

## REPORT SUMMARY

<b>REFERENCE NO - 22/03621/LBC</b>			
<b>APPLICATION PROPOSAL</b> Listed Building Consent - Construction of new means of escape within existing servery area involving the enlargement of existing door openings, removal of existing walls, addition of new fire resisting walls/doors and access ramp			
<b>ADDRESS</b> Assembly Hall Theatre Crescent Road Royal Tunbridge Wells Kent TN1 2LU			
<b>RECOMMENDATION</b> - Grant subject to Conditions (see section 11 of the Report for the full recommendation)			
<b>SUMMARY OF REASONS FOR RECOMMENDATION.</b> <ul style="list-style-type: none"> <li>Whilst the proposal would result in 'less than substantial harm' to the significance of the heritage asset, the public benefits of the proposal (increased levels of safety and the consequent ability to use the Assembly Hall to its full capacity) would outweigh this harm.</li> </ul>			
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> The following are considered to be material to the application: <b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A</b> <b>Net increase in numbers of jobs: N/A</b> <b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A</b> The following are not considered to be material to the application: <b>Estimated annual council tax benefit for Borough: N/A</b> <b>Estimated annual council tax benefit total: N/A</b> <b>Estimated annual business rates benefits for Borough: N/A</b>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Tunbridge Wells Borough Council are the landowners and the applicants (under Regulation 3 of the Town and Country Planning General Regulations 1992)			
<b>WARD</b> Park	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Property and Estates <b>AGENT</b> N/A	
<b>DECISION DUE DATE</b> 09/02/23	<b>PUBLICITY EXPIRY DATE</b> 20/01/23	<b>OFFICER SITE VISIT DATE</b> Various (external)	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
22/01156/LDLB	Lawful Development Certificate (Proposed Works to a Listed Building): Repair and decoration works to all sash windows (other than those repaired and decorated during the emergency works of 2020) within the Town Hall and Assembly Hall Theatre	Approved	15/06/22
21/03715/LBC	Listed Building Consent: Installation of helical	Approved	08/04/22

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	bars to the external brick wall on roof J		
18/00849/LBC	Listed Building Consent: New fire resisting partitions, doors and shutters	Approved	08/06/18
15/509971/NMAMD	Non Material Amendment as the dimensions of the Air Handling Unit on the roof have reduced, AHU 3200L X 2300W X 2300mmH under reference number 15/505896/FULL	Approved	23/12/15
15/507293/LBC	Listed Building Consent: Floor strengthening works	Approved	17/11/15
15/505898/LBC	Listed Building Consent - Installation of air handling equipment to serve the auditorium requiring installation of air handling plant on roof of theatre, ductwork located in ceiling void over auditorium and installation of extract and intake openings	Approved	17/11/15
15/505896/FULL	Installation of air handling equipment to serve the auditorium requiring installation of air handling plant on roof of theatre, ductwork located in ceiling void over auditorium and installation of extract and intake openings	Approved	18/11/15
15/505564/LBC	Listed Building Consent - Removal of existing orchestra pit lift and replace with new lift and carry out associated structural and Mechanical and Engineering works to be able to accommodate the new lift	Approved	17/11/15
15/505428/FULL	Change of use of Lower Foyer Bar (LFB) to mixed use of bar and children's soft play space/child friendly cafe	Approved	17/10/15
09/01859/LBC	Listed Building Consent: Replacement of existing painted timber panelled doors with glazed light over with full height painted timber panelled doors	Approved	07/08/09
09/01024/LBC	Listed Building Consent: Alterations to existing stainless steel handrail between entrance foyer and upper foyer	Approved	22/07/09
04/01750/LBC	Listed Building Consent - New storage cupboards at ground floor level and circle level in fire escape stairs	Approved	05/08/04
04/01052/LBC	Listed Building Consent - Replacement cast iron soil and rainwater goods	Approved	06/04/06
04/01051/LBC	Listed Building Consent - Replacement hard wood doors and frames to front elevation	Approved	09/11/04
03/00279/LBC	Listed Building Consent - Replacement ventilation grilles at high level in auditorium	Approved	16/04/03
02/00387/LBC	Listed Building Consent - New fully glazed entrance lobby	Approved	09/07/02
02/00386/LBC	Listed Building Consent - Replacement entrance steps to main entrance doors and fire escape doors. Replacement high level windows to entrance foyer. Replacement seating	Approved	09/07/02
02/00384/LBC	Listed Building Consent - new lift for disabled access	Approved	09/07/02

01/01059/FUL	Change of use of 2nd floor flat to theatre ancillary use.	Approved	02/07/01
01/00776/LBC	Listed Building Consent - Alterations to entrance foyer and new office at control room level	Called in by Secretary of State	17/07/01
79/01113/LBC	Listed Building Consent - Demolition of part of wall	Approved	26/02/80
79/01064/FUL	Formation of vehicular access	Approved	21/01/80

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The application concerns the Assembly Hall Theatre, and more specifically the northern side of the building which is accessed from Monson Way. It is a Grade II listed building.

1.02 The application specifically relates to the servery area.

### 2.0 PROPOSAL

2.01 Listed Building Consent is sought for the construction of a new means of escape within the existing servery area. This would involve the enlargement of the external servery door opening, the removal of existing internal walls, and the addition of new internal fire resisting walls/doors, as well as an internal access ramp.

2.02 This will enable the theatre to operate at full capacity.

2.03 Two options have been put forward as part of the application. Option 1 proposes a fire resisting corridor and doors from the lounge bar to the exterior of the building. Option 2 proposes extending the corridor to the offices next to the servery area. The difference between the two options is essentially the location of the internal doors.

