



Report of the Chief Planning Officer

PLANS PANEL CENTRAL

Date: 10th FEBRUARY 2011

Subject: APPLICATIONS 10/05607/FU, 10/05608/FU and 10/05609/LI – CHANGE OF USE OF BASEMENT BAR TO LIVE MUSIC VENUE WITH ANCILLARY BAR, RESTAURANT, NIGHTCLUB USE. CHANGE OF USE OF GROUND FLOOR AND UPPER LEVELS FROM NIGHTCLUB TO BAR, RESTAURANT AND A RANGE OF ASSEMBLY AND LEISURE USES. ASSOCIATED EXTERNAL AND INTERNAL ALTERATIONS IN ASSOCIATION WITH THE CHANGES OF USE INCLUDING NEW WINDOW OPENINGS.

APPLICANT

Rushbond Ltd

DATE VALID

14th December (LI) and 23rd
December 2010 (FU)

TARGET DATE

8th February (LI) and 24th
March 2011 (FU)

**Electoral Wards Affected:
City and Hunslet.**

NO

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

DEFER AND DELEGATE to the Chief Planning Officer for approval, subject to the specified conditions and any others which in the opinion of the Chief Planning Officer are required and in respect of the full applications, that a method of ensuring that the applicant is responsible for funding any future Traffic Regulation Order amendments is put in place:

Conditions for full applications 10/05607/FU and 10/05608/FU

1. Time limit 3 years
2. Details of all external flues and excrescences
3. Details of all new external walling and roofing materials
4. Details of materials to be used in construction of any new steps, ramps, guard rails and light fittings.
5. Sample panel of any new walling materials to be erected on site.

6. Details of any new windows, doors, architraves, fan-lights, railings and gates to be submitted.
7. No external storage of plant/materials/products.
8. Provision for storage and disposal of litter.
9. Provision of attenuation scheme to protect the amenity of occupants of adjoining properties and the amenity of the upper/lower unit.
10. Maximum noise levels set for audibility of entertainment noise at nearest noise sensitive premises.
11. Noise from air-conditioning plant and equipment to not exceed 5dB below background level.
12. Sound insulation of specified plant and machinery.
13. Details of installation and operation of air conditioning.
14. Study of existing drainage facilities and requirement to carry out improvement works if study finds that this is required.
15. No external storage of refuse on the highway.
16. Details of art work to occupy the spaces to either side of the main entrance
17. Hours of use to be 1000 until 0630 the following day unless otherwise agreed in writing.
18. Provision of disabled persons facilities.

Reasons for approval:

In respect of full applications ref. no.'s 10/05607/FU and 10/05608/FU the reason for granting planning permission is that the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies: N12, N15, N17, N18A, CC5, BC1, BC2, CC27, CC26

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

Conditions for listed building application 10/05609/LI

1. Time limit 3 years
2. Details of all external flues and excrescences
3. Details of materials to be used in construction of new steps, ramps, railings, gates and any new light fittings.
4. Details, including cross-sections, of the new windows, doors, architraves, fan-lights to be submitted.
5. Details of new statuary and urns to roof level
6. Details of the making good of internal fibrous plaster work
7. Details of new internal paint scheme to be submitted
8. Details of elevations and sections of revealed proscenium arch.
9. Details of all new internal staircases to be inserted in publicly accessible areas.
10. Details of all new external walling and roofing materials
11. Sample panel of any new walling materials to be erected on site.
12. No works to remove original fabric prior to contract being let for development.
13. Schedule of windows to be retained and repaired and where double/secondary double glazing is to be used then details of this system to be agreed.
14. Any elevation to be cleaned shall be carried out using a method to be agreed and sample panel provided on site for inspection.

15. Any elevational repair shall be carried out using agreed method and materials

16. Details of art work to occupy the spaces to either side of the main entrance

Reason for approval

In respect of Listed Building application ref. no. 10/05609/LI the reason for granting Listed Building Consent is that the City Council has taken into account all material matters relating to the building's special architectural or historic interest, including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies: N12, N15, N17, N18A, CC5, BC1, BC2, CC27, CC26

On balance, the City Council considers the proposal would not give rise to any unjustified consequences for the special architectural or historic interest of the listed building.

1.0 INTRODUCTION:

1.1 This application is for a range of proposals which impact on this prominent and currently vacant Grade II listed building. It is therefore considered that the application should be brought to Panel due to the significance of the building.

