



How to assess a planning application impacting a theatre

Summary

This advice note provides guidance on what needs to be considered when determining a planning application either for a theatre, or which will impact a theatre. This is one of a series of advice notes – others covering how to protect theatres within planning policy, theatres within infrastructure planning and Section 106 agreements and the ‘Agent of Change’ principle are available on our website at theatrestrust.org.uk/how-we-help/advice/advice-notes.

Who is this note for?

This advice note is aimed at planners working within local authorities as well as other bodies that may determine planning applications. It is also useful to applicants and agents who may be considering submitting an application involving or impacting on a theatre or other similar cultural venue.

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Why theatres are important

Theatres, along with other cultural venues, provide immense benefits to the areas in which they are located. Their significance and the need to protect them for their unique role and function has been a long-standing principle within the planning system; theatres are defined as Sui Generis within the use classes of England, Scotland and Wales and are therefore exempt from any forms of automatic change of use. Theatres in England are eligible for nomination and designation as Assets of Community Value, and throughout the UK it is common for there to be committed and prominent local groups and campaigners who engage with the planning system either running, seeking to run or to retain theatres and theatre buildings.

Theatres are a central element of sustainable communities, and supporting and protecting them contributes towards the visions and core objectives set out within local development plans. National policy is generally supportive of theatres and other cultural uses. Benefits of theatres include:

- **Improving quality of life** – Theatres help people to come together, provide access to cultural activities and performance, develop skills, enable opportunities for participation and volunteering, reduce isolation and improve well-being
- **Improving the economy** – Theatres and their audiences support a number of businesses, provide employment opportunities both directly and indirectly, nurture and develop talent, and attract and retain people within the local area. Many are utilised for private events, conferences and other meetings where they might be the only suitable facility in the local area
- **Improving places** – Theatres contribute towards the vibrancy of town centres and their surroundings, help to reduce rates of vacancy, attract visitors, increase footfall, and provide activity at different times of day and night. Many theatres are heritage assets which are significant contributors to local character and townscape, and are buildings with which local people have strong attachment and connections

Nature of planning applications commonly submitted

Typically planning applications which involve theatres will be proposing the following:

- Alterations or extension to an existing theatre
- Construction of, or change of use to, a theatre
- Demolition or change of use from a theatre
- Neighbouring or adjacent development which may impact on a theatre including Prior Approval

Factors to consider in determining these applications is set out below:

Alterations to an existing theatre

Applications seeking alteration the interior of a theatre are almost always seeking listed building consent (as internal works generally do not otherwise require permission).

As with any listed building or heritage asset the first priority is to ensure existing character, fabric and features of significance are protected and retained. However, another principle of managing heritage assets is that the optimum use is the one for which they were intended. To ensure continued theatre or performance use a greater level of alteration or harm than

may otherwise be acceptable can be necessary to meet current safety and technical standards, to provide the accessibility and facilities theatres need to be viable, and meet the needs of modern shows.

Common reasons for internal alterations include:

- Lack of toilet provision
- Lack of bar provision or space
- Poor or no accessibility for wheelchair users and others with reduced mobility, whether audience, performers or staff
- Revision of seating due to poor levels of comfort or poor sightlines to the stage
- A need to strengthen the stage or remove a rake (slope) to support the weight of modern sets
- A need to provide new and/or safer access for maintenance and operations, for example to undertake ceiling inspections, to access the fly tower and other plant and machinery
- Maintenance and repair of suspended fibrous plaster ceilings and other features of decorative or historic significance

These types of interventions can for example require new openings or revisions to existing layouts, or removal of historic fabric. Our [guidance note on owning a listed theatre](#) contains some further information. We would advise that the Trust is engaged at an early stage, as we have experience of dealing with a number of applications of this nature.

Without sufficient front-of-house space and provision of toilets and other facilities the ongoing sustainability of the theatre can be compromised. Income from bar and merchandise sales is crucial for the viability and financial sustainability of theatres, particularly as funding and possibly subsidies from other sources are lost or become more challenging to obtain. Many theatres cannot be extended due to the constrained nature of their site, making it impossible to improve facilities without internal alterations. On the basis that reasonable alternative options have been explored and that as far as possible works are carried out in areas of least significance we would generally urge applications of this nature to be considered favourably.

Particularly with older theatres it may also be challenging to provide wheelchair access without significant intervention. Some degree of flexibility may be required in order to facilitate lift access or removing level changes in order to get people with wheelchairs or other mobility restrictions into the auditorium and other previously inaccessible front and back of house areas.

