the inadvertent creation of places for unwanted congregation e.g. sitting on window ledges or cills
- Recommend use of CCTV and installation of an intruder alarm

6. **REPRESENTATIONS**

6.1. 131 letters of representation have been received. 89 were provided in relation to the scheme as originally submitted and 42 to the revised version (relating to the Theatre part of the building only).

6.2. A summary of the comments received is as follows. 122 letters were received in support, 7 in comment and 2 objection.

- Restoration to a single theatre auditorium will preserve the character and functionality of the building, increasing the appeal for live entertainment of all forms, combined with the ability to show films.
- Restoration to a single theatre space could allow use by the community and touring theatre groups throughout the year and establish Newton Abbot as a regional focus for entertainment and cultural provision, complementing the existing library
- JJ's Arts Academy have commented on the need for additional rehearsal and performance space in Newton Abbot

- An orchestra pit should be included
- To ensure commercial viability, there must be provision for refreshments and most importantly a bar. The Alexandra building as it stands cannot accommodate a cafe and bar. The addition of the proposed atrium will provide space for these facilities in a light and welcoming atmosphere being south facing. This atrium would be a striking addition to the Alexandra Theatre forming an elegant gateway to the Market Square.
- The extension could be used as an intimate performance space or for art exhibitions, poetry or comedy
- The atrium extension is sympathetic to the host building and will create a more unified space whilst being modern, practical and flexible
- The alterations will improve the accessibility of the theatre for the disabled
- The proposals are likely to generate additional revenue for the wider town such as through additional spend before and after performances as well as attracting a broader range of visitors to the town centre
- This is a sustainable location in close proximity to car parking and public transport and could reduce carbon emissions associated with travel to venues in the wider region
- The Theatre is an asset for the town which should be preserved
- Welcome the provision of biodiversity enhancements in the proposal
- The cost of the project is excessive for what it will achieve; the current Theatre is ample
- With films available online people are unlikely to make a journey into town
- The comments of the Theatre Trust should be taken on-board
- A cultural hub could improve safety at night
- The arts in general have the potential to improve people's mental health and wellbeing as well as help children's development
- The footway adjacent to the proposed new entrance appears to be quite narrow and is next to the goods entrance for this part of the town centre. This could be overcome by moving the new atrium entrance towards market square.
- The new bar area should be linked to the toilets via a ramp and not via steps as shown on the plans (to ensure disabled access)
- Support for swift boxes on the new building

6.3. Newton Abbot & District Civic Society expressed general support for the original proposal.

7. TOWN / PARISH COUNCIL'S COMMENTS

No Objection, Newton Abbot Town Council fully supports the application which is respectful to the important heritage of the town.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

10. CARBON/CLIMATE IMPACT

No detail has been provided in relation to the carbon/climate impact of the scheme. Opportunities for the use of low-carbon materials or the installation of renewable energy measures could be explored through the use of planning condition.

11. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Head of Place and Commercial Services