2.0 PROPOSAL:

2.1 External works

The external works can be summarized as the following:

- 4 new windows at ground floor level
- new/enlarged openings for windows to upper floors
- 3 new/replacement canopies to the main entrances
- reintroduced art sites at ground floor
- new glass doors to main entrances
- level access entrance from Quebec Street
- refurbishment of the Marmo faience facades
- Reinstatement of the original glazing bar patterns to the large arched windows facing City Sq
- new service entrance to Wellington Street
- new ATM to Wellington St
- slate covered screen to plant on roof

2.1.1 New openings to the external façade

The building presents a lifeless façade on to its street frontages and has no glazed openings at ground floor level. At first floor level the windows are blanked out and offer no view through to the impressive space within. Consequently, and with the objective of providing a lively and active frontage and making the interior more open to public view, it is proposed to insert 2 large windows at ground floor level to each of the Quebec St and Wellington Street facades. This will contribute significantly to creating an active street frontage. Above each of these openings are proposed recessed signage areas which would match the width of the window opening beneath and ensure that the signs are a considered part of the final appearance rather than an item which will have to be applied later.

In addition the main entrance doors will be replaced with glazed doors, designed to be in keeping with the character of the building and to contribute further to a lively and active street frontage. To support this greater transparency the proposal is also to open up and re-glaze the existing apertures in the masonry walls at first floor level, especially those facing out over City Square,

2.1.2 Works to External Fabric & Canopies

The proposal provides new canopies above the three entrances with the design of the new features drawing reference from an examination of historic records. They will incorporate both, back-lit signs which will be read around the edge of the canopy, and down lighters recessed in to the underside of the structure to provide lighting to each entrance. This will avoid the need to make other additions to the building itself. Also included in the improvements to the primary elevations are replacement urns and statues (of a similar aesthetic to the originals, now lost, on the City Square elevation), the addition of an ATM to Wellington St, the addition of new energy efficient (low polluting) external lighting including the re-introduction of lights to the friezes above the entrance canopy.

To either side of the main doors were originally located large poster hoardings which were used to advertise the films of the day. Their removal has left two large areas of blank wall and it is intended to locate art displays into these areas to carry works which are inspired by the uses and the design of the building rather than commercial advertising.

Many of the repairs to the external fabric will be difficult to detect due to their small size or discreet location on the roof, although there are some larger areas which require attention, the area above the main entrance canopy facing City Sq being the most notable. It is the applicant's intention that the fabric removed from the elevations to create the new window openings will be salvaged where possible and reused to repair these areas. The building will also be cleaned using a method to be agreed but which will not damage the Marmo faience material from which the elevations are constructed. This will be controlled by condition.

2.1.3 New roof access stairs

The front roof space behind the decorative stone balustrading overlooking City Square will have the large amount of existing plant removed and will be paved for use as a public terrace . A new access/fire escape stair will be inserted over the existing escape stair linking 1st floor to ground floor to enable this to be accessed. For the purposes of maintenance and servicing a small service staircase is also proposed to give tenants independent access to the rear flat roof area.

2.1.4 Roof area modifications

The existing rear roof area behind the tiled structure which covers the internal dome is one of the least visible areas of the external envelope of the building. Plant will be required to accommodate the new uses in the building and this is proposed to be located on the rear flat roof area. In addition two new tiled and pitched plant screens are proposed to obscure views of this equipment on both the Wellington St and Quebec St elevations and these would visually tie in to the existing tiled and pitched roof structure.

2.2 Internal works

The internal works are minimal but encompass the removal of a wide variety of small additions and the making of new alterations for the better functioning of the building. The main elements include:

- Making good the reveals of newly inserted windows
- Dismantling (demolition) of recent fit-out works for the nightclub and bar uses.
- The removal of the existing partition wall in the location of the original proscenium arch where the original cinema screen was located and the reconstruction of the flank walls to simplify the resultant arched opening .
- Insertion of the new stair to achieve access on to the terrace
- More effective and sustainable lighting
- Extending the lift core with over-run
- Removal of a ground level stair
- A new service entrance
- Roof plant works

2.2.1 New window insertions

New window reveals at ground and first floor levels will be made good at the point where they are inserted in to the panels and surrounds which currently exist in the internal detailing. This will ensure that none of the original plaster detailing is lost and that the window positions internally are logically located. Whilst the dome is fully intact it may require localised areas of repair and where this is required it will be carried out to reflect the original detail.

2.2.2 Strip-out and wall treatments

The interior has seen radical change since the closure of the cinema. Along with the structural changes to reduce the extent of the dress circle (5m was removed from the front of the balcony), the fit-out works have obscured the scheme of plaster panelled decoration to the inside faces of the external walls and introduced partitions which protected the building during it's use as a nightclub. It is proposed that a full program of stripping out of these additions is undertaken to reveal the decoration of the interior. The decorative plaster work has also been painted in a style which overlays a giant order abstract pattern on to the delicate detailing and this masks the latter to a great extent. A new paint scheme will be introduced which is entirely consistent with that of the original building's age and design.

