

PHOENIX THEATRE, CHARING CROSS ROAD HERITAGE IMPACT ASSESSMENT

16 DECEMBER 2022



CONTENTS

1.0	INTRODUCTION	3
2.0	POLICY.....	6
3.0	HISTORY OF THE THEATRE	11
4.0	STATEMENT OF SIGNIFICANCE.....	12
5.0	ASSESSMENT	16
6.0	SUMMARY AND CONCLUSION.....	18

APPENDIX 1	LIST DESCRIPTION OF PHEONIX THEATRE
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1.0 INTRODUCTION

- 1.1. This Heritage Impact Assessment (HIA) has been prepared by Montagu Evans LLP on behalf of the Ambassador Theatre Group ('ATG', hereafter referred to as the 'Applicant') in support of applications for planning permission and listed building consent for works to the Phoenix Theatre, Charing Cross Road, London, WC2H 0JP (the 'Site').
- 1.2. The Site is located within the administrative boundary of the London Borough of Camden (the 'Council'), who are the Local Planning Authority.
- 1.3. The location of the Site is shown in Figure's 1.1 below:



Figure 1.1 Site location plan (from DAS, courtesy of Pawlik and Wiedmer Architects).

- 1.4. The Phoenix Theatre is a Grade II listed building and is located within the Denmark Street Conservation Area. The building dates from 1929-30 and was built to the designs of renowned architect, Giles Gilbert Scott (1880-1960), and highly regarded theatre and cinema architects Cecil Masey (1880-1960) and Bertie Crewe (1860-1937). Theodore Komisarjevsky and Vladimir Polunin were responsible for the interior designs and interior paintings. The statutory listing description for the building is provided at **Appendix 1.0**.

THE PROPOSALS

- 1.5. The proposals by Pawlik and Wiedmer Architects provide a light touch to the historic fabric of the Phoenix Theatre and seek to improve the accessibility of the listed building and to provide enhanced facilities that are ancillary to the main theatrical use within existing retail units facing Charing Cross Road. The physical alterations proposed comprise:
- New opening to rear of Auditorium at Dress Circle level including adapting the seating to accommodate Wheelchairs;
 - Creation of a new and Enlargement of existing entrance into Rotunda Entrance Foyer; and
 - Enlargement of an existing opening to provide an accessible box office kiosk directly onto Charing Cross Road.
- 1.6. The seats and enclosing timber screens are altered in a way so that they become demountable as required by patrons who book wheel chair accessible seats. When not in use, the seats and screen will remain *in situ* - when occupied, the demounted seats and section of the screen will be stored on site.
- 1.7. The application also seeks several changes to Phoenix House, an adjacent building, which is not a heritage asset and are not assessed as part of this HIA. These changes are summarised in the DAS, submitted as part of the wider application.
- 1.8. This includes improvements to the street level frontage of Phoenix House and the provision of an accessible passenger lift to the Dress Circle level within the lightwell between the two buildings. The machinery and overrun will not have any visual impacts upon the Denmark Street Conservation Area. Denmark Street Conservation Area and the potential impact of the lift overrun are included in this HIA for completeness.
- 1.9. In its existing condition, the Phoenix Theatre lacks step free access to the Dress Circle and accessible seating. The current proportions and steps leading from the Rotunda Entrance Foyer is not adequate for wheelchair users; the proposals seek to alter this to enable greater, and easier, accessibility for wheelchair users. Provision of an accessible box office kiosk, fronting on to Charing Cross Road, will further enhance access for wheelchair users.

