



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 6th March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

N/2011/149: **Erection of extension to provide a cinema at The Royal & Derngate Theatre, Guildhall Road, Northampton.**

WARD: Castle

APPLICANT: Mr Martin Sutherland
AGENT: Mr Kevin Drayton

REFERRED BY: Scheme of Delegation
REASON: Council Owned Land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions for the following reason:

The proposed development would enhance the leisure facility of the Derngate Theatre and thereby the attractiveness of the town centre overall and would have no adverse impact on the setting of adjacent listed buildings or the conservation area, and would bring the benefit of enabling enhancements to the adjacent area of public open space. The proposal is therefore in accordance with Local Plan Policies E6, E20, E26 and L1 and the aims and objectives of PPS1, PPS4, PPS23 and PPG24.

2. THE PROPOSAL

2.1 Erection of a single storey structure to provide a "Cinepod", a 100-seat (approx.) cinema attached to and associated with the Royal and Derngate theatres. Although the structure would be effectively self-contained, the cinema would use the infrastructure of the main theatres building including the box office, refreshments, cloakrooms and WCs. The proposed building itself would house the auditorium, projection

room and lobby / link to the existing main theatres building.

- 2.2 The Cinepod would take the form of an extension to the rear of the existing theatre projecting at an angle from the main building into an area of public open space, which is adjacent to the theatre. The structure would be single storey which, due to the site's existing slope, would measure between 4m and 5.6m high. It would have a width of 9m and, due to its angle to the main building, would measure between 15.5m and 22.5m in length. The external cladding of the building is proposed to be principally natural wood with masonry to the plinth to match the main theatres building.

3. SITE DESCRIPTION

- 3.1 The site comprises an area of public open space to the rear (east) of the Derngate theatres complex. The land is mainly grassed with several trees and benches, and slopes down from north to south by some 2m across the width of the proposed structure. The terrace to the south in Albion Place (nos. 3-7) are listed buildings as is the terraced row to the east of Albion Place (nos. 21-24).

4. PLANNING HISTORY

- 4.1 The construction of the Derngate Theatre was approved in 1979. Since then there have been various applications for minor works, none are of direct relevance to the current application.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS4 - Planning for Sustainable Economic Growth
PPS 23 - Planning and Pollution Control
PPG24 - Planning and Noise

5.3 Northampton Borough Local Plan

E6 Greenspace
E20 – New Development
E26 - Conservation Areas
L1 - Existing recreational facilities

- 5.4 **Supplementary Planning Guidance**
Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **Conservation (NBC)** – Express concerns as to the siting of the cinepod and its relationship with nearby listed buildings and the open space.
- 6.2 **Urban Design (NBC)** – The submitted design proposal does not integrate with its context of the Derngate Theatre, green open space, Conservation Area with Georgian architecture or proposals for the regeneration of adjacent sites. The orientation of the proposed structure is obstructive to anticipated pedestrian movement in the context of the St John's Cultural Quarter regeneration. If timber cladding is to be proposed then more information is required as to the appearance of this building in the long term due to weathering.
- 6.3 **Environmental Health (NBC)** - The development will require heat control and ventilation plant which are not shown on the plans and might be expected to affect the external appearance. Our main concern is noise from the plant and equipment and breakout from the cinema from the soundtrack. It would also be appropriate to check the site for possible contamination prior to the work starting. I assume there could be issues with the green space and the conservation area but should the application be granted I would recommend that the conditions in the attached document be applied.
- 6.4 **Police Crime Prevention Design Adviser** - I would be grateful if you could ask the applicant to move the double doors leading from the existing theatre to the edge of the new cinema. This will prevent the creation of a hidden space which will be ideal for rough sleepers as it is covered over and enclosed on three sides. Moving the double doors extends the internal space of the existing theatre, protects the doors leading into the cinema and creates a neater design with no hidden corners or recesses. NBC CCTV cannot see into this space at all due to tree cover and the far end of the walkway is not easily visible from the road.
- 6.5 **Town Centre Conservation Area Advisory Committee** - The Committee accepted the proposal in principle for a cinema in this area, and were pleased with the plans to enhance the green area. However, the Committee felt that the style of the extension and the proposed cladding did not match the surroundings and would not, therefore, enhance the conservation area. The Committee recommended that the extension should instead seek to incorporate elements of the design of the Derngate theatre itself, using the same materials and incorporating external pillars in a similar style to that of the Derngate's adjacent walkway.

