

Ref.: TC/1918

11 June 2025

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Liverpool City Council  
Cunard Building  
Water Street  
Liverpool  
L3 1AH

By e-mail: [planning@liverpool.gov.uk](mailto:planning@liverpool.gov.uk)

**Application:** 25F/0675

**Site:** Hanover House, 85 Hanover Street, Liverpool, L1 3DZ

**Proposal:** To erect two storey rear extension from the fourth floor, single storey rear extension to the third floor and undertake front fenestration alterations in connection with the use of the third to sixth floors as no. 15 serviced apartments and the retention of the ground to second floors as a theatre and commercial units

## **Remit:**

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'.

## **Theatres Trust**

22 Charing Cross Road, London WC2H 0QL

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## **Comment:**

Thank you for consulting Theatres Trust on this application for planning permission. It seeks extension and alteration of the building within which the Epstein Theatre is located, and to change the use of upper levels directly above the theatre to serviced apartments.

While we would not object to the principle of serviced apartments within this building, the application provides an insufficient level of detail, in particular with regards acoustic separation and fire escape, to give suitable reassurance that the future viability of the theatre will be safeguarded. It is on this basis of lack of supporting information that we currently object to this application. Further information is outlined below.

The Epstein Theatre was originally constructed in 1913 within a building named the Crane Building. It was intended for instrumental recitals associated with a music shop it sat above. The floors above were offices. Shortly after there was adaption for full theatre use following expansion of the auditorium and construction of a flytower and stage within a neighbouring building. The theatre is richly decorated with mahogany panels and plaster detailing. The upper wall is decorated with fluted Ionic pilasters, modillioned cornices and busts of famous composers in wreaths. Urn decorations above the doors are echoed in the square proscenium decoration at the sides. The entrance to the theatre is marked by a canted corner bay. The whole building is a Grade II listed designated heritage asset.

The theatre is currently on our national Theatres at Risk register following its closure in early 2023 after the previous operator's lease ended. Aside from its heritage interest and significance it is also an important venue for the city, providing theatre of a different scale to most others which catered to more popular community and amateur work supplemented by music and comedy. This is reflected by community support for the venue when it closed, and that we received several enquiries from potential operators. We are pleased therefore that with a lease having been agreed it is being prepared for re-opening. We have been engaging with the new operator. A site visit was undertaken on 5<sup>th</sup> June 2025.

Paragraph 98 of the NPPF (2024) seeks planning decisions to plan positively for venues such as this, and to guard against unnecessary loss. Whilst this application covers a different part of the building to the theatre, the impact of that development may nonetheless detrimentally affect the theatre and its operations. This is because theatres (and other such noise-generating arts and cultural uses) and residential

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uses including those used for short-stay accommodation are not necessarily compatible on account of noise and disturbance resulting in sub-optimal living conditions for occupants. In turn, were new controls and restrictions to be placed on the theatre following complaints from the incoming use its future operability and viability would be compromised. It is also the case that performances can be disrupted by noise break-in from other uses which must also be avoided.

Paragraph 200 of the NPPF deals with this. It states that planning decisions should ensure new development should ensure effective integration with existing businesses and facilities. Furthermore, it makes clear that there should be no unreasonable restrictions placed on them as a result of development permitted after they were established. The onus is on the incoming development ('agent of change') to demonstrate and provide suitable mitigation prior to completion. Where development cannot be made compatible with existing venues permission should be refused. There are now a number of examples of refusals on that basis, including appeal, Inquiry and legal decisions.

Having reviewed the documents and plans submitted, we have significant concerns about these proposals in terms of the compatibility of serviced apartments with the theatre. Currently there is a lack of information to provide the assurance we would need.

A fundamental challenge is that there is no acoustic study to enable effective scrutiny of proposals to understand what impacts may arise, how they could be mitigated or indeed whether there is any conflict at all. It would be in the applicant's benefit to undertake such an exercise utilising suitably qualified and experienced consultants. To be robust and effective such a study must consider the full range of performance types which might reasonably occur within the theatre now or in the future, including activities which would generate greatest levels of sound and vibrations – it is important to consider both airborne and structure borne sound transmission.

It must be considered that disturbance would not just come as a result of performances, but also necessary operational activities such as 'get-ins' and 'get-outs' (also known as load-ins and load-outs) which occur late at night after shows have finished or early in the morning. This is also necessary in this particular case because of constraints associated with the building's location. It is similarly unreasonable to place restrictions on those due to the needs of touring shows.

On the basis of plans submitted we have a number of concerns. There is no information on acoustic separation between the theatre and the serviced apartments.

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Given the age of the building, this could be problematic particularly for those units on the fourth floor directly above the auditorium and those on the fourth, fifth and sixth floor adjoining the fly tower.

There is also risk of disturbance to performances within the theatre. The addition of bathrooms and toilets within the new units will require service runs for supply and drainage. As some of those units are directly above the auditorium further detail would be required to ensure pipe and drain runs do not penetrate into the auditorium both for heritage and acoustic reasons. Should services be located in the floor void above the theatre these would also present additional acoustic weak spots between the two uses. It would be useful for section plans to be provided which show this.

Additionally, access to the auditorium lanterns for upkeep and bulb replacement is from above through the fourth floor. This access must be retained, or for the applicant to facilitate alternative arrangements which are agreeable with the theatre. This must be addressed and secured through the planning process, possibly by imposition of an appropriate planning condition.

The floorplans are also incomplete. The existing plans show all floors (although we believe there may be some errors with these as there are doorways to and from the theatre which appear to be missing, and the third to sixth floors only appear to show proposed plans). The proposed plans show only the third floor and above and lack detail on the theatre at that level. We recommend that a full set of drawings is submitted to enable better understanding. It must be ensured that current access and egress to/from the theatre is maintained. In particular, this would include making sure that audiences have adequate means of escape which comply with current regulations. Plans within the Fire Strategy suggest the theatre may lose access to two of the existing stair cores which would severely impact the theatre to the extent that it would be unable to operate, but with the lack of holistic plans this is not clear. Further information is required.

The applicant has placed great weight in their statement on the acceptability of the proposed use in terms of its physical location. Whilst we do not disagree with that, it is just one aspect of sustainable development which also incorporates social objectives. This includes support for the cultural well-being of communities, which in conjunction with paragraph 98 of the NPPF means ensuring important and valued facilities such as the Epstein Theatre are retained and protected.

In conclusion, we are keen to see the floors above the Epstein Theatre be brought back into positive use. We do not object to the principle of serviced apartments within

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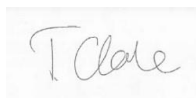
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this building, but suitable reassurances and safeguards would need to be in place. This could be met through submission and undertaking of robust assessments and further information as we have suggested above. If it is found that there would be unacceptable impacts on the theatre, potentially there may be compromise solutions such as apartments on floor five and above which would provide a buffer. There could be an opportunity to give greater space to the theatre which could provide additional facilities which would be beneficial to its operation, such as further WCs.

We are keen to engage positively with the applicant to help to move this application forward. At a minimum there would need to be provision of an updated fire strategy report to show sufficient emergency egress from the theatre, and an acoustic report to cover the items we have detailed.

On the basis of the current lack of suitable information, we object to the granting of planning permission.

Please contact us if we may be of further assistance or should you wish to discuss these comments in further detail.



Tom Clarke MRTPI

National Planning Adviser

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