PURPOSE OF THIS REPORT

- 1.10. This HIA considers the effect of the proposals prepared by on the significance of the listed building. Where relevant, the report also considers the effect of the proposals on the character, appearance and function of the surrounding conservation area and any relevant setting effects on surrounding listed buildings. As the exterior works to the theatre are decidedly minor, this is a lesser consideration in comparison to the proposed interior alterations which seek to resolve issues with accessibility and subsequently, the overall functionality of the theatre.
- 1.11. By virtue of paragraph 194 of the NPPF, applicants for development proposals which have an effect on the historic environment are required to describe the significance of the identified assets so that the impact of the proposed works may be fully understood.
- 1.12. This report fulfils this requirement at Sections 3.0 and 4.0 by presenting an historic and architectural appraisal of the listed building and a summary assessment of the contribution

it makes to the character and appearance of the Denmark Street Conservation Area. The relevant statutory and planning policy considerations are outlined at Section 2.0, and the proposals are described and justified against that framework at Sections 5.0.

- 1.13. As the proposed works only relate to specific parts of the theatre interior, our analysis and discussion has focussed in on these particular areas and we do not provide a detailed discussion, for example, of the backstage areas or offices at the upper levels as these are not relevant to a consideration of the Proposed Development.

2.0 POLICY

- 2.1. This section sets out the planning policy context for the redevelopment of the Site, including national and local guidance.

LEGISLATIVE FRAMEWORK

- 2.2. The applicable legislative framework to this assessment includes the following:

- The Town and Country Planning Act 1990;
- The Planning and Compulsory Purchase Act 2004; and
- The Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act").

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS ACT) 1990

- 2.3. Legislation relating to the protection of the historic environment is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires local planning authorities to have special regard to the desirability of preserving the special interest of listed buildings and their settings and conservation areas.

- 2.4. With respect to this application, the relevant statutory provisions are:

- Section 16(2) which states:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- Section 66(1) which states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

- And Section 72(1), which states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

- 2.5. Section 16(2) is relevant as the proposals comprise of direct intervention to listed fabric.

- 2.6. Sections 66(1) and 72(1) are of relevance only by reason of the minor external works that are proposed and which have the potential to improve the external condition of the theatre without materially affecting its character or architectural identity.

DEVELOPMENT PLAN

- 2.7. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 stipulate that where in making any determination under the Planning Acts, regard is to be had to the development plan, and the determination must be made in accordance with that plan unless material considerations indicate otherwise.
- 2.8. The following documents comprise the statutory development plan:
- London Plan (2021); and
 - Camden Local Plan (2017).
- 2.9. The policies relevant the assessment of the design proposals for the listed building are set out in the table below.

Development Plan Policy	Key Provisions
London Plan (2021)	Chapter 3 (Design) <ul style="list-style-type: none">• Policy D3: Optimising Site Capacity through the Design-Led Approach• Policy D4: Delivering Good Design• Policy D5: Inclusive Design Chapter 7 (Heritage and Culture) <ul style="list-style-type: none">• Policy HC1: Heritage Conservation and Growth• Policy HC5: Supporting London's culture and creative industries
Camden Local Plan (2017)	<ul style="list-style-type: none">• Policy C3: Cultural and Leisure Facilities• Policy C6: Access for All• Policy D1: Design• Policy D2: Heritage

MATERIAL CONSIDERATIONS

- 2.10. In addition to legislation and policy, the assessment will take into consideration relevant planning guidance and any material considerations.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (2021)

- 2.11. The revised NPPF was published on 20 July 2021 and supersedes previous national planning guidance contained in various Planning Policy Guidance and Planning Policy Statements, as well as previous versions of the NPPF, first published in 2012. The NPPF sets out the Government's approach to planning matters and is a material consideration in the determination of planning applications.

SUSTAINABLE DEVELOPMENT

- 2.12. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 11 states that decisions should apply a presumption in favour of sustainable development.

DESIGN

- 2.13. Chapter 12 of the NPPF outlines the Government's policies regarding design. At paragraph 126 it is emphasised that:

“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

- 2.14. Paragraph 130 states planning policies and decisions should ensure that developments:

- *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovating or change (such as increased densities);*
- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- *optimise the potential of the Site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 2.15. Paragraph 134 states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

- 2.16. Taken together, it is clear that Paragraphs 130 and 134 support the creative design of buildings incorporating the highest standards of sustainable design and technology. Thus the NPPF encourages LPAs to look for opportunities to permit development which promotes high quality design incorporating the highest level of sustainable construction and operation.