7. APPRAISAL

- 7.1 The main issues to consider are the impact on the street scene / townscape, the area of open space within which the extension would be built, the adjacent listed buildings as well as the impact on wider and long term proposals for the town centre.
- 7.2 The proposal is for a new cinema unit, which would improve, broaden and complement the offer of the Derngate theatres and as such would enhance the overall attractiveness of the town centre, albeit that this would be relative in scale and kind to the nature and size of this comparatively small cinema. Whilst there would be a loss of open space this is acceptable in policy terms as an enhanced leisure facility would be provided.
- 7.3 The open space is identified in the Local Plan as Greenspace. In summary Policy E6 requires that planning permission for development within Greenspace should only be granted where it would not unacceptably prejudice the function of the area. The function of this particular Greenspace is as an *“area of urban greenspace which are valuable in visual, aesthetic and amenity terms. Often these include sites used for burial grounds, memorial gardens and churchyards. Small areas of amenity open space, the grounds of institutions and public houses/hotels are also important in providing “islands” of green space within the urban area.”* Impact of the development on the Greenspace is discussed below.
- 7.4 The extension has been designed in a simple style, essentially as a flat roofed, linear oblong form projecting at an angle from the rear of the theatres complex. The existing eastern elevation of the main theatres building dominates the adjacent open space. It is considered that the proposed built form has the potential to improve this relationship, providing articulation to the existing building. Its angled alignment of the host building brings it into alignment with the listed terrace to the south. Given this siting combined with the separation that would be retained to the nearby listed buildings (9m to the flank wall no.3 Albion Place and some 28m to nos. 21-24) it is considered that it need not have a detrimental impact on these neighbouring listed buildings.
- 7.5 Therefore, it is considered that in terms of its position, size and bulk the proposed unit has the potential to relate well to its surroundings and that it need not clash visually with the host building or with the surrounding building within the conservation area, subject to the details of its design, as discussed below.
- 7.6 The unit is proposed to be clad with horizontal in timber panels. In response to the concerns expressed by the Council’s Urban Designer as to the suitability of this material, and the applicant’s agents have commented *“Horizontal timber cladding is, in our view, appropriate for*

a number of reasons. As a natural material it fits with today's preference for the use of eco-friendly materials and it is capable of refurbishment when finally required. It is a tactile, human-friendly material that would sit well in the surrounding green space."

- 7.7 It is considered that timber may not be the most appropriate treatment for this building and that better, more urban appropriate solutions may be found. It is recommended therefore that whilst the principle of the building is appropriate, the details of the cladding materials should be controlled by means of a condition. If wooden cladding is to be used this will need to be finished in a way which is suitable for an urban setting and will need to be of a hardwearing type. The wooden cladding currently proposed is not considered to meet these criteria.
- 7.8 The building has been designed as an extension to the theatres complex, and would not be operable as a stand-alone facility as all the necessary support facilities / infrastructure (e.g. ticketing and toilets etc) would be within the existing buildings. This would mean that those using the facility would in the main access the cinema from the existing theatre entrance and would not necessarily make use of / pass through the open space retained to the east of the proposed building. As the cinema would be attached to the theatres even with separate facilities this would be likely to be the case.
- 7.9 There is an existing rear pedestrian access to the theatres via an enclosed walkway along the eastern flank of the main theatres building which would be retained. The proposed Cinepod would be linked to this walkway resulting in the walkway becoming enclosed on three sides and therefore being potentially attractive to rough sleepers or anti social behaviour. Therefore a condition is proposed requiring this area to be closed-off by a gate outside the operating hours of the cinema and theatres. Additionally, a triangular area of land would be slightly enclosed by the extension, which could also lead to anti social gatherings. This could be mitigated by the use of defensive planting in this area. This can be secured and controlled by condition. A final point in this regard is the existing high wall adjacent to the proposed emergency exit (an existing external stairway). This is shown on the plans as being reduced in height thereby improving natural surveillance. This is considered to be a positive measure and it is therefore recommended to be secured via condition.
- 7.10 The positioning of the building within the area of open space would clearly affect the functionality of the space as this would divert the current "desire line" pedestrian route which runs roughly north / south across the site to the adjacent St John's Cultural Quarter development area to the south (i.e. the existing St John's surface car parks). However the resultant diversion would be relatively minor and not fundamentally affect the attractiveness and function of this route. Moreover, the redevelopment of St John's area would consolidate pedestrian movement through / to the open space.

