

PD14269/TM/JH

Camden Council
Planning – Development Control
Camden Town Hall
London
WC1H 8ND

15 December 2022

Dear Sir/ Madam,

**PHOENIX THEATRE, CHARING CROSS ROAD, WC2H 0JP
REQUEST FOR PRE-APPLICATION ADVICE – INTERNAL AND EXTERNAL
ALTERATIONS AND CHANGE OF USE**

On behalf of our client, the Ambassador Theatre Group ('ATG' / 'the Client'), please find enclosed an application ("the / this Application") for full planning permission and listed building consent at the Phoenix Theatre, Charing Cross Road, London ('the Site').

The description of development for these proposals ("the Proposed Development") is as follows:

"Change of use of existing commercial units on Charing Cross Road from Class E to ancillary theatre use (sui generis) to provide flexible area for uses including bar, lounge, ticketing and merchandising. Alterations to shopfronts and fenestration plus replacement of canopy to Charing Cross Road, installation of lift from ground floor to new entrance at Dress Circle level. Other internal works, including enlarged opening within the rotunda and adaptation of existing seats and timber screens in dress circle to improve wheelchair accessibility."

The purpose of this Application is to secure operational improvements within the existing Phoenix Theatre, including internal circulation and access from street to auditorium, as well as expanding the facilities to provide more flexible ancillary space for uses as set out above.

SITE BACKGROUND

The Site comprises the Phoenix Theatre, a Grade II listed property, dating from 1930, which is located to the south west of the London Borough of Camden (LBC). The building sits on the east side of Charing Cross Road, but also fronts Phoenix Street to the south and Flitcroft Street to the north. The stage door is situated on Stacey Street to the east.

The site comprises a number of planning units; namely:

- 104 Charing Cross Road – commercial unit, last uses as a small confectionary retailer;
- 106 Charing Cross Road – commercial unit, in use as a massage and reflexology shop;
- 108 Charing Cross Road – commercial unit, in use as a vape shop;
- 110 Charing Cross Road – vacant commercial unit, last used as a theatre ticketing shop;
- The Phoenix Theatre – Grade II listed.

The existing lawful use of the commercial units are considered to be Class E (Business, Commercial and Service Use). They have always been used for shop-like purposes akin to the former Class A1 use. The theatre is a 'sui generis' use.

The Site also comprises the Phoenix Artist Club, situated at basement level, with an entrance from Phoenix Street, as well as Phoenix House, which provides five storeys of residential above the existing retail units.

The block is completed by nos. 1-8 Stacey Street and 1a Phoenix Street, which are both residential buildings and not included within this development. The surrounding area comprises a number of uses, owing to its Central London location. It is in close proximity to both Tottenham Court Road to the north and Shaftesbury Avenue to the south.

The Phoenix Theatre, which dates from 1929-30 was listed in 1973. The list entry is set out at **Appendix 1**.

Planning History

The Site has a number of applications in its planning history, notably due to its listed status and the need to regularly change advertising alongside changes in performances. In recent years, listed building consents (not related to signage) have been approved for:

- 2019/0804/L - Works to upgrade current washroom facilities at Dress Circle level to include new washroom finishes, sanitary ware, floor finish and redecoration, granted 10 July 2019
- 2019/1660/L – Fenestration alterations to Follow Spot box to create larger openings and central window. Removal of pulleys and fire shutters. New glazing to be fire and sound proofed, granted 2 May 2019.
- 2018/4511/L – Internal alterations for Stalls Bar and Foyer Bar – granted, 23 October 2018.
- 2013/0709/L – Internal alterations involving removal of orchestra enclosure and infill of orchestra pit with steel deck panels, granted 29 May 2013.
- 2004/5547/P – Two storey infill extension at roof level to provide 2 x self-contained flats including re-use of an existing lightwell for residential circulation space, together with extension of the fly tower, granted 31 March 2009 (LBC – 2004/5548/L).

Other than applications for advertisement consent, there is no specific or individual planning applications relating to nos. 104, 106 or 108 Charing Cross Road.

PROPOSED DEVELOPMENT

In summary, the Application includes:

- The change of use and reconfiguration of the existing retail units (Class E) into an expanded theatre use to provide additional space for a bar, lounge, restaurant, ticketing and merchandising (Sui Generis);
- Associated external alterations to the ground floor shopfronts and fenestration;
- Installation of a lift and access to provide access from ground to first floor, to the rear of the dress circle;
- Creation of new opening into the dress circle from the newly formed lift;
- Modification of select seating and timber screens to enable wheelchair access when required;
- Enlargement of existing opening between rotunda and existing box office to provide access into newly formed bar;
- Creation of box office booth within existing store cupboard, including extended external opening;
- Replacement of existing canopy including installation of phoenix motif to south west corner;
- Rationalisation of existing plant equipment within the existing plant area.

