

**Application Number** 18/00954/LBC

<b>Proposal</b>	Proposed refurbishment works externally to front (Onward Street) and side (Henry Street) elevations. Part Removal of stage with new replacement stage at reduced height providing level access throughout. Proposed alterations to first floor to allow for female members. Plus proposed internal alterations
<b>Site</b>	Theatre Royal, Corporation Street, Hyde.
<b>Applicant</b>	Mr Masjid at Tawheed
<b>Recommendation</b>	Refuse
<b>Reason for report</b>	A Speakers Panel decision is required because, in accordance with the Council's Constitution, the applicant, or their agent, has requested the opportunity to address the Panel before a decision is made. Accordingly, an objector has been given the opportunity to speak also.

**REPORT**

**1. APPLICATION DESCRIPTION**

- 1.1 Following the grant of planning permission (see paragraph 2.1) for the change of use of the Theatre Royal from assembly and leisure use (Use Class D2) to a mixed use of non-residential Institution (Use Class D1) and assembly and leisure, the current application seeks listed building consent for various works and alterations to the building so as to accommodate the stated requirements of the current owners and particularly for religious observation.
- 1.2 The proposed works and alterations involve,  
  
at ground-floor level:  
  
the removal of the remaining existing stage;  
  
the removal of existing partitions and the introduction of new partitions in existing rooms, including washrooms and toilets, along the western side of the auditorium;  
  
the installation of a 2.5m high glass wall to form separate areas of the auditorium and fitted to the underside of the soffit of the first-floor circle; and,  
  
at first-floor level,  
  
the installation of a glazed screen to the first-floor circle and the installation of two floor levels, including the removing the existing seating and the overlaying of the existing sloping floor with two specific levels with a staircase in-between; and,  
  
the introduction of a suspended ceiling in alignment with the second-floor balcony area.
- 1.3 Other proposed alterations involve:  
  
covering of images on the stage balustrade frontages; and,  
  
replacement and repairs of windows and external doors.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 16/00751/FUL - Change of use from Assembly and Leisure (Use Class D2) to mixed use of Non-residential Institution (Use Class D1) and Assembly and Leisure (Use Class D2) – approved 23.09.2016
- 2.2 17/00661/LBC - Re-roofing and associated lead work, rainwater goods. installation of radio aerial – approved 14.12.2017
- 2.3 17/00662/FUL - Erection of aerial – approved 29.11.2017
- 2.4 18/00943/LBC - Refurbishment work to entrance canopy – approved 11.01.2019
- 2.5 18/01080/ADV - Proposed entrance signage to be installed within existing entrance canopy – approved 24.01.2019

## **3. SITE & SURROUNDINGS**

- 3.1 Located on the fringe of Hyde town centre the Theatre Royal is a substantially complete, Grade II listed, Edwardian theatre. Since its closure in the 1990s the theatre has been vacant and its condition deteriorated. Following its purchase by the current owners repairs have been carried out to arrest the further deterioration of the building.
- 3.2 The immediate surroundings are typical of the town centre location and an extensive residential area extends southwards and westwards behind the Theatre.

## **4. RELEVANT PLANNING POLICIES**

- 4.1 **Tameside Unitary Development Plan (UDP) Allocation**  
Unallocated site within the town centre boundary.
- 4.2 **Part 1 Policy**  
1.11: Conserving Built Heritage and Retaining Local Identity.
- 4.3 **Part 2 Policy**  
C5: Alternative Uses, Alterations and Additions for Listed Buildings.
- 4.4 **National Planning Policy Framework (NPPF)**  
Section 16: Conserving and enhancing the historic environment
- 4.5 **Other Policies**  
It is not considered there are any local finance considerations that are material to the application.
- 4.6 **Planning Practice Guidance (PPG)**  
This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

## **5. PUBLICITY CARRIED OUT**

- 5.1 In accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) neighbour notification letters were issued to 11 addresses and a notice was posted at the site on 23<sup>rd</sup> November 2018. A notice was published in a local newspaper on 8<sup>th</sup> November 2018.

## **6. RESPONSES FROM CONSULTEES**

- 6.1 No responses have been received.

## **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 As a result of the application being publicised an objection has been received. The grounds for the objection are that the proposed works to segregate men and women are discriminatory.

## **8. ANALYSIS**

- 8.1 Having been disused since the early 1990s the fabric of the building has deteriorated through lack of maintenance. Being considered a means of facilitating the arresting of the deterioration, in September 2016 planning permission (ref. 16/00751/FUL) was granted for the change of use of the building from Assembly and Leisure (Use Class D2) to mixed use of non-residential Institution (Use Class D1) and assembly and leisure (Use Class D2). It is intended that the use permitted should relocate from an adjacent building, known as Onward Chambers. The proposed works are designed to facilitate that relocation.
- 8.2 According to the NPPF, the test of whether proposals that would lead to harm to the significance of a designated heritage asset, such as a listed building, can be considered acceptable is if the harm is outweighed by public benefits that would accrue.