Where the removal of unique historic equipment, fabric or features is unavoidable we recommend that conditions are included as part of any permission which require submission of a detailed recording report. Where practical we would also encourage that materials or equipment are preserved. They could be made a feature within another part of the theatre or made available for re-use within other theatres.

External alterations are often to provide the theatre with more active frontage particularly in association with an enhanced café/bar offer. By opening theatres up this brings more people into the building who are then more likely to engage with the arts and attend performances when they might not otherwise have done. It also helps provide the theatre with an additional source of income, therefore increasing activity in this way is to be encouraged particularly if it contributes towards wider town centre improvements.

There are a number of applications submitted seeking combinations of planning permission, listed building consent or advertisement consent for signage and billboards, sometimes of significant size. Signage is considered an integral element of theatre design and character and tends to be frequently altered as shows change, therefore weight must be given to this in determining such applications (particularly in relation to older and listed theatres where what is proposed may otherwise be considered inappropriate). Increasingly we are seeing applications submitted for replacement digital signage, which overwhelmingly we are willing to support. Digital signage has a number of benefits for theatre operators in that they can be altered more frequently at lower cost and tailored to the audience or time of day. In turn there are also public safety benefits as the need for scaffolding and other equipment needed to alter signage more frequently is removed.

Extensions to theatres

Theatres Trust is consulted on several applications of this nature each year. They are generally split between:

- Proposals to expand theatre/cultural provision, for example an additional studio theatre space, cinema screens or rehearsal studios
- Proposals to expand the theatre's front-of-house offer, in particular for a café/bar/restaurant or to provide additional toilets or lifts/wheelchair access
- Proposals to improve back-of-house facilities, such as additional dressing rooms or storage

We are generally supportive of these proposals, and often they are both beneficial and necessary for a number of reasons.

As already highlighted, income from bar sales and other ancillary activities is increasingly important for the viability of theatres. In some cases internal alterations are not practical or desirable from a heritage perspective where it would substantially harm the building's significance. Therefore the optimum or most practical option is to extend the theatre.

Extensions to theatres which help to open them up more outside of showtimes provide wider benefits to their surroundings; it can better activate the theatre and create more activity throughout the day. It can also help reduce vacancy rates within town centres; for example, a number of proposals that have come forward more recently have utilised vacant neighbouring retail units and properties. Predominantly this is to provide new or extended front of house facilities such as bars, cafes and extended foyers but these spaces have also been used for new studio theatres and rehearsal space. This has the benefit of directly reducing town centre vacancy as well as encouraging other businesses to locate due to increased activity.

Back of house extensions predominantly result in expanded provision of dressing rooms, and overwhelmingly occurs at smaller and community theatres. Clearly this is to be welcomed and it must be appreciated many will be on tight budgets and making use of limited space, but it should be ensured as far as possible any new provision contains provision for wheelchair users including accessible WCs and showers.

Demolition or change of use from a theatre

Applications of this nature are most critical. Once theatre buildings, particularly larger ones, have been lost to other uses or demolished it is very challenging and costly to replace them elsewhere. This is because theatres typically require large parcels of land, and generally also need large volumes of space in order to incorporate sufficient seating, sets and

machinery. This is a reason why theatre sites can be attractive to developers, especially as the value of land for alternative use (particularly housing) often exceeds the value of theatres as a going concern (as is also the case for a number of other community and cultural uses).

Losing a theatre building may be harmful to local character and distinctiveness. Theatre buildings may also provide an opportunity to maintain, or re-introduce, cultural or community use which can positively support the vitality of town centres. [The benefits of theatres can be found in our Advice Note on 'Promoting Theatres Within Planning'](#).

Although our first priority is to protect theatre use or protect theatre buildings for the benefit of future generations, we have a record of objectively supporting alternative use where it is clearly in the best interest of preserving the building in the short term or where it is proven that there is no future or need for the theatre. In some cases it is better for a building to be occupied and in use, particularly if it is a historic theatre, to ensure it is maintained pending longer-term re-use for theatre or live performance.