HERITAGE

- 2.17. Chapter 16 of the NPPF sets out the policies relating to the conservation and enhancement of the historic environment. At the outset, paragraph 194 specifies that:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

- 2.18. The NPPF defines significance as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

- 2.19. **Sections 3 and 4.0** of this report fulfils the requirements of paragraph 194 of the NPPF. In terms of the impact of a Proposed Development on heritage assets, the relevant policies are set out at paragraphs 199-202.

- 2.20. Paragraph 199 states that:

“When considering the impact of a Proposed Development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

- 2.21. In essence, great weight should be given to the conservation of heritage assets. Conservation is defined as ‘managing change’.

- 2.22. Paragraph 202 has regard to less than substantial harm. It states 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.”

- 2.23. Other material considerations include:

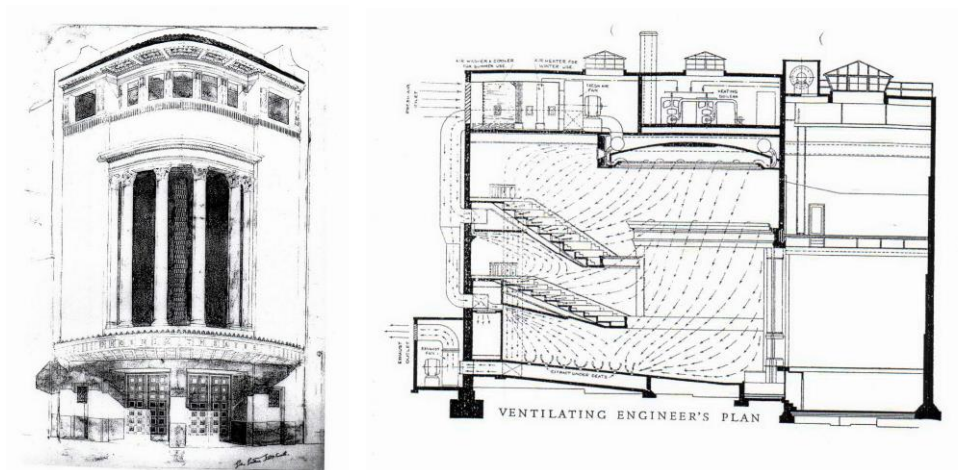
- National Planning Practice Guidance (online);
- Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA) (2013);
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015);
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2017); and
- Denmark Street Conservation Area Appraisal and Management Strategy (London Borough of Camden, 2010).

“INTERNAL HERITAGE BALANCE”

- 2.24. The “internal heritage balance” is derived from an interpretation of a Court of Appeal judgment that considered paragraph 66 (1) known as **Palmer** ([2016] EWCA Civ 1061).
- 2.25. Practically this has meant that paragraphs 201 or 202 would only be engaged if there was “net” harm after the internal heritage balance (or weighing heritage harms and heritage benefits). The approach has been accepted at many appeals by all parties but not at others.
- 2.26. The recent Court of Appeal judgment known as **Bramshill** ([2021] EWCA Civ 320) found that the Palmer judgement does not lead to an “internal heritage balance” as a matter of course [71]. There are different ways that a decision maker can apply the balance of harm versus benefits [74], and some of these are summarised in the judgment [78].
- 2.27. Another, and the most recent case that considered this issue of the approach to the balancing act is the Whitechapel Bell Foundry case (refs. APP/E5900/V/20/3245430 and APP/E5900/V/20/3245432). That decision confirmed that the Palmer approach of an “internal heritage balance” is a legitimate one to follow in undertaking the balancing act, confirmed by both the Inspector reporting on the case and the Secretary of State. That as long as the great weight provision is applied, either approach is valid.

