



Report to Planning Committee 23 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Oliver Scott, Senior Conservation Officer, 01636 655847

Report Summary			
<b>Application Number</b>	23/01551/LBC		
<b>Proposal</b>	Attachment of steel truss to existing roof truss and drill holes to plasterwork ceiling for cables for lighting rig.		
<b>Location</b>	Palace Theatre, 16 - 18 Appleton Gate, Newark On Trent, NG24 1JY		
<b>Applicant</b>	Miss Rose Maxwell	<b>Agent</b>	n/a
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/23/01551/LBC">23/01551/LBC   Attachment of steel truss to existing roof truss and drill holes to plasterwork ceiling for cables for lighting rig.   Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	31.08.2023	<b>Target Date</b>	26.10.2023
		<b>Extension of Time</b>	01.12.2023
<b>Recommendation</b>	That Listed Building Consent is APPROVED with the condition(s) detailed at Section 9.0		

**This application is before the Planning Committee for determination, in accordance with the Council’s scheme of delegation as the applicant is Newark and Sherwood District Council. This application was not presented before the meeting was adjourned on the 9<sup>th</sup> November 2023.**

### **1.0 The Site**

The application site comprises the Palace Theatre on Appleton Gate. The Theatre is an imposing Grade II listed brick and stucco building that forms part of a wider complex that includes the former Magnus School, now the National Civil War Centre (NCWC). The Theatre is an important community asset and hosts a vibrant cultural programme.

The Palace Theatre is situated within Newark Conservation Area. Built by Emily Blagg c1920, the Theatre is an important feature of the streetscene and forms a group with a large number of other listed buildings which includes the Grade II\* listed former Magnus School. The metal and glass link between the NCWC and Theatre forms part of a significant remodelling of the site nearly a decade ago.

## **2.0 Relevant planning history**

95/50928/LBC – Internal alterations. Approved 26.07.1995.

00/50429/LBC – Internal alterations and refabrication. Approved 06.06.2000.

02/02237/LBC - Proposed internal alterations for disabled access. Approved 03.01.2003.

03/01677/LBC - Replacement of existing auditorium seats and creation of designated wheelchair area. Approved 01.12.2003.

15/00167/LBC - Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area and WCs. Improvement of catering facilities. Approved 21.04.2015.

16/00651/LBC - Installation of mechanical equipment associated with catering facilities at The Palace Theatre. Incoming gas supply to North Elevation and supply/extract ductwork to South Elevation (part retrospective). Approved 20.06.2016.

## **3.0 The Proposal**

The proposed works comprise the installation of a steel lighting rig to the underside of the plaster ceiling facing the stage. The works require drill holes through the plaster with the steelwork fixed to a roof truss above the ceiling.

Documents considered within this appraisal:

Application form

Heritage statement

Site location plan

Schedule of works

Technical plans showing the specification of the lighting rig

Pre-application advice was given on the proposals during a site visit earlier in the year. The submitted proposals are consistent with advice given at that time.

An extension of time was agreed with the applicant to the 17.11.2023 to enable the scheme to be taken to 9<sup>th</sup> November Planning Committee (email dated 21.09.2023). Following the rescheduling of some agenda items on the 9<sup>th</sup> of November Committee, a further extension of time was agreed to the 01.12.2023 to allow the scheme to be taken to the new 23<sup>rd</sup> November Committee (email dated 10.11.2023).

#### **4.0 Consultation/notification summary**

Occupiers of five neighbouring properties have been individually notified by letter.

Newark Town Council was consulted on the 05.09.2023 and the Theatres Trust were consulted on the 25.09.2023.

A site notice has also been displayed near to the site on 12.09.2023 and an advert has been placed in the local press on 14.09.2023.

A site visit was undertaken on the 12.09.2023.

#### **5.0 Legal and policy considerations**

Section 16 of the Act requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised 2023). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. 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. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of designated heritage assets when considering new development within their setting (paragraph 206).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). Historic England Advice Note 2 (2016) states: *"The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration; if alteration is justified on other grounds, then reversible alteration is preferable to non-reversible. New openings need to be considered in the context of the architectural and historic significance of that part of the asset and of the asset as a whole. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset's aesthetic, historic or evidential value if they are left in place"* (paragraph 43).

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) - Core Policy 14: Historic Environment
- Allocations & Development Management DPD - Policy DM9 – Protecting the Historic Environment
- Historic England (2016) Making Changes to Heritage Assets: Advice Note 2

## **6.0 Consultations**

### **(a) Statutory Consultations**

**The Theatre Trust** – The Theatre Trust supports the granting of listed building consent in this case (letter dated 25.09.2023).

