

Regeneration and Economic Development Department

APPLICATION NO: 22/00366/FUL **APPLICANT:** Shakespeare North Playhouse Trust

WARD AFFECTED: Prescott North

DEVELOPMENT: VARIATION OF CONDITION 8 (PART A AND C) OF PLANNING PERMISSION 20/00411/FUL TO ALLOW FOR CHANGES TO PERMITTED OPERATIONAL HOURS TO 07:00 TO 24:00 ON ANY DAY AND UNTIL 01:00 FOR A MAXIMUM OF 12 DAYS PER YEAR; AND CHANGES TO THE PERMITTED HOURS FOR DELIVERIES/REMOVALS (INCLUDING BUT NOT LIMITED TO REFUSE COLLECTION) TO 07:30 TO 24:00 ON ANY DAY AND UNTIL 01:00 FOR A MAXIMUM OF 12 DAYS PER YEAR)

LOCATION OF SITE: Shakespeare North Playhouse, Prospero Place, Prescott, Knowsley, L34 3AB,

KNOWSLEY LOCAL PLAN ALLOCATION –

Conservation Areas - Prescott Conservation Area

Strategic Road Network

PD Removed - PD Removed - 15/00838/FUL - Condition 27

Primary Residential Development

Town and District Centres – Prescott Town Centre

RELEVANT POLICIES

National Planning Policy Framework (2021)

Knowsley Replacement Unitary Development Plan (2006):

H5 – Development within Primarily Residential Area

EC6 – Tourism and Cultural Development

S2 – Diversification of uses within existing Centres

ENV 2 – Noise and vibration

Knowsley Local Plan Core Strategy (2016):

CS7 - Transport Networks

CS2 - Development Principles

CS4 - Economy and Employment

CS19 - Design Quality and Accessibility in New Development

CS24 - Managing Flood Risk

ENV2 - Noise and Vibration

ENV3 - Light Pollution

ENV5 - Contaminated Land

DQ2 - Security in the Built Environment

DQ4 - Trees and Development

T9 - Travel Plans

RELEVANT PLANNING HISTORY

15/00838/FUL: ERECTION OF A FOUR STOREY BUILDING (INCLUDING BASEMENT) TO ACCOMMODATE A 350 SEAT THEATRE AND MULTI-USE SPACE WITH ANCILLARY FACILITIES FOR THE TEACHING OF THEATRE PRACTICES, PROFESSIONAL AND COMMUNITY PERFORMANCES, AND FILM SCREENINGS - SHAKESPEARE NORTH. Planning permission granted 22/04/2016.

17/00577/FUL: ERECTION OF A FOUR STOREY BUILDING TO ACCOMMODATE A 350 SEAT THEATRE AND MULTI-USE SPACE WITH ANCILLARY FACILITIES FOR THE TEACHING OF THEATRE PRACTICES, PROFESSIONAL AND COMMUNITY PERFORMANCES, EXHIBITION SPACE, CAFE/BAR AND EXTERNAL PERFORMANCE SPACE TOGETHER WITH ASSOCIATED WORKS - SHAKESPEARE NORTH. Planning permission granted 20/11/2017.

19/00111/FUL: VARIATION OF CONDITION NO. 2 ATTACHED TO PLANNING PERMISSION 17/00577/FUL (ERECTION OF A FOUR STOREY BUILDING TO ACCOMMODATE A 350 SEAT THEATRE AND MULTI-USE SPACE WITH ANCILLARY FACILITIES FOR THE TEACHING OF THEATRE PRACTICES, PROFESSIONAL AND COMMUNITY PERFORMANCES, EXHIBITION SPACE, CAFE/BAR AND EXTERNAL PERFORMANCE SPACE TOGETHER WITH ASSOCIATED WORKS - SHAKESPEARE NORTH) - TO ALLOW FOR ALTERATIONS TO BUILDING LAYOUT, EXTERNAL APPEARANCE AND REMOVAL OF 1 NO. TREE. Planning permission granted 11/04/2019.