It is vital that when faced with applications which would result in the loss of theatre use or a theatre building, or which would remove any prospect of future performance use returning, it is assured that the building is genuinely surplus to cultural requirements. This means robustly scrutinising information and evidence submitted by applicants, and calling on the expertise of the Trust to provide advice. Planning policy generally requires evidence demonstrating lack of need and it is always necessary to seek the advice of local authority cultural team or an independent assessment. It must be ensured that attempts at marketing have been genuine and undertaken through appropriate means at a value which is appropriate to condition and existing use value.

Even where change of use is acceptable it must be ensured that any alterations are proportional and reversible as far as is practical. Extensive alteration can undermine future opportunities to return theatres to their intended use. Similarly it must be ensured that future return of theatre use is not compromised by stealth – for example parts of the building being converted or demolished. A theatre requires sufficient front-of-house and back-of-house facilities; retaining the auditorium under the pretence of allowing for future theatre use but converting the stage house to residential would not allow for a functional theatre.

Neighbouring or adjacent development affecting a theatre

Neighbouring development can be harmful to the ongoing operation of theatres as well as other noise-generating uses. This is particularly the case where new residential uses are proposed in a planning application or by change of use via Prior Approval. These challenges have more commonly been associated with music venues, nightclubs and pubs but there have also been instances of restrictions being placed on theatres. Other potential cases have been avoided because with the Theatres Trust's long-standing role and experience as a statutory consultee within the planning system we have been able to work with local authorities to support them in refusing applications and defending those decisions at appeal. More recent commitments and revisions at a national level by introducing the 'Agent of Change' principle into policy and legislation are strengthening the ability of decision makers to tackle this challenge. [We have produced a specific advice note providing further detail on the Agent of Change principle.](#)

For theatres it needs to be considered that the source of noise disturbance is not necessarily from shows themselves (although we have advised on applications where this would be an issue), but from 'get-ins' and 'get-outs' – in other words the delivery and removal of sets and other equipment. By necessity this can be late at night after the end of shows, or early in the

morning. This is because touring shows in particular may need to travel to a different part of the country on consecutive nights or travel long distances on a tight schedule. Restrictions placed on this activity can prevent theatres from accepting certain types of acts and shows which then undermines their viability and sustainability. Therefore there must be great care with the design and layout of neighbouring developments to avoid such conflict. Where mitigations would not remove the risk of noise or other disturbance affecting living conditions and the amenity of future residents, development should be refused or safeguards for the existing use included by condition and legal agreement. Theatres Trust can work with local authorities on appropriate wording.

In some cases it might be the proposed use of a neighbouring site which could affect a theatre. Again, it must be ensured there is appropriate mitigation and soundproofing with conditions protecting the theatre. It must also be ensured that new development considers the access needs of theatres both during and post-construction. This would include sufficient turning for large vehicles necessary to deliver sets and other equipment and ensuring access is maintained. We recommend conditions and agreements which consider such matters.

Where Prior Approval applications propose a change of use to residential use adjacent or next to a theatre the Theatres Trust would always wish to be consulted on the application so that there is an opportunity to work with the developer to minimise potential conflicts.

Regardless of the nature and acceptability of neighbouring development, where it is to be permitted there can be impacts on the theatre arising from construction and works. Construction work around a theatres is inevitable, however, it must also be ensured that the theatre's ordinary operations (such as matinee performances) are not compromised by noise and vibrations. Therefore we recommend inclusion of a condition requiring submission of a construction management plan which meets the agreement of the Theatres Trust and the relevant theatre.

The role of Theatres Trust

Theatres Trust is the national advisory public body for theatres and is a statutory consultee in the planning system in England, Scotland and Wales. This means that Local Planning Authorities are required to consult us on any planning application involving land where there is a theatre or that will have an impact on theatre use. This applies to all theatre buildings, old and new, whether they are in use as a theatre, in other use or disused. We also have an agreement with the Northern Ireland Planning Service that Divisional Offices and Development Control Sections will consult the Theatres Trust on '*any proposals affecting theatres*'

Theatres Trust works to safeguard theatre use, or the potential for such use and can help you establish the most viable and effective solution for theatre buildings or potential theatre sites within your boundaries. We encourage applicants, councils and developers to contact us for pre-application advice at the earliest possible stage. We engage with local authorities on the development of local development plans, masterplans and other similar documents and can provide assistance with the drafting of content and policies. We can attend stakeholder meetings and workshops. We can also provide advice on infrastructure planning and planning obligations.

For further information and to get in contact with us about how we could help you with policies on theatres and culture, please e-mail us at planning@theatretrust.org.uk or call 020 7836 8591