The full details of the Proposed Development is set out within the application drawings and the Design and Access Statement.

The existing retail units comprise 115 sqm of Class E floorspace. This is to be subsumed into the theatre use (Sui Generis). In addition, the extension into the lighwell, and the newly formed WC lobby would add 40 sqm of new build floorspace.

THE NEED FOR DEVELOPMENT – CHANGE OF USE

The Phoenix Theatre is a well-hidden gem on Charing Cross Road / Phoenix Street; housing just short of 1,100 seats, and has been home to Come From Away since February 2019. As the resident production plans to close in January 2023, ATG needs to seek a new, high-quality production to take residency and continue to provide a high-end, cultural offer to Camden and Central London, driving local economy, visitor attraction and international reputation, whilst continuing to support the focus of Camden being an essential tourist destination.

As ATG works with international, award-winning producers to secure a new theatre experience to make the Phoenix Theatre its home, producer feedback has been focused on the outside 'presence' of the theatre, or lack thereof, and the fact that whilst the technical provision offers what is needed from a production perspective, the theatre lacks a 'welcome' and 'customer journey' that is reflective of a quality experience. Further, there is limited dwell space that can be used for any immersive element of a visiting show, and it doesn't offer a fully accessible experience. All these elements combine to make the venue less appealing to producers who are keenly focused on access and audience experience.

ATG is keenly focused on securing the long-term appeal of The Phoenix Theatre and, to that end, has entered into a period of exclusivity with the Landlord of the retail units on Charing Cross Road, with a view to acquiring these premises to extend the theatre provision, whilst addressing the long-standing access issues, poor toilet provision, and minimal hospitality space, whilst simultaneously providing a 'welcome' to visitors that is reflective of the experience producers are seeking to provide, and customers are wanting to experience, and an eye-catching 'presence' on Charing Cross Road.

The acquisition of the current low-grade, poor-offer units will mean an uplift in visitor experience, as this proposal enhances the aesthetic of the area, making it a more pleasant place to visit and ultimately dwell, by combining the space to create an extension of the theatre welcome and wider audience experience.

In order to ensure theatre experiences continue to evolve, producers are increasingly looking at how they can enhance an audience members experience through immersive settings, and this proposal seeks to create a versatile space that can be reflective, and accommodating of a variety of productions into the future and, through this, ATG seeks to play its part in the development of the sector and audience experience by enhancing the Phoenix Theatre offer, customer provision, and promoting Camden as a destination through being home to high-quality, world-leading productions.

PLANNING POLICY FRAMEWORK

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with policies of the statutory Development Plan, unless material considerations indicate otherwise and Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990.

The statutory Development Plan comprises:

- The London Plan (March 2021); and
- Camden Local Plan (July 2017).

The Development Plan is supported by a number of Supplementary Planning Guidance documents, prepared by the Mayor and Camden (known as CPGs). The Denmark Street Conservation Area Appraisal and Management Plan is also relevant to this Application.

There is currently no material emerging planning policy. However, Camden is beginning to start the process of a review of its 2017 Local Plan.

As noted above, the building is Grade II listed, but the Camden Policies Map also identifies the site as being situated within:

- Central Activities Zone (or 'Central London Area');
- Denmark Street Conservation Area;
- Secondary Protected Retail Frontage;
- Flood Risk Zone; and
- Archaeological Priority Area.

The boundary with the City of Westminster runs along Charing Cross Road.

POLICY ASSESSMENT

Land Use

Policy TC1 (Quantity and Location of Retail Development) promotes the distribution of retail and other town centre uses within the Central London Frontages, with significant provision in Tottenham Court Road, and additional provision elsewhere in Central London. Retail floorspace is expected to be supported by a range of other town centre uses including food, drink and entertainment uses.

Policy TC2 (Camden's centres and other shopping areas) seeks to provide for and maintain the range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.

In secondary frontages, Camden will:

"protect the secondary frontages as locations for shops (A1) together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre."

Appendix 4 of the Local Plan sets out Camden's expectations for the mix and balance of uses within frontages for each designated centre. We understand that the Site is located within the Secondary Frontage of the Tottenham Court Road area which sets a minimum proportion of [A1] shops in each individual frontage of 66%.