20/00411/FUL: VARIATION OF CONDITION NO. 1 AND NO. 6 FOLLOWING GRANT OF PLANNING PERMISSION 19/00111/FUL (VARIATION OF CONDITION NO. 2 ATTACHED TO PLANNING PERMISSION 17/00577/FUL) TO ALLOW FOR ALTERATIONS TO BUILDING LAYOUT, EXTERNAL APPEARANCE, MATERIALS, LANDSCAPING, REMOVAL OF CYCLE STAND AND TO AMEND TRIGGER POINTS FOR DISCHARGE OF CONDITION 6. Planning permission granted 27/11/2020.

TECHNICAL CONSULTATIONS:

Highways (Knowsley Council): No objection

Environmental Health (Knowsley Council): No objection, subject to the site adhering to the noise mitigation strategy and the amended hours condition.

Prescot Town Council: No comments received

Town Centre Management (Knowsley Council): No comments received.

Conservation & Design Officer (Knowsley Council): No comments received.

NEIGHBOUR NOTIFICATION:

This application was publicised by letters sent to 21 neighbours and by three site notice and a notice in the local press. No representations have been received following the publicity given to the application.

ARTICLE 35

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

PROPOSAL

This application seeks to vary condition 8 of 20/00411/FUL, which states the following:

The development hereby permitted shall operate within the following hours unless agreed in writing by the Local Planning Authority:

- a) The premises shall only be open to the public and students during the hours of 07:00 to 23:00 on any day
- b) No ancillary activities including performances or educational activities shall take place outside the main building except between the hours of 08:00 until 22:00 on any day
- c) No deliveries or removals (including but not limited to refuse collection) shall take place outside the hours of 07:30 to 23:00 on any day

The variation of condition 8 (part a and c) of planning permission 20/00411/FUL to allow for changes to permitted operational hours to 07:00 to 24:00 on any day and until 01:00 for a maximum of 12 days per year; and changes to the permitted hours for deliveries/removals (including but not limited to refuse collection) to 07:30 to 24:00 on any day and until 01:00 for a maximum of 12 days per year).

ASSESSMENT

The reason the condition was placed on the planning approval was to safeguard the amenities of nearby residents and to comply with Saved Policy ENV2 of the Knowsley Replacement Development Plan, adopted June 2006. The hours imposed were those requested by the applicant at the time of the original planning application.



Figure 1: Plan illustrating nearby residential properties

The nearest residential properties can be seen on the plan in Figure 1, submitted by the applicant. The nearest property is 4 High Street. This property is currently vacant with the last use being an office business use. It would likely have permitted development rights to convert to a residential dwelling. The next nearest property is The Old Mill Public House which has a residential unit to its first floor. The pub opening hours are Sunday to Wednesday 09:00 – 01:00 and Thursday – Saturday 09:00 – 02:00., with most activities (serving alcohol and playing music) finishing by 01.00 (Thurs – Sat, and midnight on other days).

The operators of the Playhouse have realised that they require extended opening times to cater for events and also extended times to allow time to remove the stage equipment following performances, to allow the operator to move onto the next stage of their tour.

The applicant stated within their application that:

“Where possible vehicles will arrive on site prior to 10pm, reversing will be kept to a minimum and when leaving site vehicles will do so in a forward gear. Playhouse staff and touring company staff will be supervised during out of hours loading and noise levels will be kept to a minimum. Vehicle movements will only be required out of hours on an occasional basis and will mostly be smaller vehicles such as transit or Luton vans.”

Comments received from Environmental Health accepted the change to the opening times (condition 8 a), however, a concern was raised regarding part c on the basis that deliveries/removals past 11pm could cause negative issues for residents nearby.

Following these comments, a site visit was undertaken to the Playhouse and discussions were had with the operator, who explained why the delivery times needed extending (to allow theatre companies to move onto the next leg of their tour).