## **9. THE REMOVAL OF THE REMAINING EXISTING STAGE**

- 9.1 The Heritage Statement accompanying the application contends that getting rid of the remaining stage is a necessary requirement for the religious use and practises that are to be held within the building and to remove a trip hazard. The Council disagrees with the Statement that 'considers that the stage platform or surface on its own forms a small part of the overall stage configuration.' Whilst part has been removed already, it is considered that the remaining stage platform, together with the surrounding proscenium arch, are the most integral and typical features at the heart of a theatre dating from this period. It is therefore considered that the removal of the remaining stage would result in substantial harm to the significance of this heritage asset.

## **10. THE REMOVAL OF EXISTING PARTITIONS AND THE INTRODUCTION OF NEW PARTITIONS IN EXISTING ROOMS, ALONG THE WESTERN SIDE OF THE AUDITORIUM**

- 10.1 If original doors are retained, or repaired wherever possible, given that they are authentic and purpose built being specifically made to fit a particular doorway, the proposed works and alterations are considered to be acceptable in principle.

- 10.2 The introduction of new bathrooms and kitchens will however require additional building services and it will be important to minimise any permanent alterations or scarring to the external masonry, or indeed the internal fabric caused by these works. The application does not include details and locations of proposed electric (power and lighting), mechanical (heating, gas and ventilation) and public health (drainage and water) services so as to permit an understanding of the extent and scope of the works and give confidence that no permanent and undue harm or damage will occur to the historic appearance or fabric of the building. Any conflict between these aspects of the proposal and the heritage asset's conservation cannot therefore be assessed and so the proposal fails to comply with policy C5 of the UDP and Section 16 of the NPPF.

## **11. GLASS WALL TO FORM SEPARATION INTO THE AUDITORIUM**

- 11.1 The separation of the auditorium as proposed would allow access to the washrooms, toilets and ablution rooms without the need to encroach in to the main prayer area. In principle the separation of the auditorium with a glazed screen is considered acceptable. Nevertheless, details of how the screen would be fitted to the underside of the soffit of the first-floor circle are not included in the application and so any conflict between these aspects of the proposal and the heritage asset's conservation cannot therefore be assessed and so the proposal fails to comply with policy C5 of the UDP and Section 16 of the NPPF.

## **12. GLAZED SCREEN TO THE FIRST-FLOOR CIRCLE, AND THE INSTALLATION OF TWO FLOOR LEVELS AND SUSPENDED CEILING**

- 12.1 The stated purpose of the glazed screen is to facilitate the use of the first-floor circle for female worshipers. The glazing would be one-way glass so that female worshipers can look to male worshipers in the main prayer room, or auditorium, below, but male worshippers cannot look back. The screen would follow the back edge of the balustrade to the first-floor circle and rise to the inner edge of the soffit of the second-floor circle.
- 12.2 The existing sloping floor would be over-laid with two specific level floors.
- 12.3 The false ceiling would be suspended from fixings through the original ceiling to existing roof supports. The result would be that of a continuous ceiling, which would hide the top of the stage surround (proscenium arch). The purpose of the ceiling would be primarily to hide images in the decoration of the original ceiling, but would also make the building more economic to heat.
- 12.4 Whilst the installation of the false ceiling might be reversible, the proposed ceiling would prevent both appreciation of original internal architectural features, including the upper circle and decorative coved ceiling and also an experience of the true volume of the auditorium.
- 12.5 It is considered that the cumulative impact of the glazed screen and the false ceiling, which would enclose the main space within the building, and thereby adversely affect the essential character of the auditorium, would result in substantial harm to the significance of the building as a heritage asset.

## **13. COVERING OF IMAGES ON THE STAGE BALUSTRADE FRONTAGES**

- 13.1 Although it would remain, the main stage canopy would be hidden above the proposed false ceiling. The use of the auditorium for religious observance would then require any

other figurative images to be hidden from view. It is therefore proposed that the elaborate balcony fronts with plaster swag decoration would be covered by application of an extended light fabric fascia that would be removable so that the decoration would not be lost permanently and at some point in the future could again be exposed to view. The application does not include details of how the fascia would be fixed or the materials to be used and so, again, any conflict between these aspects of the proposal and the heritage asset's conservation cannot therefore be assessed and so the proposal fails to comply with policy C5 of the UDP and Section 16 of the NPPF.

#### **14. REPLACEMENT AND REPAIRS OF WINDOWS AND EXTERNAL DOORS**

- 14.1 Where necessary, the sensitive repair of the exterior of the Theatre Royal would be welcomed, given the asset's current condition and prominent location at the junction of Corporation Street, Henry Street and Onward Street in Hyde Town Centre. However, in order to achieve the public benefit that sensitive repairs could bring it will be necessary for the applicant to submit detailed drawings and material specifications for replacement/repairs for all doors, windows, canopy and lights and a method statement for the removal and reapplication of paint to enable the Council to understand the extent and scope of the works and be assured that no permanent harm or damage will occur to the historic appearance or fabric of the building. The application does not include the required level of detail and so, as in other instances, any conflict between these aspects of the proposal and the heritage asset's conservation cannot therefore be assessed and so the proposal fails to comply with policy C5 of the UDP and Section 16 of the NPPF.