Policy TC4 (Town centre uses) requires uses not to cause harm to the character, function, vitality and viability of a centre. In considering this, Camden will take into account:

- a. the effect of development on shopping provision and the character of the centre in which it is located;*
- b. the cumulative impact of food, drink and entertainment uses, taking into account the number and distribution of existing uses and non-implemented planning permissions and any record of harm caused by such uses;*

- c. *the Council's expectations for the mix and balance of uses within frontages for each centre are set out in Appendix 4;*
- d. *the individual planning objectives for each centre, as set out in the supplementary planning document Camden Planning Guidance on town centres and retail;*
- e. *impacts on small and independent shops and impacts on markets;*
- f. *the health impacts of development;*
- g. *the impact of the development on nearby residential uses and amenity and any prejudice to future residential development;*
- h. *parking, stopping and servicing and the effect of the development on ease of movement on the footpath;*
- i. *noise and vibration generated either inside or outside of the site;*
- j. *fumes likely to be generated and the potential for effective and unobtrusive ventilation; and*
- k. *the potential for crime and antisocial behaviour, including littering.*

The proposals would result in the removal of at four small commercial units, one of which is already associated with theatre use, as a ticketing shop (no. 110). The fourth unit (no. 104) currently provides ad hoc confectionary retailing which compliments the theatre use. As a result of incorporating this space into the theatre, the proposals would fail to adhere to the 66% retail along this frontage, when measured from Phoenix Street to Flitcroft Street – as this would become a theatre only frontage.

In terms of the wider secondary frontage stretching northwards to Denmark Place and south to Shaftesbury Avenue, there are around 15 retail units (including the four within the development site), of which around 10 are in former-A1 use (66%). As a result of the development, there would be 12 retail units and 6 former A1- units (50%). However two of the A1 units (currently occupied by TK Maxx and formerly MADE) cover a large proportion of the frontage, such that if this was measured in metres, the quantum of former A1 use would be increased.

The Town Centre CPG identifies that theatres are one of the major attractions within Central London and that a higher level of food, drink and entertainment uses are considered acceptable along Charing Cross Road.

We note that, since 2020 and the introduction of the amended Use Classes Order, retail uses are now included within the same use class as other town centre uses, including restaurants, offices and gymnasiums. It is therefore possible to convert to non-retail uses without the need for planning permission and the 2017 Local Plan is both out-of-date in its approach and extent of control.

For example, it would be possible to convert the existing units into restaurant spaces, without the need for planning permission. The proposals seek to convert this space into a multi-purpose flexible space, including food and beverage servery, linked to the theatre. The proposed use would continue to provide a fully active frontage and provide vibrancy and vitality along the street, especially when the theatre is operating. Further, the proposed operation would support the operation of the theatre and support the optimum viable use of the building as a theatre use, for the reasons set out above.

With regard to **Policy TC4**, the proposed use could operate without detrimental impact on the amenity of nearby residents or other uses. It is considered to provide an appropriate use within this Central London location, supporting the locality and the theatre itself. The use would not give rise to any parking, noise, fumes or crime impacts, beyond the potential for the existing uses to cause the same harm – which overall is minimal.

The existing units provide small-scale retailing, which have limited existing value within the shopping frontage and do not enliven or active the street frontage to any great degree. An opportunity exists to expand the theatre use into these units

and provide a new bar / restaurant facility with ticketing and merchandising that would ensure vitality within Charing Cross Road, and most importantly increase the viability of the Grade II listed theatre.

Access

Local Plan **Policy C6** (Access for all) seeks to promote fair access and remove barriers that prevent everyone from accessing facilities and opportunities. Buildings are expected to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all – with fully accessible routes through buildings.

One of the main aims of this application is to deliver upon the above, and create a more accessible theatre use. Due to their age, theatres are notoriously inaccessible, which is wholly unacceptable for modern audiences and latest building regulations. In addition, the Equality Act is adding extra pressures on venues to ensure greater inclusivity.

The Client has prepared a statement which sets out the challenges that face the building in terms of accessibility, which is included as part of this Application. An Access Review as carried out in December 2018 which highlighted a number of recommendations to improve accessibility and compliance with the Equality Act, British Standards and the Building Regulations.

Many of these recommendations relate to operational or non-property related matters which have been implemented. However, others, such as increasing wheelchair capacity, accessible WC provision and step free access, circulation and emergency escape require more fundamental interventions to the building – i.e. the subject of planning and listed building control.

The installation of the platform lift would provide level access to the auditorium, whilst also providing a means of escape for wheelchair users. The creation of a lobby provides safe refuge for up to three wheelchair users, with a 60 minute fire rating, complying with relevant legislation and regulations.

In addition, the internal works proposed to the dress circle would increase the potential capacity for wheelchair patrons, for the first time in its history. There are opportunities to create four wheelchair seating locations through the modification of eight existing seats on the ends of rows at the rear of the dress circle. These can be modified for each show depending on demand.

The enlargement of the opening in the rotunda would also provide level access through the entrance and into the newly created bar area. Additional accessible WCs will be installed as part of the works at ground and dress circle level.

The proposed development would have the benefit of improving access, providing better circulation, an enhanced entrance and wheelchair accessibility from ground floor to the theatre through the installation of a lift. This would be in accordance with Policy C6 and achieve inclusive access guidance.

Design

The key external alterations associated with this proposal comprise the alterations to the shopfront, canopy and the creation of the lift and WC area to the rear of the building.