3.0 HISTORY OF THE THEATRE

- 3.1. The Phoenix Theatre was built in 1930, at the end of a period where eleven theatres were built within seven years, corresponding to the economic upturn of the period and its subsequent deflation following 1929. It was designed by a team of architects, interior designers and artists including: Cecil Masey, Giles Gilbert Scott, Bertie Crewe, Theodore Komisarjevsky and Vladimir Polunin. In plan, it forms an irregular shape (figure 1.1) and was stitched together through the acquisition of a factory building before becoming the Alcazar music hall. The client for the Phoenix Theatre, Sidney Bernstein (1899-1993), subsequently purchased the hall and the two adjacent houses, which made up the Site for the theatre. Bernstein later founded Granada Cinemas, many of which are now listed, and were designed by the members of the team he commissioned for the Phoenix.
- 3.2. Opening in 1930 with Noel Coward's *Private Lives*, the Phoenix has run predominantly as a playhouse with occasional middle-scale musical productions. It has a capacity of just over 1,000, which is at the upper end of capacity for a West End playhouse of this style.
- 3.3. Typical of the West End theatres, which are often shoehorned into tight sites and spaces, the Phoenix suffers from a peculiar circulation pattern which 'lacks clarity' and the sites severely restricting scope for additional facilities and alterations. Designed as a tiered proscenium house (as shown on the ventilating section below); the proscenium stage is framed, with deep and sometimes sloped stages rising away from the audience. Theatres containing such a stage might usually have an orchestra pit for live music and a fly tower for the movement of scenery and lighting.



Figures 3.1 and 3.2 On the left, is Giles Gilbert Scott's sketch for the entrance to the theatre on the corner of Charing Cross Road and Flitcroft Street; on the right is a section showing a ventilation diagram and the tiered seating system with stage to the right. (John Earl, 2004, Conservation Statement for Phoenix Theatre).

4.0 STATEMENT OF SIGNIFICANCE

4.1. This section describes the special interest of the Phoenix Theatre. This is followed by an appraisal of that interest against the criteria set out in Historic England's selection guide Culture and Entertainment.

4.2. The NPPF (2021) defines significance as:

'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

DESIGNATIONS

4.3. The Phoenix Theatre was first designated in October 1973. The statutory list entry is provided in full at Appendix 1.0.

4.4. The Phoenix Theatre is situated within the Denmark Street Conservation Area, within the London Borough of Camden. It is situated close to the Soho Conservation Area which falls within the administrative boundary of Westminster City Council, the boundary of which is defined by Charing Cross Road.

SPECIAL INTEREST TO THE PHOENIX THEATRE

EVIDENTIAL VALUE

4.5. The Phoenix Theatre has evidential value in its ability to convey the historic and present use as of the Site as a theatre.

HISTORIC VALUE

4.6. Historic interest in its association to the seven-year-surge in theatre building that climaxed in the year that the theatre was built. Associations to leading architects, theatre architects, interior designers and artists in its design: Cecil Masey, Theodore Komisarjevsky, Vladimir Polunin, Giles Gilbert Scott and Bertie Crewe add further historical interest.

ARCHITECTURAL AND AESTHETIC VALUE

Exterior

4.7. The exterior of the building, with its dramatic and curved frontage to Charing Cross Road, holds significance through the manner in which it turns the corner on to Flitcroft Street. The interior of the rotunda entrance acts as a pinwheel, moving attendees into the various areas that span from it, with the exterior expressing this planform. The overall form (ground entrance, billboards, recessed portico carrying the frieze later and soffits above) is site specific, dealing with the urban corner; its architectural language and neoclassical references are commonplace in theatre design of the period. The Phoenix Street is rather different, ornate and likely to have been designed by Komisarjevsky and holds a high level of architectural and artistic interest.