#### **15. EXTERNAL AERIAL**

- 15.1 Previous permissions (ref. 17/00661/LBC and 17/00662/FUL – see paragraphs 2.2 and 2.3) allowed for the installation of a 4m radio antenna on the rear gable of the theatre (to Onward Street). In this location, it was considered that the presence of the aerial would lead to less than substantial harm to the significance of the listed building and would assist in bringing back the building in to beneficial use and securing the public benefit of a viable future for this designated heritage asset.
- 15.2 The submitted drawing, ref. 12,959-08-C, illustrates a radio antenna on the building's prominent façade in Henry Street. The proposed installation of a radio antenna is not addressed in the submitted Heritage Statement. No details are provided of how the antenna would be fixed to the façade, nor is any justification provided for the installation. It is not therefore possible to assess the extent and scope of the works involved and whether there would be any conflict, in terms of this causing permanent harm or damage to the appearance or historic fabric of the building, with the heritage asset's conservation and so this is another aspect of the proposal that fails to comply with policy C5 of the UDP and Section 16 of the NPPF.

#### **16. OTHER ISSUES**

- 16.1 The subject of the objection that has been received is how the building would be operated or used. The proposed use of the building has been established as being acceptable by the grant of planning permission (ref. 16/00751/FUL – see paragraph 2.1) for the change of use. The current application is for listed building consent and so the matters for consideration are the proposed physical works to the fabric of the building only, and whether these are acceptable.

## 17. CONCLUSION

- 17.1 Whilst the Council fully respects the applicant's requirements for religious observance the matters for consideration are the impact that the proposed alterations would have on the significance of the building and to weigh that can be afforded to any public benefits that would accrue. The Planning (Listed Buildings and Conservation Areas) Act 1990, states that the primary duty of the local planning authority in relation to listed buildings is to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 17.2 Inadequate details and justification is included in the application for certain aspects of the proposals, being the proposed removal of existing partitions and the introduction of new partitions, separation of the auditorium by a glass wall, covering of images on the stage balustrade frontages, replacement and repairs of windows and external doors and installation of an external arial. It is not therefore possible to assess the extent and scope of the works involved and whether there would be any conflict, in terms of this causing permanent harm or damage to the appearance or historic fabric of the building, with the heritage asset's conservation and so in these aspects the proposal fails to comply with policy C5 of the UDP and Section 16 of the NPPF.
- 17.3 The assessment is that substantial harm would be caused to the significance of the listed building by other aspects of the proposal, being: the removal of the remaining existing stage; and, the introduction of a glazed screen to the first-floor circle, and the installation of two floor levels, and a suspended ceiling. According to the test given by the NPPF (see paragraph 8.2) local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site;
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
  - conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible;
  - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 17.4 The submitted Heritage Statement contends that the proposals would represent minor physical harm and that:
- The benefit is in providing a centre for the local Islamic community both in terms of worship, teaching and communal use.
- There is also a public benefit for the whole of the Hyde community in that this is a substantial building and its retention is generally supported and it forms a historic and cultural aspect of Hyde and it is (a) significant building in terms of its place within the town landscape.
- 17.5 There is no doubt that the building is substantial and that it forms a historic and cultural aspect of Hyde. Its retention is wholly supported and it is acknowledged that the risk of neglect and decay of a heritage asset is best addressed through ensuring that it remains in active use. Nevertheless, the deteriorated state through deliberate neglect should not be taken into account in any decision (paragraph 191. NPPF). Whilst the Council does not allege any deliberate neglect, the assessment is that the proposals represent more than minor physical harm but instead, cumulatively, that the harm would be substantial.
- 17.6 The direct benefits cited by the Heritage Statement would accrue to a section of the local Islamic community only, and simply securing a beneficial use through the proposed works

so as to arrest any further deterioration, which is not in isolation not to be taken in to account, are considered outweighed by the duty of the local planning authority to preserve the special architectural and historic features of the building. The recommendation is therefore for refusal.

## **18. RECOMMENDATION**

Refuse listed building consent for the following reasons:

1. Inadequate details and justification is included in the application for those aspects of the proposals for the proposed removal of existing partitions and the introduction of new partitions, the separation of the auditorium by a glass wall, covering of images on the stage balustrade frontages, replacement and repairs of windows and external doors and installation of an external aerial. The extent and scope of the works involved and whether there would be any conflict with the heritage asset's conservation cannot be assessed and so in these aspects the proposal fails to comply with Section 16 of the National Planning Policy Framework and policy C5 of the Tameside Unitary Development Plan.
2. The proposals to remove the remaining existing stage, introduce a glazed screen to the first-floor circle and install two floor levels and a suspended ceiling would, cumulatively, hide or eradicate architectural features and characteristics, including the scale of the space of the auditorium, that are intrinsic to an Edwardian theatre. The substantial harm that would be caused to the buildings significance would not be outweighed by the public benefits that would accrue and so the proposal is contrary to Section 16 of the National Planning Policy Framework and policy C5 of the Tameside Unitary Development Plan.