High quality and inclusive design is encouraged at all policy levels. NPPF (Section 12) promotes the creation of high quality buildings and places. This is reinforced by the London Plan **Policy D4** (Delivering Good Design) and **D5** (Inclusive Design).

At the local level Camden Local Plan **Policies HC1** (Heritage Conservation and Growth), **C6** (Access for All), **D1** (Design) and **D2** (Heritage) are all relevant.

Policy D1 of the Local Plan seeks proposals 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 proposals must preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

Policy D3 (Shopfronts) expects a high standard of design in new and altered shopfronts, considering its design, details, materials, relationship to the upper floors and general characteristics of the area, among other criteria.

The Charing Cross elevation would also be improved through the installation of new integrated doors and windows, replacing the existing shopfronts. The new fenestration would provide a larger windows into the new bar spaces, as well as accessible entrances – providing more vibrancy and activity than the existing narrow shop units. The building frontage would, on the whole improve as a result of these alterations, within an area which is undergoing a significant degree of change up and down Charing Cross Road.

To that degree, the Proposed Development would meet the requirements of Policy D3, adding natural surveillance, accessibility and high quality design, which line up with the four bays of windows in Phoenix House above.

The existing canopy is nearing the end of its useful life and deteriorating rapidly. The canopy wraps around the façade of Phoenix House and is to be modernised by incorporating digital screens to provide a more contemporary and dynamic presence. It is also proposed to install a new phoenix motif to the south western corner to provide some prominence to the building and theatre use from the south.

The installation of the platform lift and associated works is situated entirely within the central lighwell, which sits between the rear of Phoenix House and the rear of the theatre. The installation would not have any impact on any public views as it would be completely unseen from the street. It would not, therefore, have any impact on the streetscape and its simple design would be of good quality.

Overall, we are confident that the proposed alterations to the building would represent high quality design which respects local context. We discuss the heritage impacts of the proposals below.

Heritage

As noted above, Local Plan **Policy D2** sets out the Council's policies with regard to works to listed buildings and within conservation areas.

This Application is supported by a separate Heritage Statement, which assesses the application proposals. The theatre was listed in the Grade II category in October 1973, with the list entry as set out in **Appendix 1**.

The significance of the theatre can be summarised as follows:

- Its historic significance associated with an increase of theatre building between 1924 and 1931, during which eleven new west end theatres were created owing to favourable financial conditions. Unlike many of the theatres of this period, it was designed to be principally used for theatrical performances, rather than with eye on the possible need to adapt to cinema screenings;

- The historic association with the designers, Sir Giles Gilbert Scott, who designed the curved frontage to Charing Cross Road; Bertie Crewe who was a prominent theatre specialist of the time, and the free-renaissance interiors associated with Theodore Komisarjevsky, interior Vladimir Polunin paintings, including the safety curtain (now rare). Also the architectural qualities of the front of house spaces such as the Phoenix Street entrance foyer;
- The interesting architectural form of the site, taking its entrance from Phoenix Street (designed in a unique Spanish-style), and also the prominent frontage placed at the opposite end of the site onto Charing Cross Road, and contained behind the Charing Cross Road frontage (now occupied by Phoenix House).

The setting of the building is that experienced principally from Charing Cross Road and Phoenix Street. Phoenix House, facing directly on to Charing Cross Road was developed independently from the theatre (it may be understandable that Bernstein, for whom the theatre was built, did not want to acquire the more expensive Charing Cross Road frontage). The curved frontage facing Charing Cross Road presents a somewhat diminutive presence in the street, slightly shorter than both Phoenix House which encloses the site frontage and the neighbouring 114-116 Charing Cross Road, a full storey taller. Nevertheless, the curved frontage enclosing a recessed first and second floor above the entrance canopy lends a presence in the street, especially when approaching the site from the north. The Phoenix Street frontage is viewed only obliquely from the main thoroughfare of Charing Cross Road and is best experienced in the more intimate, quite atmosphere of the side street. Phoenix Street, which is of a mixed character. The lightwell between the rear of Phoenix House and the theatre itself makes no contribution to the significance of the theatre by way of setting.

The retail units at the ground floor of Phoenix House detract from the setting of the listed building by virtue of their unkempt character and proliferation of shutters and signage. The units similarly detract from the character and appearance of the Denmark Street Conservation Area and Phoenix House as a whole is identified by Camden as not making a positive contribution to the character and appearance of the conservation area. The site falls within Sub Area 3: Charing Cross Road, and the theatre makes a positive contribution appearance of the area and in particular its character in terms of performance and music related uses. The Conservation Area Appraisal highlights that the Site makes a positive contribution to the intimate scales of Flitcroft Street and Phoenix Street.