Interior

- 4.8. Architectural interest in its interiors designed by Theodore Komisarjevsky and the architectural team led by Cecil Masey. The building has artistic interest. The building's interior form is designed as a tiered proscenium house – the traditional form of theatre space in London at the time of construction – with a dressed up, contemporary elevation. The decorative treatment of the interiors, despite the conservative plan and tiered forms of the auditorium, was highly ornamental and are considered to be of importance to the architectural interest of the theatre. In historical terms, Komisarjevsky is known for his work on the Granada Cinemas (alongside Masey), and this early work of his, are seen as a precursor to these, many of which are listed in their own right.
- 4.9. Along the rear of the Dress Circle, there are openings adjacent to the walkway that spans the rear of the backrow of seats. The language of the doors along this stretch is generally carried throughout the building, with hardwood panels and decorative mouldings. Due to the circulation of the building, the placing of openings in the Dress Circle are a response to the wider plan of the building.

Artistic and Social Value

- 4.10. The works of Vladimir Polunin (1880-1957) are of great significance to the architectural and artistic interest the building holds. The interior paintings, by Polunin were influenced by great works of art by Tintoretto, Titian, Giorgione, Pinturicchio and Corbizzi, and complement the Renaissance styled interiors Komisarjevsky had designed. The safety curtain features a painting in the style of Del Sellaio, completes the unified treatment of style of the interior and is a rare surviving example.

Contribution by setting

- 4.11 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.
- 4.12 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.

DENMARK STREET CONSERVATION AREA

- 4.13. The Denmark Street Conservation Area Appraisal and Management Strategy (2010) places the Phoenix Theatre within one of three subareas (Charing Cross Road subarea) within the conservation area. The historic heart is the St Giles Church and Churchyard, with the piecemeal development of streets, buildings and open spaces around it.
- 4.14. The appraisal states that the northern edge of Phoenix Street is dominated by the theatre. The street 'allows a pleasant vista westwards across the Borough boundary to the sculpted stone entrance of Central St Martins College of Art and Design, which is within the City of Westminster'. It further states that the contemporary residential developments provide a 'neutral backdrop'. The rear of the theatre, as seen along Flitcroft Street, further provides an intimate character to what is a narrow alleyway.
- 4.15 The retail 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. 4.16. The Site's contribution to the conservation area is through the main frontage to the theatre is the primary (and positive), providing variety to the built environment. With the conditions the building provides in terms of scale fronting Flitcroft Street and Phoenix Street being of secondary importance to this. The frontage to Charing Cross Road of Phoenix House detracts from the appearance by virtue of their unkempt character and proliferation of shutters and incoherent signage.

SUMMARY

4.14. The Phoenix Theatre's significance is derived from:

Historical Interest:

- Context of theatre development in the 1920s in central London;
- Association with Sidney Bernstein and design team which went on to work on the Granada theatres;
- Association to significant architects, Cecil Masey, Bertie Crewe and Giles Gilbert Scott; and
- Association to significant interior designers and artists Theodore Komisarjevsky and Vladimir Polunin.

Architectural and Artistic Interest:

- Manner of the frontage turning the corner from Charing Cross Road to Flitcroft Street;
- Renaissance influenced interior paintings by Vladimir Polunin; and
- Renaissance influenced decoration and interiors designed by Theodore Komisarjevsky.

Contribution to Denmark Street Conservation Area:

- Frontage on Charing Cross Road; and
- Tight enclosure along Flitcroft Street and Phoenix Street.

5.0 ASSESSMENT

- 5.1. In this section we provide an assessment of the proposals on the significance of the listed theatre. This discussion should be read alongside the Design and Access Statement ('DAS') and planning drawings prepared by the architects to support these applications for planning and listed building consent.
- 5.2. The scheme, designed by architects Pawlik and Wiedmer, has been informed by the need to improve the accessibility and functionality of the theatre. Typical of theatres of this type, the internal circulation causes issues with pinch-points in the plan making accessibility difficult. To ensure accessibility, these proposals seek to install a passenger lift (within the unlisted Phoenix House) and for an opening to be made in the rear wall of the Dress Circle level for access from the lift. From here, the proposals seek to adapt four seats to be replaced with wheelchair accessible chairs. In addition to this, the lift within Phoenix House will require machinery placed within a rear lightwell; any impacts on the Denmark Street Conservation Area will be assessed here. This section makes an assessment on the significance of the Phoenix Theatre in light of these proposed changes.