- 7.11 The application includes alterations to this open space / Greenspace to accommodate the development, the initial designs for which were not considered suitable. The applicants have agreed to make appropriate alterations to this space and to work with officers to provide a more appropriate and useable environment. It is considered that a suitable layout can be achieved and that this matter can be suitably dealt with by condition. It is envisaged that the enhanced area will include a better quality of public seating than is currently indicated as well as a space for potential public art.
- 7.12 A number of existing trees within the open space would be removed in order to accommodate the proposed cinema building. Nonetheless given that the majority of the trees in this area would be retained and additional planting would be secured by condition, combined the other potential enhancements discussed above, it is considered that this loss of trees would be acceptable.
- 7.13 For the foregoing reasons it is considered that the development, subject to the recommended conditions, would retain and enhance the Greenspace function of this area in accordance with Policy E6.
- 7.14 With reference to the comments of the Council's Environmental Health service a condition is recommended to control and mitigate any potential noise and / or contamination associated with the use / development.

8. CONCLUSION

- 8.1 It is considered that subject to the details as required by condition, the proposed development would be acceptable and would result in an enhanced leisure facility within the town centre, improvements to the adjacent open space and no detrimental impact on the conservation area or listed buildings.

9. CONDITIONS

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason - To comply with Section 91 of the Town and Country Planning Act 1990.
- (2) Notwithstanding the details submitted / shown on the approved drawings, details and/or samples of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason - In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan.

- (3) Notwithstanding the submitted details, full details of the redesign of the adjacent public open space to accommodate the extension hereby approved shall be submitted to and approved in writing by the Local Planning Authority (LPA) before the development hereby approved is commenced. The open space shall be remodelled in full accordance with the approved details before the extension hereby approved is brought into use unless otherwise approved in writing by the LPA.
Reason: To ensure the development will harmonise with its surroundings and that the public open space will remain useable following its partial loss to the development, in accordance with Policy E20 of the Northampton Local Plan.
- (4) Full details of all security measures to be incorporated into the development, including a security gate to enclose the walkway behind the extension shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The approved measures approved shall be fully implemented before the extension hereby approved is brought into use.
Reason: To ensure adequate security and prevent crime and vandalism, in accordance with Policy E20 of the Northampton Local Plan.
- (5) No development shall take place until a desktop study in respect of possible contaminants within the site is completed and, if necessary, a site investigation has been designed. The scope and methodology of the desk top study and any site investigation shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment. In accordance with PPS 23 - Planning and Pollution Control
- (6) If a site investigation is required following Condition 5, the site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment. In accordance with PPS 23 - Planning and Pollution Control.
- (7) The remedial works identified in condition 6 shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).
Reason: To ensure the effective investigation and remediation of

contaminated land sites and in the interests of health and safety and the quality of the environment. In accordance with PPS 23 - Planning and Pollution Control.

- (8) Before the development hereby permitted commences, a scheme shall be approved in writing by the Local Planning Authority, fully implemented and retained and maintained thereafter that specifies how noise from fixed plant or equipment and breakout from the auditorium shall be controlled.

Reason: In the interests of residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

- (9) The scheme agreed under condition 8 shall be implemented prior to the development coming into use and shall be retained thereafter. The applicant shall provide evidence that the scheme has achieved the design targets agreed in Condition 8.

Reason: In the interests of residential amenity in accordance with the advice contained in PPG24 Planning and Noise.

- (11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

- (12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

- 10.1 N/2011/1149.