The erection of the lift enclosure within the lightwell has minimal impact on historic fabric of the building, and has no impact on any aspect of significance formed by the setting of the building. The principal impact on the building will be the creation of the door to access the lift lobby at the rear of the dress circle. While this will result in the removal of some fabric to create the opening, the proposed opening does not intersect with any mouldings or interior fixture or fitting which would detract from one's overall appreciation of the auditorium interior. Any harm arising is 'less than substantial' in NPPF terms, and at the very lowest end of the scale. The proposed door and surround is of a decorative style and finish consistent with the interior.

The proposed design of the seats to be demountable to accommodate wheelchair users does not result in any material impact on the significance of the building. Similarly, the adaptation of the dress circle timber screens to accommodate wheelchair users is an innovative one that enables the screens to be retained on site and a section temporarily removed and stored when the disabled seating is in use by wheelchair users.

There is a benefit to the building in terms of the reinstatement of the entrance lobby rotunda arch, which is proposed following the study of historic photographs.

Overall, the proposals result in minimal impact to the significance of the building, and any harmful element is limited to the creation of the door at the rear of the dress circle. The impact is mitigated by the location of the passageway and the

incorporation of appropriate detailing in the door and surround. The minor works in the lobby result in a minor enhancement to the significance of this space by reflecting the original 1930s archway.

The structures at the rear, to accommodate the lift have no impact on the character and appearance of the conservation area. Overall the character and appearance of the conservation area will be improved by the renewed elevations at the ground floor. The association with the theatrical use will enhance the character and appearance of this part of Charing Cross Road, contributing to the lively and energetic character of the vicinity.

We consider that overall the proposals have a net neutral impact on the significance of the theatre and an enhancement to the character and appearance of the conservation area through the enhancement of the Charing Cross Road frontage. If however the planning authority identifies harm, this is capable of being outweighed by the planning benefits identified below, including accessibility and enhancements to the flexibility and viability of the theatre.

OTHER CONSIDERATIONS

With regard to waste, the existing theatre has a centralised waste management area to the rear of the building, along Stacey Street. All waste is collected from the building and stored in the bin store adjacent the stage door. There would be no change to the waste management regime or storage as part of these proposals.

With regard to amenity, the key considerations relate to the use of the ground floor as a bar, and the installation of the lift to the rear lightwell. The lift would be situated within the lightwell in relative proximity to the residents of Phoenix House. However, the additional bulk is unlikely to harm residential amenity, especially when the majority of the immediate residential façade is made up of front doors and non-habitable windows serving bathrooms or kitchens.

On the proposed change of use, the new use is likely to be a more 'active' one than the existing retail units, which trade mostly during daytime hours. The new use would be linked to the existing theatre which already operates during evenings, with the majority of trips associated with the arrival and departure from an evening show.

The new bar and merchandising area is intended to operate during the current theatre hours, and not be open later into the night. It is anticipated that the bar will be used mostly pre-show with limited post-show usage, as most patrons leave the premises following the end of a show to find alternative establishments for food and drinks. However, there is an opportunity for merchandising sales post-show.

The applicant is confident that the use of the ground floor to provide a range of uses, including food, beverage, ticketing and merchandising would not disturb or materially impact upon the amenity of existing adjacent residents.

Likewise, the proposals include the rationalisation of existing plant, which would overall be an improvement.

CONSULTATION

This Application has developed pursuant to pre-application advice with the London Borough of Camden. A meeting was held with planning and conservation officers on-site on 24 November 2022 and the Design and Access Statement makes reference to where responses have been implemented in the proposals.

In addition, the Applicant has engaged with the Theatre's Trust during the pre-application stage, which included written feedback in August 2022 (enclosed within the Application). They were keen in expressing their support towards the creation

of additional theatre space, which in accordance with Policy C3, would support an existing cultural facility within the borough.

The physical alterations and wider proposed works have moved on since this pre-application, although the Trust was broadly in support of the internal and external works associated with this development. The Applicant will continue to engage with the Trust.

The project team also has a scheduled meeting with the Covent Garden Community Association to discuss the proposals, in December 2022.

CONCLUSION

Overall, we consider our scheme would overall accord with the strategic objectives of planning policy at national, regional and local levels and comprises sustainable development. Whilst the loss of the former retail units, would not strictly be in accordance with the Local Plan policy, this is partly out-of-date and other circumstances exist that we believe would make this acceptable – including the heritage benefits of the proposal.

There is a unique opportunity for the theatre to expand its operations and provide additional customer facilities to provide a multi-functional space which could be utilised for F&B, ticketing and merchandising – a flexible space for incoming productions to make their own, or for ATG to operate.

This would continue to ensure a commercial use within the shopping frontage, which adds to the vitality and vibrancy of the street. It would also enable the theatre to continue to operate viably into the future, which is beneficial from a heritage perspective.

