

Parish:	King's Lynn	
Proposal:	External alterations to enable the creation of two cinema screens and ancillary facilities	
Location:	Corn Exchange 20 Tuesday Market Place King's Lynn Norfolk	
Applicant:	BCKLWN	
Case No:	19/00885/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 15 July 2019 Extension of Time Expiry Date: 5 August 2019

Reason for Referral to Planning Committee – Borough Council application with objection

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for various external alterations to the Corn Exchange on Tuesday Market Place.

The alterations comprise:

- The infilling of 3 first floor windows
- The insertion of louvre grilles
- The insertion of a new satellite dish and
- New zinc profiled sheet covering to replace glazed roof element.

The 4 new digital display screens to replace the existing illuminated poster panels are covered under a separate application for advertisement consent, and the internal alterations are covered under a separate application for listed building consent; both of which are also to be considered by Committee.

The site lies within a Conservation Area and an area at risk of flooding, and the building itself is Grade II Listed.

Key Issues

- Principle of Development
- Impact on the Listed Building
- Visual Impact / Impact on Character of Conservation Area
- Highway Safety
- Flood Risk

Recommendation

APPROVE

THE APPLICATION

Full planning permission is sought for various external alterations to the Corn Exchange on Tuesday Market Place to enable the creation of two cinema screens and ancillary facilities.

The alterations requiring planning permission comprise:

- The infilling of 3 first floor windows: two on the southern side elevation and one on the northern side elevation. The windows are to be filled in with red clay imperial bricks in Flemish bond to match the existing brickwork. The panels are to be recessed to maintain reveals to match similar blank windows elsewhere on the side elevations
- Recently installed ventilation grilles on the northern side elevation are to be replaced to match the original metal louvered grilles installed in 1995/96
- Air intake and extract grilles are to be incorporated into the side of the roof crown to replace existing glass louvered panels
- The insertion of a new satellite dish (behind the rear façade)
- New zinc profiled sheet covering to replace glazed roof elements on frontage northern and southern roof slopes. The colour of the zinc panels is to match the metal panels of the raised roof over the Theatre. The panels will be the same size and profile as the existing glazed panels.

No change of use will occur if permission is granted as a cinema falls within the same use class as the existing theatre. As such the principle of a cinema and the financial / competitor issues are not planning matters in relation to the consideration of this application.

The 4 new digital display screens to replace the existing illuminated poster panels are covered under a separate application for advertisement consent, and the internal alterations are covered under a separate application for listed building consent; both of which are before members today.

The site lies within King's Lynn Conservation Area (St Nicholas Area).

The site lies in an area at risk of flooding; falling within Flood Zones 2 and 3 of the Local Authority's Strategic Flood Risk Assessment.

The Corn Exchange is a Grade II Listed Building.

SUPPORTING CASE

A supporting case has been supplied for the listed building application which covers wider issues than the planning application.

PLANNING HISTORY

19/00887/LB: PENDING CONSIDERATION with a recommendation of approval: - LISTED BUILDING: Internal alterations - Infill floor voids in upper foyer, form two cinema auditoria, foyer, toilet, access stair and lift. Alterations and refurbishment of ground floor foyer and toilets. External alterations - new digital display screens to front elevation, infilling first floor windows and new satellite dish in rear plant area

19/00886/A: PENDING CONSIDERATION with a recommendation of approval: - ADVERT APPLICATION: Proposed 4No illuminated digital display screens to replace existing illuminated poster panels

13/01589/CU: Committee Approval: 09/01/14 - Change of use of part of public highway to seating areas in association with local bars, restaurants and other businesses

12/00724/LB: Delegated Approval: 28/06/12 - Installation of a new water chiller at the rear of the building to provide cooling to the auditorium in summer

07/02182/CU: Delegated Approval: 14/12/07 - Provision of seating area at the front of the building

2/96/0700/LB: Committee Approval: 16/08/96 - Installation of floodlighting and signs

2/96/0699/A: Committee Approval: 08/08/96 - Installation of illuminated signs

2/94/1402/LB: Application Permitted: 16/03/95 - Alterations and extension to improve facilities to create concert hall/multi-purpose hall including demolition of single storey structure to rear of main hall

2/94/1401/F: Application Permitted: 22/03/95 - Alterations and extension to improve facilities to create concert hall / multi-purpose hall including demolition of single storey structure to rear of main hall

RESPONSE TO CONSULTATION

Parish Council: N/A

Conservation Officer: In relation to the impact of the proposed external alterations to the building on the Conservation Area the Conservation Officer raises no objection. The Conservation Officer's full consideration in relation to the internal alterations is covered under the parallel Listed Building application.