### **(b) Town/Parish Council**

**Newark Town Council** – The Town Council raised no objection to the proposal at their Planning meeting of 27.09.2023.

### **(c) Representations/Non-Statutory Consultation**

None received.

## **7.0 Comments of the Business Manager**

The key issue is whether the proposed works are justified and avoid harm to the special architectural and historic interest of the Palace Theatre, a Grade II listed building.

The proposal seeks consent for a new lighting rig to service the theatre stage. It will be located above the auditorium immediately next to the stage area in the first decorative panelled area. The auditorium is the heart of the theatre and is an impressive public space with seating and stage area. The plaster ceiling is an important element of fabric above the auditorium and includes decorative fibrous plaster detailing. The roof void by comparison is functional rather than decorative, and not designed to be seen by the public.

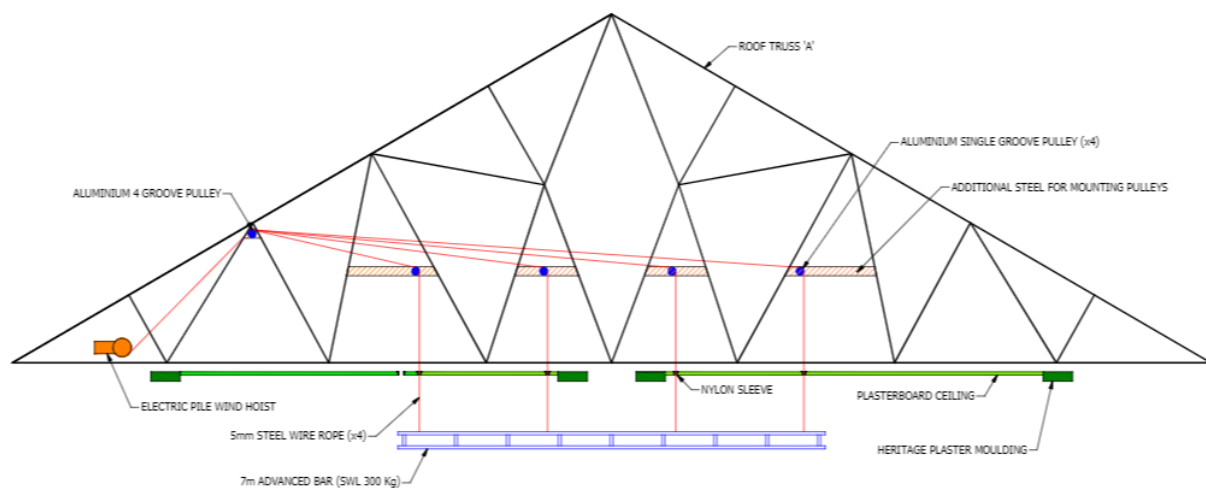
## Summary of Significance of Heritage Asset(s)

The Palace Theatre dates to 1920 and was built by the local entrepreneur Emily Blagg. The property is Grade II and forms part of a wider complex that includes the National Civil War Centre, much of which is housed in the Grade II\* listed former Magnus School.

The list entry for the Palace Theatre states: "Theatre and 2 shops. Built 1920 for Miss Emily Blagg. Altered mid C20, altered and restored 1988. Brick with stucco front and stone and stucco dressings. Hipped and mansard slate and artificial slate roofs. Single external rear wall stack. 2 storeys, 7x12 bays. Angled front has round towers at the angles, topped with cupolas with onion domes, and coped parapets. Main entrance front, to left, has dentillated cornice. 3 glazing bar sashes with eared and shouldered architraves, with swags between them. Under the windows, an altered framed panel with scrolled ends with the theatre's name. Below, full width entrance with dentillated cornice and 2 square piers. Steps with wrought iron handrail. Shops front, to right, has 4 sashes with architraves and swags similar to the entrance front, plus aprons. Below, 2 wooden shopfronts with bracketed dentillated cornices, the right shopfront double width with central door. On either side, 12 full height recessed panels and a range of 11 windows, some of them blank. Northeast side has, below, 4 doors and 6 windows. Southeast end has plain round corner towers. Auditorium, narrowed and refitted 1988, has an enriched bow fronted gallery on 3 sides, with boxes. Enriched segmental proscenium arch. Plaster ceiling has enriched dentillated cornice and cove-cornered panels with ventilators between them. Entrance vestibule has enriched cornice and beamed ceiling. 2 pairs of segment headed half glazed doors with oval sidelights and segment headed stained glass overlights."