From a heritage perspective, the Proposed Development are deemed to have a net neutral impact on the significance of the theatre and an enhancement to the character and appearance of the conservation area through alterations to the frontage. Should the local authority find harm, this is at the lowest end, and is outweighed by the benefits of the development.

The benefits include enhancements to the flexibility and viability of the theatre, improvements to the accessibility of the venue and the enhancement of the shopping frontage through a more active ground floor use, linked to the theatre.

Accordingly, this application for full planning permission and listed building consent should be approved.

APPLICATION PROCEDURE

This Application is formed of the following documents:

1. Completed Application Form (with Ownership Certificates);
2. This Cover Letter (including Planning Statement), prepared by Montagu Evans;
3. Site Location Plan (1:1250);
4. Community Infrastructure Levy Form;
5. Application Drawings prepared by Pawlik + Wiedmer (“PW”), including
 - a. Existing Plans, Sections & Elevations;
 - b. Demolition Plans and Sections;
 - c. Proposed Plans, Sections, Elevations;

- d. Existing & Proposed Detailed Drawings (including Rotunda & Dress Circle Openings);
6. Design and Access Statement prepared by PW;
7. Phoenix Theatre Access Statement, prepared by ATG; and
8. Heritage Statement, prepared by Montagu Evans.

The full list of submitted application drawings is set out within the Design and Access Statement.

The requisite application fee of £494.20 (including service charge) has been paid at the time of submission, via the Planning Portal. The reference is **PP-11743922**.

We would be grateful if LBC could confirm that our Application is complete and will be validated shortly. In the meantime, should any further clarification, information or assistance be required, please do not hesitate to contact Tim Miles (tim.miles@montagu-evans.co.uk / 07818 012 444) or James Huish (james.huish@montagu-evans.co.uk / 07818 012 484) of this office in the first instance.

Yours sincerely,



MONTAGU EVANS LLP

Enc.

APPENDIX 1 – LIST ENTRY

APPENDIX 2 – LIST OF OWNERS

APPENDIX 3 – THEATRES TRUST PRE-APPLICATION LETTER

APPENDIX 1 – HISTORIC ENGLAND LIST ENTRY

Theatre. 1929-30. By Sir Giles Gilbert Scott, Cecil Masey & Bertie Crewe. For Sydney Bernstein. Interior by Theodore Komisarjevsky. Stucco with brick and stone.

EXTERIOR: facades to Charing Cross Road and Phoenix Street. Charing Cross Road facade on a curved corner with Corinthian columns from 1st to 2nd floors, curved entablature, attic storey with 7 deeply recessed rectangular lights and enriched architraves, those at right and left projecting. Cornice and pantiled roof. Ground floor has 2 pairs of enriched 2-leaf doors, each with 14 bevelled lights. Facade to Phoenix Street ground floor has 3 pairs of enriched 2-leaf doors, each with bevelled lights and decorative fanlights, recessed between decorative metal grilles, to either side of which timber panelled 2-leaf doors recessed in brick architraves. Continuous metal balcony at first floor level. Central feature of stone with 3 round-headed windows, from 1st to 2nd floors, with moulded architraves on Ionic twisted columns and a balcony. To either side, fluted, paired pilasters. Above, a richly decorated entablature, modillioned cornice, blocking course and 4 brick dormers. Flanking this feature, in brick, at 1st floor level, 12-light metal casement windows with brick pediment over, at 2nd floor level, 12-light metal windows with brick lugged architrave.

INTERIOR: of elaborate Renaissance design, both auditorium and foyer with painted panels by Vladimir Polunin. The elaborately painted safety curtain forms the fourth wall of the auditorium decoration and is a key part of the composition.

HISTORICAL NOTE: the interior decoration of this theatre, well-preserved, anticipates Bernstein's patronage of Komisarjevsky and Polunin in his subsequent 'Granada' chain of cinemas.

