

Protecting theatres for **everyone**



Ref.: TC/2488

02 April 2019

Development Management
Causeway House
Bocking End
Braintree
CM7 9HB

By e-mail: planning@braintree.gov.uk

Applications: 19/00363/OUT

Site: Bocking Arts Theatre Bocking End Braintree Essex CM7 9AE

Proposal: Demolish the existing single storey building and to rebuild a new two single storey buildings to accommodate four one bedroom dwelling units.

Remit: The Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

Comment:

The Trust was not directly consulted by the Council regarding this proposal as per our statutory remit as set out above.

The Bocking Arts Theatre a community theatre and arts centre run by volunteers who took over management from the Council in 2011. It hosts theatre, live music, comedy and talks as well as other events such as the Braintree Beer Festival. It is an important community and cultural facility for local people, which furthers well-being and provides opportunities for people to come together and participate in the arts.

We note this outline application is being brought forward by the theatre in order to generate capital to support their ongoing operations and development. In principle we are supportive of enabling development which results in wider public benefits through the enhancement of theatres and other cultural and social facilities. However, we urge caution where residential development is proposed in proximity to theatres and other similar noise-generating cultural venues because the two uses are not necessarily compatible. Generally this is because of noise-related conflicts; this can result in detrimental restrictions on theatres and/or compromised amenity and living conditions for future occupants. Although we note there are existing

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Chair Tim Eyles **Director** Jon Morgan

Trustees Richard Baldwin, David Blyth, Pam Bone, Paul Cartwright, Paddy Dillon, Ruth Eastwood, David Ian, Richard Johnston, Gary Kemp, Dara Ó Briain, Simon Ricketts, Peter Roberts, Ann Skippers, Anna Stapleton

The National Advisory Public Body for Theatres

The Theatres Trust Charitable Fund co-operates with Theatres Trust, has the same Trustees and is registered as a charity under number 274697

residential units to the north-east and north-west of the site these have a greater degree of separation from the theatre than those proposed.

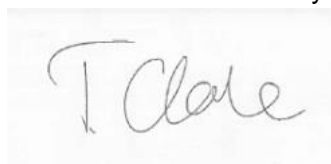
Fundamentally, the ability of the theatre to maintain its operations without any restrictions compromising its viability must be prioritised. In this context, that means protecting Bocking Arts Theatre from noise-related complaints from residential neighbours and ensuring the costs of mitigation are borne by the new development. This principle, known as 'Agent of Change', entered into national planning policy in 2018 through the NPPF (paragraph 182, document revised February 2019). For theatres noise conflict may not just arise from performances, but from late-night or early-morning moving of sets and equipment or other servicing. At present we acknowledge in this case the applicant and the theatre is the same party, although this could alter in future should any planning permission be sold on.

To address the risks and help mitigate impacts we would urge careful design with robust acoustic mitigation to minimise future conflict between the theatre and future residential occupants. In particular, we recommend that a condition is placed on permission should it be granted requiring evidence of a legal agreement being in place removing the ability for owners or tenants of the future residential units to raise complaints regarding Bocking Arts Theatre, perhaps through a restrictive covenant. We consider that such a condition would meet the six tests set out within paragraph 6 of the Government's guidance on the use of planning conditions (2018) and paragraph 55 of the NPPF, and is a mechanism which has been utilised elsewhere such as within London Borough of Southwark (application 09/AP/0343).

We recommend that such conditions or agreements are presented to the Trust for further comment. We would in any case also welcome and encourage Bocking Arts Theatre, their consultants and the Council to engage with the Trust on this application and indeed on any other matter of future development or works at the theatre.

Paragraph 92 of the NPPF (2019) seeks planning decisions to plan positively for community facilities including cultural buildings, and to protect them from unnecessary loss. Policy CS11 of the Local Development Framework Core Strategy (2011) also resists the loss of services and facilities. As well as contributing towards quality of life and well-being, cultural facilities have an ever more important role in supporting the vitality of town centres. Although we do not object to this proposal, it is vital that development safeguards Bocking Arts Theatre for the benefit of Braintree and local people and we urge that outline permission is only granted subject to the incorporation of safeguards recommended above.

Please contact us should you wish to discuss these comments in further detail.

A handwritten signature in blue ink, reading "T Clarke", on a light blue rectangular background.

Tom Clarke MRTPI
National Planning Adviser