Historic England: On the basis of the information available to date, Historic England does not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

Theatres Trust: The Corn Exchange is a Grade II listed heritage asset which was constructed in 1854 and significantly renovated in 1996. It currently provides a theatre space which is adaptable to enable the hosting of other events such as exhibitions and weddings.

The Trust is supportive of the proposal to create two cinema screens along with ancillary facilities within the Corn Exchange's Upper Foyer. These works will preserve the theatre function of the Corn Exchange while expanding cultural provision in King's Lynn through adding additional cinema screens. This will optimise use of the Corn Exchange as a social and cultural facility for local people, in turn bringing more people into the building at different times of day and night which should aid its sustainability and viability and help preserve this important cultural and heritage asset. Furthermore it will help attract people to this part of the town which will have a positive impact on surrounding businesses.

Policy DM10 of the Site Allocations & Development Management Plan (2016) gives high priority to the need to support King's Lynn as a major retail centre and supports proposals to invest in the town centre. Policy E1.1 encourages the development of leisure uses.

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Paragraph 92 of the NPPF (2019) seeks planning decisions to plan positively for community facilities, which includes cultural buildings such as the Corn Exchange. As town centres face ever greater challenge cultural facilities such as cinemas and theatres have an important role in supporting and maintaining vibrancy and the health of town centres. This proposal therefore supports those policy objectives.

In terms of design and layout, the disadvantage of this proposal is that there will be a loss of bar capacity arising from the loss of the first floor bar and foyer area. This could result in additional pressure on the remaining ground floor bar particularly when the theatre is at or near full capacity.

Operationally it will need to be ensured that audiences can continue to be served efficiently. Long queues and general congestion in the main foyer may compromise pre-show and interval takings and give a poor experience for audiences which could undermine the overall viability of the Corn Exchange. Similarly, the prep/kitchen space will be halved compared to existing so it should be ensured that functions can continue to be catered as they are at present as these will likely be an important source of income for the Corn Exchange. Benefits of these works, aside from the increase in cultural provision already discussed, are that there will be additional toilets as well as a new lift giving wheelchair access to the first floor. The main theatre auditorium and backstage facilities appear unchanged. We would encourage the Council and their design team to engage with us should these plans be subsequently altered, particularly if they affect the theatre or its function.

Externally, digital display boards of the nature proposed are displayed at a number of theatres including those which are statutorily listed. They will help promote upcoming events at the Corn Exchange and will afford greater flexibility as they can display a broader series of adverts more frequently. This will be more important than might otherwise be the case as the Corn Exchange would in future be hosting up to three different shows and films at the same time. Advertisements and show signage are in any case an integral aspect of the character and appearance of theatre buildings.

We have no objections to the infilling of first floor windows, which we do not consider would undermine the historic and architectural significance of the building as a Grade II listed heritage asset.

In conclusion we welcome this proposal and recommend the granting of planning permission and listed building consent.

Highways Authority: NO OBJECTIONS

Environment Agency: We do not consider that the proposed development will increase the flood risk vulnerability class and therefore have no comment to make on this application.

Flood Warning

As the site is located within an area considered to be at risk of flooding, the applicant should sign up to the Environment Agency's free flood warning service. The service offers three levels of flood warning and can give the applicant vital time to prepare their property for flooding. Warnings can be received by telephone, fax, text message, pager and email. To sign up call Floodline on 0345 988 1188 or visit www.gov.uk/flood

Flood Plan

Your Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

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Please be aware that we do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users and professional partners including your Authority.

Emergency Planning Officer: Because of its location in an area at risk of flooding I would suggest that the occupiers review existing flood evacuation plans in light of the increased number of people potentially on site at any point in time.

Environmental Health & Housing – Environmental Quality: No comments to make

Community Safety and Neighbourhood Nuisance: No comments to make

Norfolk Fire and Rescue: Does not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2000 – Approved Document B (volume 2 - 2006 edition amended 2007, 2010, 2013) as administered by the Building Control Authority.

