

Delegated Report		Analysis sheet		Expiry Date: 15/02/2024		
		N/A		Consultation Expiry Date: 04/02/2024		
Officer			Application Number(s)			
Brendan Versluys			1) 2023/4972/P 2) 2023/5073/L			
Application Address			Drawing Numbers			
Tower Court, Ambassadors Theatre and St Martins Theatre West Street London WC2H 9ND			See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
Fixing of 12 x eyelet anchors on Tower Court elevations of Ambassadors Theatre and St Martin's Theatre, and suspension of festoon lighting across Tower Court.						
Recommendation(s):		<ol style="list-style-type: none"> 1. Refuse Planning Permission 2. Refuse Listed Building Consent 				
Application Type:		<ol style="list-style-type: none"> 1. Full Planning Permission 2. Listed Building Consent 				
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	0	No. of responses	1	No. of objections	1
Summary of consultation responses:	<p>Site notices were displayed in proximity to the site from 11/01/2024 (expiring 04/02/2024). The application was also advertised in the local press from 11/01/2024 (expiring 04/02/2024).</p> <p>No responses were received from local residents; however 4 x responses were received from amenity groups (3 x objections and 1 x letter of support), these are summarised below.</p>					
Bloomsbury Conservation Area Advisory Committee (BCAAC)	<p>The BCAAC objected on the following grounds:</p> <ul style="list-style-type: none"> • The proposed eyelets would damage the original structure of the building. 					

	<ul style="list-style-type: none"> • The festoon lighting would be inappropriate to the character of this historic & iconic Conservation Area with its multiple theatres. • The festoon light would interfere with the scape of the street & eyeline view - an unacceptable infringement of the public space. <p><i>Officer response:</i> <i>Design and heritage effects are discussed under section 5 of this report.</i></p>
<p>Covent Garden Community Association</p>	<p>The Covent Garden Community Association objected on the following grounds:</p> <ul style="list-style-type: none"> • We would withdraw our objection if the lighting were permitted only during the month of December each year. Festoon lighting of this sort is festive, but unsuitable for the Conservation Area on a year-round basis. • Suggest the use of the Covent Garden Lantern (as an alternative to festoon lighting). <p><i>Officer response:</i> <i>Design and heritage effects are discussed under section 5 of this report.</i></p>
<p>Seven Dials Trust</p>	<p>The Seven Dials Trust objected on the following grounds:</p> <ul style="list-style-type: none"> • Permanent festoon lighting is not appropriate as it makes this part of an important Conservation Area into a form of tinsel town. Festoon lighting is appropriate at Christmas for a limited period, otherwise this would set an unacceptable precedent for the Conservation Area. • All the surrounding streets have the Covent Garden Lantern®, either post mounted as Tower and West Streets, or façade ones as in all the other streets off the Dials and beyond into Westminster. We suggest that facade mounted ones be used in this part of Tower Court rather than what amounts to the precedent of permanent festive type lighting. <p><i>Officer response:</i> <i>Design and heritage effects are discussed under section 5 of this report.</i></p>
<p>Theatres Trust</p>	<p>The Theatres Trust supports the proposals, and notes:</p> <ul style="list-style-type: none"> • We concur with the applicant in that this will result in minimal harm to the significance of those theatres as designated heritage assets. • With reference to paragraph 208 of the NPPF (2023) this is further mitigated through the public benefits of better illuminating Tower Court and enhancing the experience of audiences and other passers by. <p><i>Officer response:</i> <i>Design and heritage effects are discussed under section 5 of this report.</i></p>

The subject site relates to The Ambassadors Theatre and St Martin's Theatre, as well as a section of highway (Tower Court) which runs between the two theatres.

Both The Ambassadors Theatre and St Martin's Theatre are Grade II listed.

The applicant's DAS describes the buildings as buildings:

They are clearly conceived as a complimentary pair and are in the classical style with rusticated stucco pilasters and engaged columns on both principal West Street Elevations. This architectural language of the front elevation returns some way down Tower Court before reverting to brick in the case of the Ambassadors Theatre or stucco on the St Martins theatre.

The application affects the secondary elevation of both of these buildings on Tower Court.

Ambassadors Theatre – The southern elevation of the Ambassadors Theatre beyond the corner is of plain brick. There are several window openings serving internal spaces as well as a tall scene dock present on this elevation. This elevation is very functional in nature and some note that it detracts from the appearance of the overall building.

St Martins Theatre – The north elevation of the building comprises 2 bays of the principal west street elevation and a further 4 bays of 'secondary' elevation. The ground level is separated from the upper levels by way of a projecting first floor cornice with a further high level cornice at 4th floor level.

Tower Court is designated as pedestrian only and intersects two street blocks. The section of Tower Court the application relates to lies between Tower Street and West Street.