Appendix 2 – List of parties notified of Application – CERTIFICATE B

I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates

Owner	Address	Date Notice Served
KIRAN GOK LUNE LEE	231, Threfford Road, Downham, Bromley, Kent	16 December 2022
BRIAN THOMAS MATHIE	Flat 2, Phoenix House, 104-110 Charing Cross Road, London	16 December 2022
PETER RODNEY STEELE	3 Phoenix House, Charing Cross Road, London	16 December 2022
(1) Iain Frederick Stewart (2) Roberta Giuliana Stewart	Flat 4, Phoenix House, 104-110 Charing Cross Road, London, WC2H 0JN	16 December 2022
Julie Ann Clapham	Flat 5, Phoenix House, 104-110 Charing Cross Road, London, WC2H 0JN	16 December 2022
(1) Emanuele Bohm (2) Paola Barbetti	62 St Martins Lane, London, WC2 4JS	16 December 2022
SOOK FONG LOW	7 Phoenix House, 104 to 110 even Charing Cross Road, Holborn, London, WC2H 0JN	16 December 2022
BRYAN JOHN HALL	Roiter Zucker Solicitors, 5 Broadhurst Gardens, Swiss Cottage, London, NW6 3QX	16 December 2022
Paul Tyrone De Freitas	10 Phoenix House, Charing Cross Road, London, WC2H 0JN	16 December 2022
Joe Sebastian Shrapnel	Flat 11, Phoenix House, 104-110 Charing Cross Road, London, WC2H 0JN. DX92806, Hampstead Heath	16 December 2022
Lara Panzini	Flat 12, Phoenix House, 104-110 Charing Cross Road, London, WC2H 0JN	16 December 2022
(1) Hans Joachim Fuhrig (2) Gertrud Schilcher Fuhrig	Orleansstr, 53, 81667, Munchen, Germany	16 December 2022
Powis Street Property Company Limited	10 Perrins Lane, London, NW3 1QY	16 December 2022
Alexander Bernard Mark Bray	Flat 16, Phoenix House 104-110 Charing Cross Road, London, WC2H 0JN	16 December 2022
Calum Dickson	Flat 1, Arrowsmith House, Tyers Street, London, SE11 5HA	16 December 2022

BRADLEY DAVID PERRETT	18 Pheonix House, 104-110 Charing Cross Road, London, WC2H 0JN	16 December 2022
Peter Alexander Geza Scott	Flat 19, Phoenix House, 104-110 Charing Cross Road, London, WC2H 0JN	16 December 2022
Tham Lertsupakul	Flat 20, Phoenix House, 104-110 Charing Cross Road, London, WC2H 0JN	16 December 2022
PEI LING HO	Flat 21, Phoenix House, Charing Cross Road, London, WC2H 0JN	16 December 2022
SOHO HOUSING ASSOCIATION LIMITED	18 Hanway Street, London, W1T 1UF. registeredoffice@sohoha.org.uk	16 December 2022
Ian Robert Morley	Flat 23, Phoenix House, 104-110 Charing Cross Road, London, WC2H 0JN	16 December 2022
Christopher Burton	15 Ash Street, Salford, M6 5WA	16 December 2022
(1) Catherine Rosamund Thompson (2) Alexander William Thompson	Flat 25, Phoenix House, 104-110 Charing Cross Road, London, WC2H 0JN	16 December 2022
TAHIR HUSSAIN BABAR	Flat 26, Phoenix House, 104-110 Charing Cross Road, London, WC2H 0JN	16 December 2022
ATG LONDON LIMITED	2nd Floor, Alexander House, Church Path, Woking, GU21 6EJ	16 December 2022
Aviva Investors Ground Rent Gp Limited	St Helens, 1 Undershaft, London, EC3P 3DQ	16 December 2022
The Phoenix Artist Club Limited	104-110 Charing Cross Road, London, WC2H 0JN. York House, Church Lane, Chalfont Street, Gerrards Cross, Buckinghamshire, SL9 9RE	16 December 2022
TRANSPORT FOR LONDON	5 Endeavour Square, London, E20 1JN. 7th Floor, Yellow Zone, 197 Blackfriars Road, London, SE1 8NJ. PAR@tfl.gov.uk	16 December 2022

Signed – 16 December 2022

Montagu Evans

MONTAGU EVANS LLP

APPENDIX 3 – THEATRES TRUST PRE-APPLICATION RESPONSE, AUGUST 2022

Protecting theatres for everyone



Ref.: TC/2025

08 August 2022

James Bradshaw
Ambassador Theatre Group
115-119 Shaftesbury Avenue
London
WC2H 8AF

By e-mail: JamesBradshaw@theambassadors.com

Dear James

Thank you for meeting with us to discuss a potential project at the Phoenix to integrate the shop units along the building's Charing Cross Road elevation into the theatre. This letter sets out our comments and in-principle support for the scheme.

Remit:

Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

Comments:

The Phoenix is unusual in that it has two main frontages with contrasting designs and styles, one to Charing Cross Road with a curved corner oriented northwards with a loggia containing four large columns above the canopy and decorative attic and the other to Phoenix Street with a three-bay arcade with twisted columns and decorative sculpting. These lead to theatre which is broadly to the centre and north of the site, wrapped between a block along Charing Cross Road with shop units to the ground floor and residential apartments above with two further residential blocks along Phoenix Street and Stacey Street. It therefore has limited prominence and visibility of its own, mitigated by a canopy extending along the Charing Cross Road block between the two entrances and large signage to the corner with Phoenix Street facing southwards. Like many historic theatres within the West End and elsewhere there is also a general lack of accessibility and front of house provision.