Environmental Health were satisfied that given the relatively small nature of the productions to be held at the theatre, the extension of time to the removal could be acceptable, subject to a noise mitigation strategy/ night-time loading management plan that would include the following:

- The loading bay doors will only be opened when required. At all other times they will remain closed.
- Prior to 23:00hrs vehicles will be reversed to the loading bay doors so to avoid the reversing beepers sounding during the ‘night-time hours’. Vehicles can then leave site in a forward gear.
- Vehicles to be loaded by hand after 23:00hrs
- Materials / sets being loaded into the vehicles will be placed down quietly in the vehicles, not thrown in or dropped.
- Vehicles will not be left idling at any time.
- Vehicle speed when leaving the site will be restricted to 10mph.
- Vehicle doors and or shutters, shall be closed as quietly as possible.
- Vehicle radios shall not be playing at a level likely to cause a nuisance to the surrounding residents.
- The sounding of horns will not be allowed unless it is for an emergency.
- Contractors / employees, will be informed about the residential properties nearby and will not shout to one another whilst in this area (unless for an emergency).
- A member of staff from the Shakespeare North Playhouse will always oversee the loading of the vehicles, to ensure any impact on the properties nearby is minimised as much as possible.

The applicant submitted an evening noise mitigation scheme, and this has been accepted by Environmental Health. The noise mitigation strategy is proposed to be conditioned (condition 6). All operators of the Playhouse are required to complete a 'Daily Work Form', which ensures that they are familiar with working procedures which will include the noise mitigation strategy.

To allow the amendment to permit the Playhouse to open later until midnight and 1am up to 12 times per year and to allow the Playhouse to be able to remove stage and other equipment from the site after a show until midnight and 1am up to 12 times per year will allow the Playhouse to function. It is considered that these amendments will be without detriment to residential amenity in terms of noise and general disturbance when adhering to the noise mitigation strategy. The proposal would comply with Knowsley Replacement Unitary Development Plan Policy S2, which states that the use would not (by reason of smells, noise, visual intrusion or general disturbance) have a detrimental impact on the amenity of any neighbouring residents.

Conditions:

There are two conditions that are outstanding from planning application 20/00411/FUL and these are proposed condition 2 (formerly condition 5) for lighting; condition 3 (formerly condition 6) for the submission of a Travel Plan; and condition 5 (formerly condition 10) to ensure that the sustainable drainage system is maintained.

RECOMMENDATION

Planning permission be granted subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1 in addition to the plans and documents approved via condition discharge under application 19/00111/FUL and 20/00411/FUL.

Reason: For the avoidance of doubt.

- 2) Within six months of the date of the planning permission a scheme for external lighting shall be submitted to the Local Planning Authority for its written approval. The lighting scheme shall include all details of siting and lighting column/fixture details and an Isolux plot to demonstrate that the obtrusive light limitations suggested in the Institute of Lighting Engineers Guidance Notes for Light pollution are met. All works which form part of the scheme shall be implemented in accordance with timescales set out in the approved scheme and shall be retained and thereafter operated as such (formerly condition 5 20/00411/FUL).

Reason: In the interest of visual amenity and to comply with policy SC19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

- 3) Within three months of the date of the Theatre being brought into use a Travel Plan shall be submitted to the Local Planning Authority for its written approval. The Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport, away from single-occupancy car travel. For the avoidance of doubt, the Travel Plan shall include:
 - Information on existing transport policies and facilities, travel behaviours and attitudes;
 - Access for all modes of transport;
 - Targets for mode share;
 - Resource allocation including Travel Plan Co-Ordinator and budget. A parking and management strategy;
 - A marketing and communications strategy;
 - Appropriate measures and actions to reduce car dependence and encourage sustainable travel;
 - An action plan, including a timetable for the implementation of each of the above;

- Mechanisms for monitoring, reviewing and implementing Travel Plan.

The approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied and in use.

An annual report shall be submitted to the Council no later than 1 month following the anniversary of the first occupation of the development for a period of 5 years. The report shall include a review of the Travel Plan measures, monitoring data and updated action plan.

Reason: To maximise opportunities for travel by modes of transport other than the private car, and in the interest of highway safety, and to comply with Saved Policy T9 of the Knowsley Replacement Unitary Development Plan adopted in June 2006 and Policy CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the national Planning policy Framework.