The application site lies within the Bloomsbury Conservation Area.

Relevant History

9000349 - The installation of three floodlights to roof parapet to illuminate building opposite (Orion House 5 Upper St. Martin's Lane) as shown on drawing numbers SK1 SK3 SK4 SK12 SK13 and SK204. **Granted 31/10/1990**

9070161 - The installation of three floodlights to roof parapet to illuminate building opposite (Orion House 5 Upper St. Martin's Lane) as shown on drawing numbers SK 1 SK 3 SK 4 SK 12 SK 13 and SK 204. **Granted 03/09/1990**

Relevant Policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Policy T1 Prioritising walking, cycling and public transport

Camden Planning Guidance (CPG)

CPG Design (January 2021)

CPG Amenity (January 2021)

Assessment

3. Proposal

- 3.1. Planning permission and listed building consent is sought for the fixing of 12 x eyelet anchors on Tower Court elevations of Ambassadors Theatre and St Martin's Theatre, and suspension of festoon lighting across a section of Tower Court between Tower Street and West Street.
- 3.2. 6 x eyelet anchors would be installed on the side elevations of both theatres.
- 3.3. The purpose of the festoon lighting is to improve the overall levels of illumination of the street so that it is a safer and more welcoming place to queue for customers.
- 3.4. The position of the fixing points will allow the festoon lighting strings to be hung in various different configurations ie. Cris-cross, Square, Diagonal etc. The layout can therefore remain flexible whilst using the same fixing points.
- 3.5. To fix each of the anchors, a 14mm Diameter hole will be drilled into the face of the brick or stucco façade to a depth of 80 mm. A specialist internally threaded anchor will then be resin bonded into the hole.

4. Planning Considerations

- 4.1. The material considerations in the determination of this application are as follows:
 - Design and Heritage
 - Amenity
 - Transport
- 4.2. As the application site is situated within a Conservation Area and the buildings are Grade II listed, the following statutory provisions are relevant to the determination of these applications are Section 16, 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 4.3. Section 16 requires that in considering whether to grant listed building consent for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.
- 4.4. Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.
- 4.5. The NPPF terms listed buildings designated heritage assets. Section 12 of the NPPF provides guidance on managing change to designated heritage assets through the planning system, including avoiding or justifying harm to the special architectural or historic interest of listed buildings. Paragraph 134 states that "less-than-substantial harm" to a designated heritage asset must be outweighed by the public benefits secured by the proposals, including heritage benefits to the assets.
- 4.6. The significance of the listed buildings derives from their architectural design and materials, planform, value as theatres within the TheatreLand district, and their positive contribution to the

character and appearance of the Bloomsbury Conservation Area.

Assessment of proposals

5. Design and Heritage

- 5.1. The Ambassador's Theatre and St Martin's Theatre are both Grade II listed buildings. The Council has a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, under Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).
- 5.2. The application site is located within the Bloomsbury Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 5.3. Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 5.4. The application cover letter states that the proposal for festoon lighting *"...has come about as a result of ongoing discussions between both theatres with a wish to make Tower Court a more welcoming and customer friendly area. The lane is often used for customers waiting to enter the respective buildings and is not very well illuminated at present. This has led to the idea that some festoon lighting would be an effective method of achieving this, it is both practical and very much of the theatrical world stylistically."*
- 5.5. Whilst The Ambassador's Theatre and St Martin's Theatre are located within Theatreland, they are situated in less busy areas (both in terms of footfall and the general appearance of the streetscape) relative to many of the other theatres which are positioned on main roads or busy pedestrian thoroughfares, and clustered with more active retail uses in contrast to the application site. The theatres read as comparatively smaller, situated in the quiet hinterland of Seven Dials east of Charing Cross Road, which are visible in views afforded by the surrounding network of streets. The character of this part of the Seven Dials Conservation Area is comparatively low-key and quiet with small-scale buildings grouped around narrow streets, many of which contain residential uses. As such, despite the presence of the two theatres, the area does not have a glitzy feel with bright lights. The theatres already create a bright focal point in their immediate surroundings which is proportionate to their size, scale and entertainment use.
- 5.6. The proposed introduction of festoon lights at first-floor level, diagonally strewn between the two flank walls of the theatres along a significant stretch of Tower Court, is proposed to make the space more welcoming and customer-friendly. Whilst additional street lighting might achieve this goal, no evidence has been provided that there is a need for increased light levels in Tower Court or demonstrating that other methods of lighting have been explored. While the festoon lighting would have some relationship with bright lights associated Theatreland and the entertainment and the night-time economy, the choice of festoon lighting does not show an appreciation of the character and appearance of this part of the conservation area, or the role Tower Court plays within the conservation area. Whilst Tower Court may be a pedestrianised thoroughfare immediately adjacent to both buildings, and as such used by theatre-goers, it would be experienced a quiet backwater of secondary importance in the street pattern, which does not warrant bright party-style lights as proposed. The festoon lighting would be a permanent feature, and would appear incongruous with the streetscape, in particular outside of

theatre times when Tower Court and the adjoining streets would be less busy.