The possibility of acquiring the Charing Cross Road shop units has arisen. These are currently in a mixture of A1 and Sui Generis uses; one is currently vacant. In the recent past two of these units were a single unit which was sub-divided. These units have contrasting and poor-quality shopfronts and we understand they are let on short-term rolling leases. The intention is that these would be combined into a single unit and utilised as a bar/cafe for the Phoenix with new openings into the theatre behind and a relocated box office. In turn this would enable

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opportunities to address wider deficiencies within the theatre, such as making more of the building accessible and providing further WCs.

Change of use

The Phoenix is within a designated town centre (Central London Frontage – Tottenham Court Road/Charing Cross). The Council does not have specific policy on the amalgamation of units. Through the Camden Planning Guidance on Town Centres and Retail (2021) they have sought to maintain a minimum of 66% of units to be in retail (A1) use within their frontage along the eastern side of Charing Cross Road.

We believe the current figure is already below this at around 55%. This proposal would reduce this further to 50%. However we consider there to be compelling grounds for an application for change of use to be successful. Of the current retail units we believe six to be vacant (36% of all units within the frontage), one of which is within scope of this project. Changes to the Use Classes Order grouped many town centre functions together meaning there is nothing to prevent conversion of retail units (old class A1) to other Class E uses including restaurants. The wider context should also be considered; this particular area of Charing Cross Road has significant retail units either side of the theatre as well as directly opposite. There is a high proportion of retail south of this section across Cambridge Circus and north along Tottenham Court Road. Therefore change of use would add to the diversity of uses. It would provide an opportunity to install a uniform shopfront of better design and standard than is currently in place, helping to improve the wider environment and setting of the conservation area. Notwithstanding the target proportion of retail units, the guidance is supportive of new food, drink and entertainment uses. Moreover it would provide significant benefits for the theatre, helping to enhance and sustain it as a cultural and heritage asset.

How the new unit will be operated and managed is to be defined. We would suggest that providing an all-day offer would be received favourably because it would maintain activity and an active frontage. It would also provide the benefit of allowing more people to engage with the theatre. There would be great merit in this being a formal part of the theatre because falling under its Sui Generis classification would afford better future safeguarding of the space particularly it will become important in being able to access the new access and facilities being proposed. Similarly if there is not an outright purchase the length and nature of a lease for the units should be carefully considered and agreed to ensure the theatre would not be compromised upon a future termination.

Camden's Local Plan places emphasis on protecting facilities and seeking new cultural and leisure facilities in the borough. It is largely silent on expansion and enhancement of existing provision although paragraph 4.60 of the supporting text for Policy C3 (Cultural and leisure facilities) states, "The Council wants to ensure that existing cultural and leisure attractions are sustained and enhanced". Paragraph 4.64 says, "The cultural and leisure sector will require more floorspace as Camden and London's population grows and in order to sustain its future success". This alludes to expansion of the Phoenix's facilities and offer being something the Council would support, particularly read in conjunction with wider outcomes on heritage, design

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(including shopfronts) and town centre uses. We would be keen to support your case to the Council.

Alterations within the theatre

Aside from the new bar/cafe and associated works there would be a number of alterations within the auditorium and existing front of house areas. This includes inserting a lift to the circle level utilising a light well to the rear of the shops, creating new accessible seating positions as currently wheelchairs are limited to boxes with restricted views, adding additional accessible WCs and having a shared accessible entrance. The new front of house capacity and facilities would allow more flexible use in terms of the type of shows and events the Phoenix can attract. These are to be welcomed.

Detailed plans for these alterations are not yet available, therefore our comments are high-level based on principle. There are however a number of considerations that will need to be reviewed as the scheme is progressed. For example the lift would initially only be able to serve the circle level because of the bar/club within the basement level being under a separate lease and serving higher is constrained by rights to light issues associated with the residential units. It should be ensured that the lift position and servicing would allow for future extension if circumstances changed. Whilst new or improved accessible facilities are welcomed it would be optimal for the accessible WC to be the same level as the wheelchair seating positions. Similarly opportunities for increase in general WC facilities particularly female should also be explored. As with the project at the Ambassadors, these works potentially offer an opportunity to rationalise and upgrade cabling, servicing and ventilation.

In terms of heritage, aside from ensuring alterations and openings do not harm sensitive features and fabric internally it will be important that the impact of a new entrance to the theatre will be considered to maintain the function and prominence of the two existing entrances.

In terms of heritage, aside from ensuring alterations and openings do not harm sensitive features and fabric internally it will be important that the ongoing functionality and heritage importance of the two existing entrances (one on Phoenix Street and the other on Charing Cross Road) is considered and that the impact of a new entrance to the theatre does not compromise the use of either.

Concluding comments

As set out above, we are supportive in principle of this project and would be keen to comment further once plans have been progressed.

Please contact us if we may be of further assistance or should you wish to discuss these comments further.



Tom Clarke MRTPI
National Planning Adviser

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