The lift should be designed and installed as an evacuation lift. Where provided, it should always be available for evacuation purposes. Wherever practicable it needs to be a lift used routinely as a passenger lift and not one used solely for evacuation or occasionally as a lift for transporting goods. It should be designed and installed in accordance with the relevant provisions in BS8300, BS EN 81-1 or BS EN 81-2, and BS EN 81-70.

Norfolk Fire and Rescue Service recommend that where no statutory requirement is specified; fire suppression or sprinklers systems be included in all new developments. Alternatively, a risk based approach should be considered to provide suppression systems in higher risk areas or areas of specific vulnerability based on the business continuity plan.

REPRESENTATIONS

Two third party letters have been received; one from St Margaret's with St Nicholas Ward Forum who raise issues relating to the internal alterations. These will be considered under the listed building application. The other is from a member of the public who **objects** on the basis that the project will probably overrun its budget and that the Council could spend the money elsewhere. Additionally he questions what consideration has been given to the impact on the Majestic cinema and suggests a grant to the Majestic to upgrade its seating would be better.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

Policy E1.1 – King’s Lynn Town Centre

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The use itself does not require planning permission as no change of use is occurring. Therefore the main issues for consideration in the determination of this application are:

Principle of Development

Impact on the Listed Building

Visual Impact / Impact on Character of Conservation Area

Highway Safety

Flood Risk

Principle of Development

The Corn Exchange represents an employment / cultural / leisure use within the development boundary of the borough’s main town.

The proposed development is to expand the offer of the facility.

The principle is acceptable at both national and local level under paragraph 92 of the NPPF and Development Plan Policies CS03, CS10, CS13, DM9, DM10 and E1.1 subject to compliance with other relevant planning policy and guidance.

These policies and guidance seek to protect and improve cultural facilities in sustainable locations.

Impact on the Listed Building

Whilst the impact on the listed building is a material planning consideration, full consideration of the impacts of the proposed development on the Listed Building are covered under Listed Building application 19/00887/LB.

Visual Impact / Impact on Conservation Area

Long views of the proposed louvres and zinc sheet roofing are limited to glimpses from the north due to the location of the alterations on the building and the proximity and height of neighbouring buildings.

Views of the blanked out windows will also be limited to if one is walking immediately adjacent to the side elevations of the Corn Exchange.

Whilst the satellite dish at the rear will be visible, the views are from the car park to the rear (a less sensitive location) and will affect the more modern element of the building. Some views across the river will be available however, these are from a distance and whilst the satellite dish will be quite large, it will be partially concealed behind the façade. Furthermore the dish could be of a colour to blend with the building. This issue is covered in more depth in the Listed Building application.

In conclusion the impact of the proposed development on the visual amenity / character of the Conservation Area would have to be classed as negligible with the main view of the building (from the Tuesday Market Place) being almost wholly unaffected other than in relation to the proposed digital display screens the impact of which will be fully covered under the advertisement and listed building applications.

The proposed development is therefore considered to preserve the character of the Conservation Area. No statutory bodies object to the proposed development.

The third party comments received in relation to this application are not material planning considerations given that no change of use is occurring and/or the comments relate to internal alterations that are not the subject of this application.

Highway Safety

The Local Highway Authority raises no objections on the grounds of highway safety.

Flood Risk

The site is located within Flood Zones 2 and 3 as depicted on the Local Authority's Strategic Flood Risk Assessment and within the Environment Agency's Tidal Hazard Mapping Area.

The proposed alterations would not increase flood risk elsewhere, and therefore the main consideration in relation to the proposed development is safety. In this regard it is recommended that the existing evacuation procedures for the facility are revisited and revised where necessary, and an informative will be added to any approval.

Other Material Considerations

Conditions relating to external materials are included on the Listed Building application; there is therefore no need to duplicate them by appending them to any permission granted under this planning application.

CONCLUSION

The proposed external alterations would have a negligible impact on the character of the Conservation Area thus preserving its character. No objections have been received from statutory consultees.

It is therefore considered that the application should be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: CE.01, CE.A.31, CE.P.32 and CE.A.33.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.