2.2.3 New Internal fire escapes and lift.

Goods access to the Wellington Street side of the building is substandard. The existing arrangement comprises a lift which is too small to enable goods and a handler to access all levels. Entry from the ground floor is via a flight of stairs that rise 0.7m over a substation located below. To bring this arrangement up to a satisfactory standard a new level access and larger goods lift is proposed. To create this, the existing stair that serves the basement fire escape will be removed and a new one constructed further along Wellington Street. This enables creation of a lobby access to the lift serving all levels and creates a temporary holding area for goods and refuse. The existing basement escape that egresses near the front entrance will be extended to egress onto Quebec Street.

2.3 Access

The existing pedestrian entrance points will be maintained but these all have steps included within them. It is therefore proposed that there will be three fully accessible entrances, two on Quebec Street and one to Wellington Street, the latter leading to a new lift to provide access to all levels in the building. This can be used by disabled patrons as it is the only place in the building capable of accommodating such a structure. Servicing access will be from the existing loading bay on Wellington St and goods will be moved through the building utilizing the new lift (it will be large enough to carry goods and one person). Refuse will be stored within each of the

basement and upper floor units prior to being brought down/up to the lift lobby holding area before being moved to waiting vehicles at ground level.

2.4 Servicing

There is no off-street service area associated with the unit with all servicing taking place from the on street lay-by located next to the southern entrance on Wellington St. The proposal therefore seeks to use this existing arrangement which the applicant considers to be adequate for the uses proposed.

2.5 There are 3 applications for determination:

10/05607/FU

Change of use of ground floor and upper levels from nightclub to A3, A4 and D2 uses including specifically cinema, music and concert hall, bingo, dance hall and gymnasium uses, with elevational alterations (those works set out in the external alterations section above)

10/05608/FU

Change of use of basement and mezzanine areas from A4 use to live music venue (D2 use) with ancillary A3, A4, nightclub and kiosk uses, with elevational alterations (those works set out in the external alterations section above)

10/05609/LI

Listed Building Application for alterations including the insertion of new windows and the addition of new canopies. Associated minor part demolition works, new additions and associated refurbishment works to internal and external fabric (all of the works set out in the internal and external works sections above)

3.0 SITE AND SURROUNDINGS:

- 3.1 The Majestic building is set on the western side of City Square where it occupies a prominent corner position between Wellington St and Quebec St. The square has many other important and impressive buildings most notably the former Post Office, the Queens Hotel, Mill Hill Chapel and 1 City Sq. Footfall around the Majestic is currently stronger along Quebec Street (one way loop) than Wellington Street with the Station (North Concourse entrance) being a key desire line in both cases. Views of the entrance from the station exit are framed and are a key first impression for visitors to Leeds. The site is within the City Centre Conservation Area
- 3.2 Neighbouring the building on it's Quebec St frontage is The Quebec Street Townhouse Hotel which is a GII listed terracotta building and on the Wellington St frontage is no. 34 Wellington St, also GII listed, which is in office use.
- 3.3 Externally the building is of Marmo faience terracotta and comprises 2, albeit very tall, storeys with a recessed slate pitch roof. Most, if not all, of the visual interest is contained at the upper floor levels with 3 sets of arched windows, occupying the curved end, set within an ashlar patterning. Above this feature is a heavily balustraded terrace area with the slate pitched roof visible behind. This part of the elevation represents the most important external feature of the building. It possesses the most detail and is clearly designed to create an impression when viewed from the square. The absence of the original decorative features (the statuary, the urns and the entrance canopy) clearly has a negative impact on this elevation which the proposed works will reinstate. The flank walls are blank at ground level with key pattern framing at the upper levels which contains some square windows.

3.4 Internally, the degree of alteration, demolition and poor condition have significantly eroded the heritage interest, although it remains an impressive space. The quality of materials and detailing were designed more for appearance than durability and hence the decorative work is not of the standard of civic buildings in Leeds or of later Art Deco theatres. However, sufficient of some elements survive to convey an impression of the impressive film theatre that this building would have been. The main elements are:

- **The Dome;** this is certainly the most important and dominant element internally and is approximately 21 metres diameter. It is a false plaster, timber and cloth dome under a traditional roof. The frieze beneath, of Parthenon-like figures and horses, complements the dome and ventilation grills are fitted within it. The dome is the strongest visual element within the interior beneath which other elements are subsidiary.
- **Columns and wall decoration;** significant parts of the plaster decoration of the outer walls survive although painted in strong colours. The columns (some are original) were part of the decorative scheme to flank the screen.
- **Rear stairs and lounges;** although greatly altered the rear circulation spaces for the entry and exit of patrons with lounges survive in part beneath later insertions. The finishes are of moderate quality but the minor domed spaces give an impression of grandeur and the importance with which cinema going was held at the time of construction.
- **The Basement:** Leading down from the City Square frontage to the basement are two sets of stairs which have little if any historic value. The area as seen in early photographs was of generous height and the decoration of the walls and columns followed simple classical devices of plinths and capitals. Whilst some of this survives in most areas, the planning history records the clearance of the basement and what does survive is not unusual and is of modest interest only.
- **The residual part of the circle;** most of the stepped circle balcony survives in part under later floor insertions. It was significantly cut back in 1996 and the original frontage reused on the newly exposed deeper frontage. Two large curving staircases were inserted as part of the nightclub use to gain access between the two main levels.

