

# Protecting theatres for **everyone**



Ref.: TC

21 November 2019

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**Applications:** 19/00691/FULL

**Site:** Day Nursery Abbot Street Arbroath DD11 1HH

**Proposal:** Proposed Conversion of Building to Form Four Dwellinghouses

## **Remit:**

The Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1978 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in Scotland through The Town and Country Planning (Development Management Procedure) (Scotland) Regulation 2013, 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:**

Thank you for consulting the Theatres Trust on the above application. It has been referred to us because the building within which the application relates also forms part of a theatre – the Abbey Theatre in Arbroath. This application is seeking to convert the ground floor which sits underneath part of the theatre from a nursery to residential use.

The Abbey Theatre is an important community and cultural asset for Arbroath which is run by its members. It provides opportunities for local people to access and participate in theatre and the arts, as well as to volunteer and learn new skills. It produces its own work alongside making the theatre available for outside hire and events. Theatres such as the Abbey help improve social and cultural wellbeing and reduce loneliness and isolation, and therefore planning decisions should protect them from harm or loss.

As currently submitted, the Trust **objects** to this proposal. Our general position is that we

## **Theatres Trust**

22 Charing Cross Road, London WC2H 0QL

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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, Ann Skippers, Anna Stapleton

The National Advisory Public Body for Theatres

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

caution against such development as theatre and residential uses are not necessarily compatible because noise and vibrations from theatres including late at night and at weekends can affect the amenity and living conditions of residents. In turn, there is a risk that noise-related complaints can lead to detrimental restrictions on the ability of theatres to operate, compromising their existence as valued community and cultural facilities. The need to avoid conflict of this nature and protect Scotland's cultural facilities has resulted in new legislation coming into force. In this case the presence of residential units underneath parts of the theatre presents a significant risk of conflict. We note the Abbey Theatre Club have submitted their own objection.

Policy DS4 of the Angus Local Development Plan (2016) states that development will not be permitted where there is an unacceptable adverse impact on the amenity of future occupiers including as a result of noise and vibration levels. For development to be supported there must be submission of detailed assessments with conditions and obligations used to secure mitigation. Policy TC8 seeks the retention of community facilities. More pertinently following the Planning (Scotland) Act 2019 coming into force planning authorities must take into account whether development includes sufficient measures to mitigate, minimise or manage the level of noise between the development and any existing cultural venues or facilities in the vicinity of the development. The Act is clear that any costs associated with mitigation and management must not fall on the noise source.

There is currently limited information submitted by the applicant. For example, there is no acoustic assessment or any kind of demonstration or justification as to how the proposed residential use and existing theatre can successfully co-exist. We would expect more detailed plans and information which shows mitigations required to make this development acceptable, such as soundproofing. However in the absence of an acoustic assessment it would be challenging to ascertain exactly what mitigation is necessary. Neither is there any evidence that there has been any engagement between the applicant and the theatre (or relevant bodies such as ourselves) to understand and address the challenges with this development. Therefore we suggest that further information and amendments are sought from the applicant before this application can be determined.

Should the Council be minded to permit this application it is essential that robust conditions are included which protect the interests of the Abbey Theatre and ensure sufficient mitigations to make the development acceptable. This would need to include full details of measures taken to minimise noise and vibrational disturbance to future occupants of the residential units, and to make clear that any works necessary within the theatre are to come entirely at the cost of the applicant/developer.

As an additional safeguard we would also recommend that a legal agreement is signed by the applicant which extinguishes the right of future owners or occupants of the residential units to make complaint on the basis of noise and disturbance from the theatre and prevents the issue of a Noise Abatement Order or other such restriction for activities which can currently be reasonably carried out.

While we accept that building works in proximity to theatres are unavoidable and it would be unreasonable to object to any new development, it is also vital that normal performances are not disturbed. As a matter of course with neighbouring developments we request that a construction

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management plan is agreed between the applicant/developer and Abbey Theatre which protects performances from disturbance. We recommend this is also made a condition of development.

In order for us to support this proposal and to satisfy legislative and policy considerations related to protecting the theatre as a cultural asset, there would need to be conditions and legal agreements in place as described above. Until such time, **we recommend the refusal of planning permission.**

Please contact us if you wish to discuss these comments in further detail. We would welcome engagement with the applicant, Abbey Theatre Club and the Council to find a way forward.

Tom Clarke MRTPI  
National Planning Adviser

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