5.7. The proposed lights will also impact on the setting of the two theatre buildings, namely their flank walls. Whilst St Martin's has a grander and more ornate stuccoed façade along the entire stretch of Tower Court, the Ambassador's has a more modest and plain brick-faced flank wall behind its more ornate front facade. The provision of festoon lighting will detract from the special interest of these elevations, regardless of their architectural treatment (albeit simple or ornate). The installation of anchor fixing ties into these facades will also have an impact, which although argued to be reversible by the applicant, will involve drilling into the facades to depth of 80mm with a diameter of 14mm, causing potential damage to both the brickwork and stucco, affecting both listed buildings. The submitted methodology contained in the Design and Access Statement does not state that the works will be reversible, and in the event the lighting would not be required, the anchors would be covered over with decorative plates with a visual impact rather than the works reversed. This approach is not considered to be conservation-led, resulting in a level of harm to the affected heritage assets.

5.8. The applicant and Theatres Trust both refer to there being advantages to be derived to theatre users and the public using Tower Street, from enhanced lighting which could potentially be considered as a public benefit. However, no evidence has been provided as to why the existing situation is particularly causing a problem. The public benefit is therefore considered to be relatively low level at best. Furthermore if it were to be evidenced that additional lighting were beneficial then the applicant does not appear to have considered other less harmful options more in keeping with the character and appearance of the conservation area (one such alternative might be presented by the 'Covent Garden Lantern' raised by third parties that have commented on the application).

5.9. Overall, there are likely more sensitive means of achieving increased lighting and activation of Tower Court, which are in keeping with the character and appearance of the conservation area.

5.10. The proposed works would result in less-than-substantial level of harm, arising from the negative impacts of the proposed works on the special interest of the two affected grade II listed buildings, upon their setting and upon the character and appearance of the Seven Dials Conservation Area. As such, the proposed works are contrary to sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

5.11. There are no public benefits of a nature adequate to outweigh the harm caused under Para 202 of the NPPF.

6. Residential Amenity

6.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The policy notes that the factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial lighting levels; impacts of the construction phase; and noise and vibration.

6.2. The proposed festoon lighting would increase the lighting levels of the street of Tower Court between Tower Street and West Street. Either side of this stretch of Tower Court is occupied by The Ambassador's Theatre and St Martin's Theatre, which do not contain any uses sensitive to artificial lighting. The lighting may be visible from residential properties at either end of Tower Court, however the lighting would be relatively unobtrusive to these properties in particular given the separation distance provided by West Street and Tower Street.

6.3. Overall, residential amenity effects would be acceptable.

7. Transport/highways

- 7.1. Policy T1 of the Local Plan seeks to promote walking in the borough and improve the pedestrian environment, and seeks to ensure developments are easy and safe to walk through.
- 3.1. In this case, the applicant has undertaken consultation with the Council's Highways Team, and further highways consent is likely to be needed in order to determine the exact specifications and heights of the festoon lighting, so that they do not cause obstruction to users of the highway. Consultation has been paused by the applicant due to the pending refusal of the planning permission and listed building consent applications.
- 3.2. The principle of festoon lighting can be supported in terms of impacts to highways, and further assessment would be undertaken by Council's Highways Team as part of any future highways consent application.

4. Planning Balance and Conclusion

- 4.1. Considerable importance and weight has been attached to the desirability of preserving or enhancing the character or appearance of the Bloomsbury Conservation Area, and the settings of any listed buildings, under s.72 of the Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 4.2. Local Plan Policies D1 and D2, and Chapter 16 (Conserving and enhancing the historic environment) of the NPPF, seeks to preserve and enhance designated heritage assets. The NPPF states in Paragraphs 201 that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 4.3. As discussed above, there are no public benefits of a nature adequate to outweigh the harm caused by the proposed works.
- 4.4. Amenity and transportation effects are considered acceptable.
- 4.5. Overall, therefore, on balance, the proposed development does not accord with Chapter 16 of the NPPF which seeks to preserve and enhance heritage assets. The proposal is also contrary to Policies D1 and D2 of the Local Plan. As such, the proposal is considered to be unacceptable in terms of design, appearance, and location.
- 4.6. The proposal would therefore fail to accord with Policies D1 and D2 of the Camden Local Plan 2017. The development would result in unacceptable harm to The Ambassador's Theatre and St Martin's Theatre, and the setting and character of the Conservation Area.

5. Recommendations

- 5.1. Refuse Planning Permission
- 5.2. Refuse Listed Building Consent