4.0 RELEVANT PLANNING HISTORY:

4.1 Until 1995 this building was used by the Top Rank organization as a Bingo Hall. This use ceased and Luminar Leisure purchased the property with the intention of converting it to a nightclub. At that time the relevant planning legislation included the bingo hall use in the same use class as a nightclub and therefore no formal application for planning permission was required. A listed building application was needed for the carrying out of the internal works which included the removal of the suspended ceiling at circle level (which was affixed to the roof structure through the dome, piercing the plasterwork with over a hundred metal tie-rods of significant length), the cutting back of the front 5m of the original cinema circle, the installation of 2 staircases to link the circle level to the stalls which then became the dance floor, and the insertion of an interior design scheme with low level fixtures designed to protect the original decorative plasterwork from the wear and tear associated with a club use. These works were approved under listed building application ref. no. 20/490/95/LI.

- 4.2 The basement was unused ancillary space to the bingo hall and planning permission was granted for the change of use of that space only to A3 (app. ref. 20/476/95/FU). At the time the A3 use class included both bar and restaurant uses although the space was largely used as a bar but also had a live music function under the operating name of 'Jumpin Jacks'.
- 4.3 For information nightclubs were removed from the same use class as other D2 (assembly and leisure) uses in 2006 and given a 'Sui Generis' status which means that they are not within any use class. Therefore any change of use either to or from a nightclub requires planning permission.
- 4.4 The whole building received a change of use to casino with function room restaurant and sports betting area in 2005 (ref. no. 20/503/04/FU). However, the license was refused by the local magistrates and a high court appeal was turned down and therefore the casino use was never taken up. It was at this point, after a lengthy and ultimately fruitless legal process, that Luminar Leisure decided to sell the building.
- 4.5 It is important to note that the applicant has inherited an extant drinks and entertainments license which allows for the following uses:

Uses allowed 10:00 until 06:00 the following day, everyday

- Sale by retail of alcohol
- Exhibition of a film
- Boxing or Wrestling
- Performance of Live Music
- Performance of Dance
- Provision of Facilities for Making Music
- Provision of Facilities for Dancing

Uses allowed 23:00 until 05:00 the following day, everyday

- Provision of late Night Refreshment

Uses allowed 00:00 until 23:59

- Performance of recorded music

- 4.6 The opening hours of the premises are restricted to 10:00 until 06:30 the following day, everyday and the capacity is currently limited to 2,180 for the upper space and 1,130 for the basement, a total of 3,310. The applicant is not looking to extend the opening hours past those already set out in the license.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Planning and conservation officers have been involved in the negotiation of this scheme for approximately 6 months. Initially a range of uses from offices and retailing were considered as well as the leisure related uses now being proposed. It became clear that office and retail uses would result in a considerable level of intervention in the main auditorium space which is undoubtedly one of the most impressive in the city, if not an even wider stage. The applicant then decided that they would revert to uses which would impact least on the main space, hence the range of uses currently proposed and set out in the full application descriptions.
- 5.2 The desire to open up the flank elevations to bring natural daylight in to the building and also to provide a greater degree of life and vibrancy to the street frontages was discussed at length and the current scheme developed in an attempt to be as

sympathetic as possible to both the external and internal detailing. Due to the relatively minor levels of intervention it was not considered necessary to involve English Heritage in these negotiations. Their comments, set out below, make it clear that they are happy for officers to consider this application in accordance with conservation policy.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Consultation on current applications

10/05607/FU Advertised on site as a major development affecting the character of a Conservation Area by notice dated 7th January 2011 and in the press on 6th January 2011

10/05608/FU Advertised on site as a major development affecting the character of a Conservation Area by notice dated 7th January 2011 and in the press on 6th January 2011

10/05609/LI Advertised on site as an application for listed building consent by notice dated 7th January 2011 and in the press on 6th January 2011.

Therefore, all notification periods will have expired by 29th January 2011.