- 4) The development hereby permitted shall operate within the following hours:
- a) The Theatre shall only be open to the public (including students) during the hours of 07:00 to 24:00 on any day and until 01:00hrs for a maximum of 12 days per calendar year
 - b) No ancillary activities including performances or educational activities shall take place outside the main building except between the hours of 08:00 until 22:00 on any day
 - c) No deliveries or removals (including but not limited to refuse collection) shall take place outside the hours of 07:30 to 24:00 on any day and until 01:00 for a maximum of 12 days per calendar year).

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policy ENV2 of the Knowsley Replacement Development Plan, adopted June 2006.

- 5) If the approved sustainable drainage system is not adopted by a public body or statutory undertaker then, prior to the first occupation, a Management and Maintenance Plan for the sustainable drainage system, relating to the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- Details of the provision for management and maintenance
 - A schedule for on-going inspections relating to performance and condition
 - Details for planned maintenance and a mechanism for remedial and urgent repair works
 - Means of access for inspection and maintenance purposes
- The Plan shall be implemented in accordance with the time frames contained within it.

Reason: To ensure effectiveness of the flood risk measures during the lifetime of the development policies CS2 and CS24 of the Knowsley Local plan Core Strategy.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development specified therein as Permitted Development shall be carried out in relation to any building or other land subject to this permission (formerly condition 11 20/00411/FUL).

Reason: In order to prevent unsympathetic alterations, extensions, boundary fencing or walls being erected, in the interests of visual amenity and to preserve the character and appearance of the Prescott Town Centre Conservation Area in accordance with and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and Saved Policy DQ5 of the Knowsley Replacement Unitary Development Plan adopted June 2006 and the national Planning policy Framework.

- 7) The evening noise mitigation scheme (submitted 28/07/2022) shall be fully adhered to at all times.

Reason: To safeguard the amenities of nearby residents and to comply with Saved Policies S2 and H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
28/07/2022			Evening Noise Mitigation Scheme
01/03/2019	17-00058	A	Arboricultural Impact Assessment 19/00111/FUL
01/03/2019	17-00058	B	Arboricultural Method Statement 19/00111/FUL
10/04/2019	-	F	Construction method statement 19/00111/FUL
19/12/2018	-	F	Approval in principle Mill Street support 19/00111/FUL
11/09/2017	60532186	1	Acoustic Planning Report 17/00577/FUL
11/09/2017	376013/002/B	-	Contaminated land risk assessment 17/00577/FUL
11/09/2017	J07066	-	Desk study & ground investigation 17/00577/FUL
11/09/2017	SE-RRG-F-001 Rev 3	-	Report on ground investigation 17/00577/FUL
25/10/2017	-	1.3	Written scheme of investigation for archaeological works 17/00577/FUL
12/11/2020	-	-	
12/11/2020	916020-ASL-00-GF-DR-A-0008	REV P6	Elevations (sheet 1 of 2)
12/11/2020	916020-ASL-00-GF-DR-A-0009	REV P6	Elevations (sheet 2 of 2)
07/03/2019	916020-ASL-00-GF-DR-A-0005	REV P1	Proposed third floor plan
01/03/2019	916020-ASL-00-ZZ-DR-L-0991	REV P1	Location plan
23/07/2020	916020-ASL-00-02-DR-A-0003	REV P2	Proposed Second floor Plan
23/07/2020	916020-ASL-00-ZZ-DR-L-0992	REV P10	Proposed Site Plan
23/07/2020	916020-ASL-00-01-DR-A-0002	REV P2	Proposed First Floor plan
23/07/2020	916020-ASL-00-03-DR-A-0004	REV P2	Third floor & Technical Level
23/07/2020	916020-ASL-00-03-DR-A-0250	REV P5	Roof Level Plant Screen
23/07/2020	916020-ASL-00-04-DR-A-0006	REV P2	Attic level
23/07/2020	916020-ASL-00-GF-DR-A-0001	REV P2	Ground Floor plan

23/07/2020	916020-ASL-00- RL-DR-A-0007	REV P2	Roof level
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Jo Sheridan

16 Aug 2022

Mark Cawood

16 Aug 2022