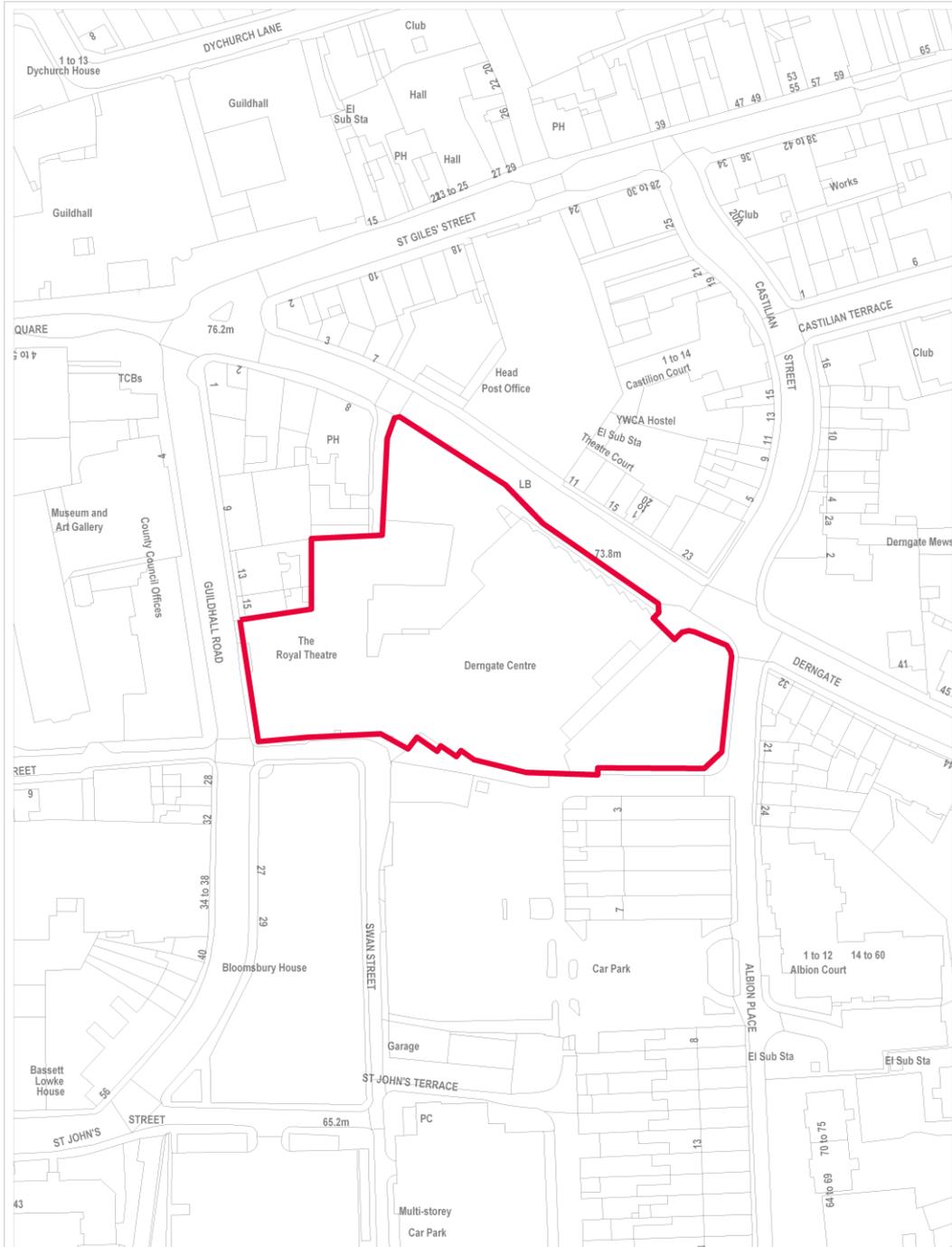
11. LEGAL IMPLICATIONS

- 11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

Position:	Name/Signature:	Date:
Author:	A Holden	23/02/2012
Development Control Manager Agreed:	Gareth Jones	27/02/2012



Name: Registration
 Date: 23rd February 2012
 Scale: 1:1250
 Dept: Planning
 Project: Location Plan

Title
Royal & Dergate

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