6.2 Representations made in respect of all three applications:

One letter of support has been received from Leeds Civic Trust. They support the application and the applicant's imaginative attempts to bring the Majestic back in to active use. Note that finding sustainable and appropriate uses is always a challenge for such large historic uses. They consider that the proposals:

- Respect the history of the building
- Propose the minimum necessary interventions to meet access and escape requirements
- Retain and restore the dome and balcony spaces
- Open up windows to allow daylight in and enliven dead frontages and with details consistent with the building's character.
- Clean and restore the facades
- Provide a new entrance canopy of sympathetic style.
- Open up a roof top balcony overlooking City Sq
- Reinstall lost urns and sculptures on the parapet and balustrading.
- External lighting to enhance the night-time appearance of this landmark building.

Sound a cautious note that the final tenants are unknown and that future applications need careful scrutiny particularly to ensure:

- The main upper space retains its dramatic form
- Air conditioning and extract equipment can be accommodated with minimum impact both internally or externally
- The degree to which the fit out would damage or restore decorative plaster work.
- *These points are considered in the appraisal section below*

Recognise that for marketing purposes the application is for a range of uses which may all be suitable and the live music venue in the basement and restaurant/bar would be welcome.

Suggest that the environment around the building could be improved by removing traffic from the loop road in Quebec St. *Response: It is clearly outside the applicants' powers to plan for the removal of traffic from Quebec St. Any decision of this nature would be a decision for the Local Highways Authority as part of a much larger network planning exercise.*

7.0 CONSULTATIONS RESPONSES:

7.1 In respect of applications 10/05607/FU and 10/05608/FU

Statutory:

None requested or received.

Non-statutory:

Highways: There is a service lay-by adjacent the site which would accommodate loading for a period of 20 minutes. This time period may require extending once the unit commences operation and if it does then the applicant should fund this process. Refuse must be accommodated within the site and not on the public highway. Otherwise no objection subject to conditions. No contribution is required for public transport improvements and no travel plan is required given the comparable trip generation of the existing permitted use.

Mains Drainage: A survey of the existing drainage system is being undertaken by the applicant and it is considered that any works required will be able to be controlled by condition.

City Centre management: Fully support this application and the life it will bring to the street frontage.

Police Liaison: Accepts that the original license for this premises is still in place and would only object if significant changes of use or an increase in trading hours were required

Licensing: This building is within the Cumulative Impact Area where, on receipt of relevant representations, new and variation applications to licenses would be refused. The property should be so constructed as to ensure there will be no noise breakout from the premises and also have in place policies to ensure that no noise nuisance/disturbance is caused from licensable activities or persons leaving the premises.

Environmental Protection: Accept that the existing building is a nightclub and bar and could reopen as such. Given the potential for noise generating uses within the premises a series of conditions are recommended to protect the amenity of surrounding occupiers and to ensure that there is no noise transference between the basement and upper floor units.

City Services - Waste Management : The refuse collection facilities are acceptable.

7.2 In respect of application 10/05609/LI

Statutory:

English Heritage: Offer no comments and that the application should be determined in accordance with national and local policy guidance, and on the basis of L.C.C.'s expert conservation advice.

The Twentieth Century Society: object to the proposal as it considers that it is not good practice to permanently damage the listed fabric of the building without an end

user being in place. The Society then sought the views of The Cinema Theatre Association

The Cinema Theatre Association: welcome the efforts being made to bring the building back in to use but have serious concerns that works of opening up the windows are irreversible. The works are speculative and compound the interventions made to accommodate the nightclub use.

Responses to these points are considered in the appraisal section below.

Non-statutory:

None requested or received

8.0 PLANNING POLICIES:

8.1 Development Plan:

Building conservation

The UDPR supports the restoration, use and maintenance of listed buildings provided physical works undertaken to the buildings are sensitively carried out and in character with the design of the building.

N12, advocates the retention of the best buildings of the past.

N15 where the original use of a listed building is no longer required proposals for a change of use will be favourably considered provided that the new and adapted use does not diminish the special architectural or historic value of the building and its setting.

N17 Existing detailing and all features which contribute to the character of the listed building should be preserved repaired or, if missing, replaced. To the extent that the original plan form is in tact that plan should be preserved where it contributes to the special character and appearance of the building.

N18A There will be a presumption against any demolition of a building or parts of a building which makes a positive contribution to the character and appearance of a conservation area.

CC5 All development within the conservation area must be designed to preserve or enhance the existing character of the area.

BC1: The city council will aim to secure the retention, continued use and proper maintenance and where necessary restoration of all listed buildings.

BC2: repair works to listed buildings to be carried out using matching traditional materials and methods.

Use

This proposal is within the Prime Office Quarter.

CC26: Support will be given to the.... retention and enhancement of existing cultural, entertainment and recreational facilities

CC27: As part of the quarters approach, secondary uses are also acceptable where they support and service the primary use and provide life and vitality outside normal office hours without prejudicing the character or functioning of the area.

Development will not normally be permitted which will reduce the scale and variety of the existing mix of non-principal uses.

