

Our Ref: A113775 – LW Theatres: The Cambridge Theatre

Pending Applications

London Borough of Camden
Planning Department
2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London

For the attention of Adam Greenhalgh
By email only

27th November 2020

Dear Mr Greenhalgh

APPLICATION REFERENCE: 2020/1753/P

25 SHELTON STREET, LONDON WC2H 9HW

LETTER OF OBJECTION

On behalf of my client, LW Theatres (LWT), owner of The Cambridge Theatre, we strongly object to the development proposals for 25 Shelton Street, which abuts the Grade II listed Cambridge Theatre.

LW Theatres objected to the previous proposals for the infill of the rear courtyard (with two different proposals put forward for the roof and structure: 2019/4573/P and 2018/0846/P) due to the significant restrictions the proposals would place on maintenance and repairs to the Theatre. The complete removal of access to the Theatre's wall to undertake these essential activities would cause demonstrable harm to the fabric of the Theatre and jeopardise its viable future operation.

The proposals subject to this latest planning application exacerbate these existing problems and add new ones. To fully enclose the rear courtyard, now with a steel-frame structure, two skylights and late-night activity will cause additional harm to the Theatre. For absolute clarity, the introduction of a 550mm gap around the extension provides no practical benefit whatsoever and is clearly insufficient for access to the Theatre wall (or the adjoining homes).

It is also apparent that there are a number of inconsistencies and ambiguities within the application document which need to be fully explained, understood and validated before any determination can proceed.

- **Application form and description of development**

The development is described on the application as: *"planning application for a single storey infill to the rear court-yard at 25 Shelton street in connection with the existing basement and ground floor flexible use (class a1 / sui-generis health and beauty spa)"*.

It is, however, apparent – and confirmed by the submitted Noise Assessment (October 2020) - that two large condensers have been installed adjacent to the courtyard's western elevation – the



Theatre elevation. These two large condensers have been illegally installed without the benefit of planning permission.

Such a blatant breach of planning regulations is regrettable. To avoid any mention of the requirement to apply for retrospective planning permission within the description of development compounds this situation. The description of development should be amended to ensure that all relevant parties are fully aware of what the proposals include.

There is further lack of clarity and consistency regarding the use to which the space is to be put. As noted, the description of development on the application form refers to a "*flexible use - class a1 / sui-generis health and beauty spa*", whereas the Plant Noise Assessment (1.0 Introduction and 4.6 Operational Hours) identifies the use as "*new gallery space*" requiring the plant. No further information is provided anywhere within the application documentation relating to this proposed "gallery use". It is therefore unclear as to the precise nature of the uses (existing and proposed), and whether further express consent (such as change of use) is required. Clarification is therefore required as a matter of urgency as to the proposed activity on site such that it can be properly assessed by neighbours as well as the Council.

It is also noteworthy that the proposal is seeking to extend operating hours on the site in excess of that which has previously been expressly approved. The Plant Noise Assessment (Section 4.6 'Operational Hours') states that "*On occasion the opening hours may extend to 22:00 to accommodate an event*". Previous permissions on the site have stipulated 20:00 closing Monday to Saturday and 18:00 Sunday and Bank Holidays to protect the amenity of neighbouring residents and the operation of the Theatre. We would expect that, once again, the precise nature of the proposal is made known to neighbours. We would further expect that, in the event that planning permission is granted, the previous restrictions on opening hours are maintained and rigorously enforced.

- **The Noise Assessment**

Figure 1 of the Noise Assessment shows the plant equipment located next to the Theatre's elevation (west elevation); and the photo included in Figure 2 substantiates this by showing the plant adjacent to the Theatre's wall. We understand that references in the Assessment (section 4.2/4.4e) referring to the eastern boundary wall are incorrect.

Notwithstanding this error, the Assessment (at 4.4 e)) goes on to state that: "*The [eastern] wall of the courtyard should be treated with an acoustically absorptive lining to minimise early reflections*". There is a further note that: "*All proposals for mitigation measures will need to be checked by others for their suitability in terms of non-acoustic disciplines*".