IMPACT ON SIGNIFICANCE AS A WHOLE

- 5.3. As stated in the Statement of Significance above, the theatre derives much of its significance through its historical interest and its architectural interest is predominantly achieved through its exterior fronting Charing Cross Road coupled with the interior paintings by Polunin working alongside Komisarjevsky's Renaissance influenced interior. The impact on the rear wall would involve the removal of historic fabric, however, the provision of a door and surround in the manner of the Komisarjevsky interior would retain the overall theme of the aesthetic and enable greater accessibility through the access gained from the new passenger lift in Phoenix House. The seat frames are likely original, and the fabric has been replaced in the last thirty years. The temporary removal of seats, with the replacement of wheelchair accessible seats, will not impact the significance of the Phoenix Theatre. The vast majority of the 1000+ seats will remain in situ and the materiality of the seats are proposed to match the surrounding chairs.
- 5.4. As shown in the DAS, the works to the Rotunda serve to reinstate the lobby rotunda arch, which is proposed following the study of historic photographs.

IMPACT ON REAR WALL

- 5.5. The positioning of the opening is at an area where, in plan, the walkway behind the rear row of seats of the Dress Circle opens out. The doorway would be 1200mm x 2200mm and is positioned obliquely to the remainder of the wall. It will be a single leaf, hardwood panelled door with egg and dart mouldings surrounding each panel, replicating the form and appearance of other doors at this level. Pawlik and Wiedmer have taken care to mitigate any potential visual harm through this alteration through their analysis of other doors within the Dress Circle and have positioned it where it is both functional in the allowance of a turning circle for wheelchair users in the theatre, but also oblique to the majority of the rear wall. The loss of wallpaper in this location and the built fabric behind it would be minimal within the wider understanding of the entire interior language created by Komisarjevsky.

- 5.6. We conclude that the intervention has been fully mitigated, positioned in the best location for both accessibility and heritage significance. In addition to the above, any harm found to the loss of fabric, would be outweighed by the greater accessibility, and therefore increased appreciation of heritage significance of the interiors through the improved access for wheelchair users who might otherwise not be able to get to this level.

IMPACT ON SEATS

- 5.7. The removal of seats and their adaptation into wheelchair accessible seats will not impact the significance of the understanding of the seating as a whole.
- 5.8. Theatre seat specialists Kirwin Simpson are able to modify historic seating by mounting them onto steel 'skids' which are then bolted to the ground. A secondary piece of steelwork is fitted to the side of the remaining fixed seating. This method allows the seats to be removable with no loss of historic fabric.
- 5.9. Any loss is mitigated through the flexibility of the design, whereby the original seats will be stored on site and replace the wheelchair accessible seats when these are not in use. The changes to the timber screening ensure that the cut and change to the fabric is minimal and will allow for the continued usage of the remaining seats in the row; when the wheelchair seat is in use; the removal would only be temporary, and it would be reinstated when not in use. This is an innovative solution and mitigates any harm to the significance and understanding of the screens.

IMPACTS ON THE SETTING OF THE PHOENIX THEATRE AND DENMARK STREET CONSERVATION AREA

- 5.8. The lift machinery and overrun area would not be visible from the tightly enclosed areas that run alongside the theatre, of which, are identified as contributing to the significance of the Denmark Street Conservation Area. Furthermore, it would not be read in conjunction with the principal elevation as seen from Charing Cross Road. It would therefore have no impact on the conservation area.
- 5.9. The lift overrun would not be seen in relation to the principal elevation of the theatre, which externally, is where it holds architectural significance. It therefore has no impact upon the setting of the listed building.
- 5.10. The works to the frontages along Charing Cross Road will serve as an enhancement to the setting of the building itself and also the character and appearance of the conservation area, through the removal of the detracting features and unifying their frontages with a high-quality design. The new proposed use in association with the theatre will contribute to the vitality of this part of Charing Cross Road which forms part of the character of the conservation area.