8.2 Relevant Supplementary Guidance: CCUDS identifies this site as within the Office Area where the mixture of old and new buildings, which are a key attribute of this area, should be enhanced and the Majestic is identified as a City Wide Landmark.

8.3 Regional Spatial Strategy: Supports the retention and refurbishment of listed buildings.

8.4 Government Planning Policy: PPS5 and its good practice guide require that the nature, extent and importance of the significance of the heritage asset (the listed

building) be assessed. Also that finding the optimum viable use for an asset may require the Local Planning Authority to apply other development control policies flexibly and imaginatively to achieve long term conservation. It goes on to state that there are a number of potential heritage benefits that could weigh in favour of a proposed scheme:

1. It sustains or enhances the significance of a heritage asset and the contribution of its setting.
2. It reduces or removes risks to a heritage asset.
3. It secures the optimum viable use of a heritage asset in support of its long term conservation.
4. It makes a positive contribution to economic vitality and sustainable communities.
5. It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
6. It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

However, claimed long term benefits by an applicant must be treated with caution when irreversible harm to the significance of a heritage asset are being proposed by speculative, ill-conceived and short term schemes.

9.0 MAIN ISSUES

1. The principal of the uses.
2. Do the works to the listed building, both internally and externally, preserve or enhance its character;
3. Highways Services matters

10.0 APPRAISAL

1. Principal of Proposed Uses

- 10.1 The current uses within the building are a night club and a bar/restaurant. The application seeks in part to retain these uses within the site but simply relocate them.
- 10.2 Basement: The live music venue and club space is to be located in the basement which is a better position as it will benefit from the natural attenuation of its underground location. The live music aspect is not a new one for this unit as bands used to appear in the original basement bar, however, this new arrangement will formalise that. This use is considered to be one which is an acceptable secondary use to the primary function of the area and does not impact on its character or functioning. It therefore accords with the objectives of policy CC27 and is acceptable.
- 10.3 Upper levels: Prior to nightclubs being removed from the D2 use class in 2006 the uses which the applicant is applying for in the main auditorium space could have been carried out without the requirement for permission, (in the same way that the existing nightclub gained its approval due to the fact that it was in the same use class as the previous bingo hall at the time of conversion in 1996). The use of the venue for bar, restaurant, cinema, music & concert hall and gymnasium, whilst varied, all fall into use class D2 (assembly and leisure) and are therefore considered to exhibit the same use characteristics. The upper floors of the building are already

capable of being occupied by 2,180 people and it is unlikely that any of the uses proposed would result in a greater patronage than that. This range of uses also accords with the objectives for secondary uses in line with policy CC27 which seeks to ensure that they support the area and add to the life of the city at all times. In addition, the fact that new windows are proposed would enable this new vibrancy to be displayed. Subject to the conditions regarding acoustic attenuation recommended by Environmental Protection (the measures for which can only realistically be formulated once the end user is known) the proposed uses are considered to be acceptable and in line with UDPR policies CC26 and CC27 .

2. Impact on Listed Building Character

10.4 External alterations

The most significant intervention in the building is the insertion of the large ground floor windows. As described above, the areas of the building in to which they are being inserted are, whilst constructed of original material, never-the-less blank elevations and are therefore not considered to be the most important features of the building. It is also important to consider the impact of what will replace the areas of walling. The new windows have been designed, both in terms of their size, and the details of their transoms and mullions, to be in character with the details of the elevations such that in proportion and design they follow the original architects' principles. They will clearly enliven the street and also provide internal lighting and views of the dome from outside the building.

10.5 These views in to the building will be reinforced by those from City Sq which will be much enhanced due to the re-glazing of the existing windows with clear glass. This also reintroduces the original glazing bar pattern to the large arch windows which is essential now that the windows will be opened up and lit from behind and this is welcomed by officers. As a result, rather than the dead appearance which the building currently has, the transformation will be significant, particularly at night when the impact will be visible across the entire square.

10.6 The addition of original lost features to the elevations of the building, notably the canopies, doors, urns and statuary would also result in a significant improvement and will take the building back to something near its original appearance. The location of art work into the areas occupied by the original advertising hoardings would mean that the 2 large areas of blank wall to either side of the main entrance are removed from prominence, adding visual interest to this elevation and obscuring from view damaged areas of Marmo block work. The fact that art work is proposed rather than poster hoardings is clearly preferable and to ensure that this situation is retained a condition will be used to control the detail of what occupies those spaces.

10.7 The use of the ground floor for incidental openings to create level access, servicing & refuse facilities and the ATM are all handled sensitively and in locations which integrate well with the pattern of detailing which exists on the outside of the building. These additions are all acceptable as they help to make the building function within its tight urban site and prevent any 'spilling out' on to the public footway.