## Assessment of Proposal

The lighting rig comprises a set of steel wire ropes hung from a steel truss with mounting pulleys fixed by clamps to the timber roof truss frame, carrying a metal bar that will hold the lights. The steel wire ropes will be controlled by an electric hoist system to be positioned in the roof void. Four drill holes will be made into the ceiling plasterwork for the wire ropes and cabling (to be protected by nylon sleeves). The position of the lighting rig can be moved in a vertical plane. The benefit of this approach is that the lights can be adjusted by lowering the rig rather than trying to adjust fixed lights at a high level.



*Section plan showing how the lighting rig will be installed into the roof.*

The plasterwork of the ceiling is an important architectural feature. The fibrous decorative plaster that frames the panels of the main ceiling is attractive and contributes significantly to the classical theatre ambience. Although the fibrous plaster is original, the plaster panels are not. The plaster panels are likely to have been lathe and plaster originally but appear to have been replaced in the post-war period with modern plaster board (traces of cut ends of lathe survive at the edges of the fibrous plaster when examined from above). Drilling through the modern plaster work will cause no harm to the fabric of the building, therefore.



*Photograph showing where the lighting rig will be installed.*

Visually, the lighting rig is moderately disruptive to the refined character of the ceiling. However, the lighting rig is not an alien or obtrusive feature to the theatre. The justification for the rig in terms of ease of maintenance (and safety), as well as improving the offer of the theatre provide compelling justifications for the works.

The installation of the new metal truss and pulley system to the attic void is acceptable furthermore and results in no visual or fabric harm.

### Other material considerations

The Theatres Trust draws our attention to the benefits of a modernised lighting rig, stating that the new rig will provide a centralised projection “meaning the theatre can attract and handle a wider range of shows than is currently the case, enhancing its social and cultural value and helping to support its ongoing viability”.

As explained above, the lighting rig does result in some very minor impact on the historic ceiling when experienced within the auditorium. This does not amount to harmful impact in the context of paragraphs 199-202 of the NPPF, however. We otherwise consider the proposed works to be a public benefit within the meaning set out in paragraph 20 (ID: 18a-020-20190723) of the ‘Decision-making: historic environment’ section of the Planning Practice Guidance. Essentially, the proposed works are felt to improve the offer of the theatre, sustaining its on-going conservation and ensuring long term viability.

It was noted that the Town Council raised no objection to the proposal. No other comments or observations have been made on the proposals.

There are no other material considerations in this case.

### **8.0 Implications**

In writing this report and in putting forward recommendation’s officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

The proposed works will cause no harm to the special interest of the listed building. The proposed works therefore accord with the objective of preservation required under section 16 of the NPPF. Weight is also given to the public benefits identified in the scheme, notably improving the offer of the theatre and improved accessibility and safety associated with a rig than can be lowered. The proposals are considered to comply with heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF.

### **9.0 Conclusion**

For the reasons set out above, the proposed works are considered to be acceptable and cause no harm to the special interest of the Palace Theatre, a Grade II listed building. The proposal is therefore considered to be consistent with the objective of preservation required under section 16(2) of the Act. The scheme is also considered to accord with heritage policies and advice contained within the Council’s LDF DPDs (notably policies CP14 and DM9), and section 16 of the NPPF.

Owing to the nature of the internal works, the proposal will cause no harm to Newark Conservation Area or the setting of any other heritage asset.

We draw your attention to the minor nature of the works and the justification for the proposal



which will provide a safe means of adjusting lighting as well as improving the stage production offer.

## **10.0 Conditions**

### **01**

The works to which this consent relates shall be begun no later than three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **02**

The works hereby approved for the lighting rig shall be carried out in accordance with the following approved plans and associated documents:

- Application Form
- Heritage Statement
- Camtrak section and elevation plans showing lighting rig bar configuration and ceiling details
- Annotated photograph showing position of lighting rig

Reason: To ensure that the works take the agreed form envisaged by the Local Planning Authority when determining the application and thus result in a satisfactory form of works.

### **03**

Any damage caused by or during the course of the carrying out of the works hereby permitted shall be made good within 3 months after they are complete.

Reason: To ensure that the works take the agreed form envisaged by the Local Planning Authority when determining the application and thus result in a satisfactory form of works.

## **Informative notes**

### **01**

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

### **02**

The Listed Building Consent is granted in strict accordance with the approved plans and specifications contained in this application. It should however be noted that:

- a) Any variation from the approved plans and specifications following commencement of the works, irrespective of the degree of variation, will constitute unauthorised works, would be a criminal offence under the Planning (Listed Building and Conservation Areas) Act 1990 and would be liable for enforcement action.
- b) You and your agent or any other person responsible for implement this consent should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter.
- c) The applicant is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

### **03**

#### **REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) (AMENDMENT) ORDER 2015**

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters, such as the National Planning Policy Framework (Revised 2023).

#### **BACKGROUND PAPERS**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 23/01551/LBC