6.0 SUMMARY AND CONCLUSION

- 6.1. Overall, we conclude that there would be no harm to the significance of the listed building, its setting or the Denmark Street Conservation Area. There would be a minor, adverse impact on the creation of a new door in the rear of the Dress Circle by virtue of the loss of a small volume of historic fabric, but this is mitigated by appropriate design of the proposed door.
- 6.2. The intervention improves accessibility and circulation within the theatre, which, historically has been compromised. It would enhance audience experience for wheelchair users and increases the ability to understand the historic fabric of the theatre through the improved accessibility.
- 6.3. 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.
- 6.4. 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.
- 6.3. In considering the proposals against policy, and first to the Development Plan, we consider that the proposals meet the provisions of relevant policies in the London Plan 2021 (Policies D3, D4, D5, HC1 and HC5).
- 6.4. In terms of the Local Plan, we conclude the proposals comply with the provisions of Camden Local Plan Policies C3 (Cultural and Leisure Facilities) and C6 (Access for All).
- 6.5. The proposals similarly meet the relevant criteria of Camden Local Plan (2017) Policy D1 (Design), including sustainable design requirements, creating a building that is inclusive and accessible, respecting local context, character, materiality and detailing and preserving local views.
- 6.6. It is our judgement that the test set out in Policy D2 (Heritage) which states that the Council will not permit developments which result in less than substantial harm unless the public benefits of the proposal 'convincingly outweigh that harm' is satisfied by the proposals. The design team have demonstrated that the interventions have mitigated against causing any degree of harm through the careful positioning of accessible doors, analysis of the historic fabric and the design of new elements to be constructed through the process.
- 6.7. If harm is to be found by the decision maker, this would be at the very lowest end of less than substantial harm. This would be outweighed by the public benefits of improving accessibility both in relation to the development plan and the increase of understanding of the listed building for wheelchair users. There is a net neutral impact on the significance of the theatre through this alteration. Additional benefits are found in the improvement to the

frontage of Charing Cross Road, whereby the character and appearance of the Denmark Street Conservation Area is improved.

- 6.8. There are three statutory duties engaged by the proposals for the Phoenix Theatre: Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as set out the specifics of these in **Section 2.0** of our report.
- 6.9 It is only logical that almost any works to a listed building which entail some elements of harm might include necessary works to original or historic fabric, the alteration/removal of fabric to enable essential services, or, in a public building, to enable access. We consider this to be the case at the Phoenix Theatre and have identified in our assessment above that the proposals are necessary for creating an accessible venue and improving the operational and functional performance of the building in a manner that will secure its continued use in the purpose for which it was designed. As stated, any harm found would be at the lowest end of less than substantial harm, and would be outweighed by the public and heritage benefits of the proposals. We therefore deem the proposals comply with the statutory duties.

APPENDIX 1: LIST DESCRIPTION OF PHOENIX THEATRE

TQ2981SE 798-1/104/197

CAMDEN, CHARING CROSS ROAD (East side), Phoenix Theatre

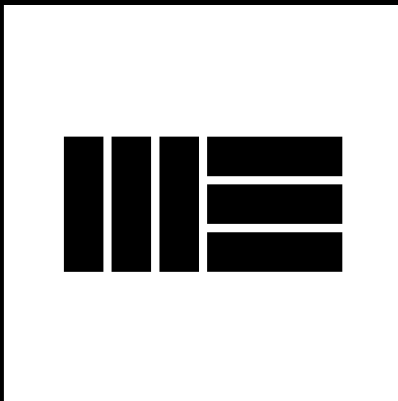
23/10/73

GV II

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.

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