10.8 The works to the roof are also handled sensitively and the opening of the terrace area to the public is an extremely positive feature of the scheme as this would provide another high level viewing area to open up new views of one of the most important parts of the city. This could prove to be an attraction in its own right and is very much supported by officers. The existing layout of the roofscape means that the rear roof area is an obvious location for all other plant and equipment and the construction of a screen at either end to obscure views is appropriate. There is

already one existing similar structure in this location and this is successful when viewed from the street.

- 10.9 The external illumination of the building is fully supported and the fittings to be used will be controlled by condition to ensure that they are appropriate for use on a listed building.
- 10.10 Overall therefore the external alterations to the building are considered to be very well designed and make a positive contribution to the appearance of the building, the street scene and the conservation area in line with UDPR policy CC5.
- 10.11 Internal alterations
The main intervention in the internal space is the result of the insertion of windows in the outer envelope. This would bring natural light in to the main auditorium tying the space to the street and making public access more likely. The location of the openings benefits from the fact that the internal panelling is aligned with that of the exterior and therefore the windows fit sensibly and in a well mannered way to the internal detailing. Again, as with the outside, this would accord with the principles of the original architecture and would therefore be totally in keeping with the design and layout of the space.
- 10.12 This opening up of the building is again reinforced by the removal of obstructions between it and the glazed front elevation. The removal of the latterly added walling in the area of the proscenium arch to expose the location of the original screen will expose an original feature of the building and offer uninterrupted views to the city to the east, again allowing light to flood in.
- 10.13 The existing stalls level, cut back circle balcony and linking stairs are all to be retained and therefore there is very little intervention in this space other than the insertion of the windows and opening of the arch. The concerns expressed by the objectors regarding the loss of the character of the original interior would be reversible simply by blocking the arch again and providing visual barriers on the inside of the windows. This has been achieved in other spaces such as the Howard Assembly Rooms, where wooden shuttering has been used, or the City Varieties where close fitting black-out blinds are to be utilised. Even heavy duty curtaining would achieve the desired effect and be totally appropriate to the performance nature of the building. These would return the space to darkness in a simple and 'light touch' manner without impacting on the most important of the detailed fabric. Reversibility, other than the reinstatement of the external areas of blank Marmo block work, would therefore be easy to achieve and as previously stated, those parts of the external elevations affected are the least significant in terms of their value to this heritage asset.
- 10.14 In this way it is not considered that the works to be carried out will harm the significance of the heritage asset as set out in policy at PPS5. More over the return of the space to total enclosure would be possible and the external alterations are undoubtedly an improvement over what currently exists. It is considered of far greater importance to ensure that the building is reused, refurbished and maintained rather than kept in its existing state, which is precisely the thing which has prevented it from attracting a new user. This achieves the objectives of policies N15 and N17 of the UDPR and is considered to be acceptable.
- 10.15 The insertion of lifts, stairs and the removal of unneeded latterly inserted stairs and all of the protective treatments inserted as part of the nightclub fit-out, improve the functionality of the building without impacting on original fabric. The interior is to be

repainted to conform with the character and design of the building and the missing fabric and detailing repaired. All of these works will assist in returning the building to somewhere near its original state which is clearly to be welcomed.

- 10.16 In terms of fulfilling the potential heritage benefits that could weigh in favour of a proposed scheme as set out in PPS5 above, this application is considered to :
1. Enhance the significance of the building as its external appearance and internal condition will be greatly improved.
 2. Remove the building from being at risk and falling in to a greater level of disrepair as the building would be used and maintained.
 3. Offer a range of uses to increase the likelihood that the building will be used.
 4. Increase the likelihood of reuse of the building. This would deliver employment within the building itself and also to surrounding units and within the range of support services.
 5. Repair the building and return the fabric to its original state which will considerably improve the character, quality and local distinctiveness of the historic environment.
 6. Significantly increase the public's awareness of the building and open up a range of uses for a wider sector. The dome and terrace in particular would potentially become attractions in themselves.

3. Highways Services Matters

- 10.17 The applicant has stated that there will be a permanent sound and lighting system in the basement unit and therefore bands will not be required to unload large amounts of their own equipment. This will reduce the burden on the existing highway lay-by which was considered to be adequate for the existing use. The applicant has indicated their willingness to fund any extension of the minimum waiting period in the lay-by if this becomes necessary as a result of their operations and at the time of writing this report the methods of ensuring this, either by condition or legal agreement, was being explored.

11.0 CONCLUSION

- 11.1 This is not a speculative application by the applicant. They have bought the building and intend to retain it. They have an impressive track record in this field and have done much work in the area. The building has been marketed for a leisure use for a number of years and has failed to attract any occupiers even though it has permission for the current uses and an extant entertainment license. The casino use, for which the building would have been ideally suited, is unable to commence due to the legal decision on the gaming license.
- 11.2 The fabric which is proposed to be lost is not of the greatest historic value and if a return to a cinema was proposed then these openings could be blocked up internally. Given the considerable number of advantages which this scheme would bring to both the building and the area in general it is considered that, on balance, these outweigh any detrimental impact on the original fabric of the building to which objections have been raised.