The Assessment would appear to be suggesting that, to provide the necessary acoustic dampening, works will be required to land (the wall) outside of the applicant's ownership. Until and unless it can be demonstrated that appropriate mitigation measures can be provided without reliance on the treatment of the (Grade II listed) Theatre wall, in the event that the Council is minded to grant planning permission, it will be necessary to impose a pre-commencement condition to any decision notice requiring the form and content of any treatment to the wall to be submitted to and agreed by the Council and put in place prior to the commencement of works. As the treatment will be on the Theatre wall, it will require LW Theatre's agreement and it would therefore be advisable for LW Theatre's to be party to any such approval.

Finally, in this regard, the extent of assumptions made in relation to the plant enclosure (4.4. a) to d)) is extremely disappointing given the unlawful addition of the plant. It is clearly necessary for more details to be provided at the application stage and subject to appropriate neighbour consultation. We do not consider that any positive determination of this proposal can be reasonably made until and unless this information is provided.



Planning Policy Considerations

Government planning policy is a material planning consideration and, therefore, the proposals must be assessed against national, strategic and local planning policies, all of which seek to protect and support theatres. To fail to do so would render any decision subject to legal challenge.

Paragraph 182 of the National Planning Policy Framework (2019), states *"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities ... Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established"*. The current proposals, offering a 550mm gap between the plant enclosure and the Theatre elevation, cannot accommodate the equipment needed (scaffolding and cherry picker) for planned and unplanned repair and maintenance, which will sustain and preserve the heritage asset. It is therefore readily apparent that the proposals in their current form cannot be integrated effectively with the existing theatre operation. The Framework is equally clear as to where the responsibility lies in addressing such situations: *"the applicant should be required to provide suitable mitigation"*.

The importance of effective integration and the threat to theatres is also recognised in the Draft London Plan and Camden's Local Plan, which advises that additional restrictions on venues *"could affect their viability and may even lead to a facility closing.."* Local Plan Policy C3 (Cultural and Leisure Facilities) is clear in its wording: *"The Council will seek to protect cultural and leisure facilities and manage the impact of adjoining uses where this is likely to impact their continued operation"*. The ongoing impacts of COVID-19 on the theatre industry pose significant threats to the theatre's continued operation and proposals which place further restrictions on its long-term viability should be rigorously questioned and in accordance with Government planning policy, both the Council and applicant must manage and mitigate this very obvious impact.

The Cambridge Theatre is Grade II listed heritage asset; therefore the impact of any proposal is a material planning consideration. The repair and maintenance of the theatre (particularly the side wall) is critical and major refurbishment works have already been carried out on the Earham Street and Mercer Street facades. The NPPF (Paragraph 189) states that *"In determining applications, Local Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting"*. The applicant has failed to assess the impact of its proposals on the Grade II heritage asset; and in considering the past objections from the Theatre, local residents and the Covent Garden Community Association we are surprised by the applicant's lack of engagement or consultation with its surrounding neighbours prior to submission.

The proposals are contrary to national, strategic and local planning policy and in their current form, should be refused.

Conclusions

As you will fully appreciate, planning policies at a national, regional and local level support theatres. In addition, the National Planning Policy Framework makes it an explicit requirement that new development can be integrated effectively with existing facilities such as theatres, placing the responsibility on the applicant to demonstrate that suitable mitigation can address relevant concerns of existing business, and that those existing business should not have unreasonable restrictions placed upon them as a result of new development.

In addition, as a Grade II listed heritage asset, the Council is obliged to consider the heritage implications of the proposals; and as a cultural facility, the Council, in its own planning policies seeks to protect those facilities and manage the impact of adjoining uses.

The previous concerns of the Theatre remain and accordingly, LW Theatres has no choice but to strongly object to these proposals in their current format.



LWT would welcome a meeting with the applicant to discuss the proposals and ensure that its concerns and those of neighbouring residents have been thoroughly assessed.

Yours sincerely,

A handwritten signature in black ink that reads 'J. Mc Laughlin'.

Julie Mc Laughlin

Associate

WYG Environment Planning Transport Limited