Background Papers:

10/05607/FU Change of use of ground floor and upper levels from nightclub to A3, A4 and D2 uses and elevational alterations.

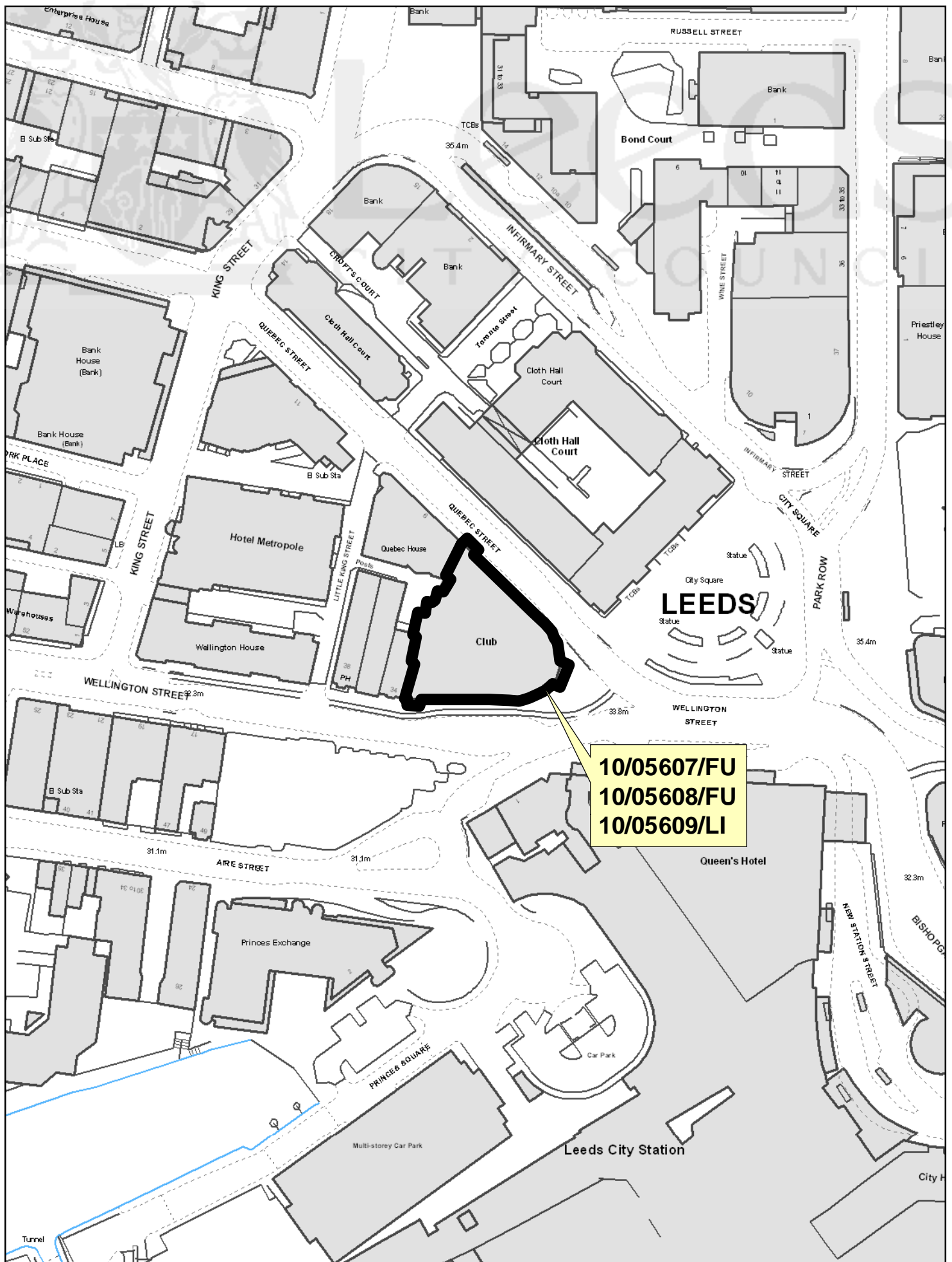
10/05608/FU Change of use of basement and mezzanine areas from A4 use to live music venue (D2 use) with ancillary A3, A4, nightclub and kiosk uses, with elevational alterations.

10/05609/LI Listed Building Application for external and internal alterations

20/476/95/FU Change of Use from basement of bingo hall to A3 use

20/490/95/LI Listed building application for internal works to create nightclub and bar

20/503/04/FU Change of use of nightclub to casino with function room and betting area



CITY CENTRE PANEL