### 3.0 SUMMARY INFORMATION

*Not applicable due to nature of works.*

### 4.0 PLANNING CONSTRAINTS

- Grade II listed building (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).

### 5.0 POLICY AND OTHER CONSIDERATIONS

**The National Planning Policy Framework (NPPF) (2021)**  
**National Planning Practice Guidance (NPPG)**

**Development Plan:**

**Tunbridge Wells Core Strategy 2010:**  
Core Policy 4 - Environment

**Tunbridge Wells Borough Local Plan 2006:**  
Policy EN1 - General development criteria

## **Tunbridge Wells Borough Submission Local Plan 2020-2038**

Policy EN1: Sustainable Design

Policy EN5: Heritage Assets

### **6.0 LOCAL REPRESENTATIONS**

- 6.01 Two site notices were displayed on 20<sup>th</sup> December 2022. One was displayed by the exit door on Monson Way, and the other outside the side Town Hall entrance where Monson Way meets Civic Way.
- 6.02 The application was also advertised in a local newspaper.
- 6.03 No representations have been received in response.

### **7.0 CONSULTATIONS**

#### **Principal Conservation Officer**

- 7.01 **(04/01/23)**: have reviewed the application drawings and supporting documents.
- 7.02 The proposal is to create an escape corridor within the service area at the back of house within the theatre. The current escape routes run to either side of the performance area. Originally, shown on the original plan, the wings were within the performance space, however with larger and more complex shows the wings have expanded into the escape corridors which have to be constantly checked to ensure a minimum clear space is maintained for emergency access. This is clearly less than ideal and as such discussions on an alternative means of escape have been discussed in detail prior to this application.
- 7.03 The new corridor will have a substantial impact on the character of the existing kitchen area and a lesser impact to the bar area and the external facade. The kitchen has seen a number of internal alterations since originally laid out and some of these alterations will be affected by the new access route. These alterations have no heritage value and their removal will cause no harm. The insertion of a wall to create the corridor will have a harmful impact, however this will be to an area with low heritage value and will be on the low end of less than substantial. The impact on the bar area is restricted to the alteration of a door from single to double. This area already has a number of double doors that are original and therefore the addition of one more double door arrangement will not be seen as incongruous. While this will have an impact it will not cause harm. The external door will also be altered from single to double. This external door stands between two other double doors and the proposal is designed to mimic these openings. There will be some harm from the loss of the external brickwork but visually the proposal should not be harmful.
- 7.04 The proposal suggests two options. These are very similar and the impacts and level of harm are essentially the same so either option would be considered equally acceptable.
- 7.05 Given the level harm is at the low end of less than substantial there is a requirement to provide a public benefit to outweigh the harm.
- 7.06 There is sufficient detail within the application that conditions would not be necessary from a heritage perspective.
- 7.07 \*Updated comments received **09/01/23** after submission of amended plans: These drawings are now correct. No further comments.

### **Theatres Trust**

- 7.08 This application has come to the attention of the Trust because it is proposing alteration to the Assembly Hall Theatre for provision of a new means of escape with associated works.
- 7.09 The rationale and justification for this project has been clearly set out within the Heritage Statement; presently the theatre's capacity is constrained when handling shows with larger sets and/or casts because existing escape routes running through back of house are utilised for storage which reduces space to pass through. In turn this will negatively impact the theatre's income potential and its financial sustainability. Moreover, improved means of egress will ensure the theatre meets relevant fire safety standards. This is not just for audiences but for staff, as the theatre's fire risk assessment has found deficiencies with exit from its offices.
- 7.10 The new door will be to the rear of the theatre (north-east elevation), within an area last used as a food servery. Two options have been put forward, one of which would maintain the potential for the servery to be brought back to use should it be required. The works would not cause harm to sensitive features, with the servery being of modern fit-out. Externally there will be enlargement of an existing door going from single to double-width. Again, consider harm to be limited and would constitute less than substantial in heritage terms. Nonetheless the need for these works and the benefits they will bring to the theatre and its users constitute clear public benefits in mitigation. This would apply to both options put forward.
- 7.11 We are therefore supportive of the granting of listed building consent.

### **Tunbridge Wells Civic Society**

- 7.12 Welcome the proposal to invest in improving the Assembly Hall and would only note the importance of ensuring the new doorway and doors are accurately matched to the existing, including the brickwork and pointing.

## **8.0 APPLICANT'S SUPPORTING COMMENTS**

- 8.01 The applicant provided a Design, Access & Heritage Statement. This highlights the current fire safety concerns and that both Option 1 and Option 2 would require drilling into the existing wall and ceiling structures for some fixings to support the partition frame and ramp structure. It goes on to state that a number of existing timber stud and brick walls will be removed. Also, the existing single door opening between the bar lounge and servery and the existing single door opening in the external wall at the rear of the servery will be enlarged to accommodate double doors. New structural lintels will be required, and new facing bricks will be built to face the external reveals.
- 8.02 The new doors from the lounge bar will have doors, frames, architraves, and skirtings constructed with profiles to match the adjacent existing doors in the bar lounge. The new external doors will have doors, frames, architraves, and skirtings constructed with profiles to match the existing door that will be removed. All decorations will match the colours of the existing walls, ceilings, doors, and timberwork. Door closers, kick plates and push plates to match existing ones in the lounge bar and the hold open devices will match the existing ones as closely as possible.
- 8.03 The new ramp in the new corridor will be constructed from either timber or steel framing with plywood decking and anti-slip finish.

- 8.04 New illuminated fire exit signs will be provided where shown on the drawings. The hold open devices will be connected to the existing fire alarm system in the Assembly Hall and will be activated when the fire alarm is activated.
- 8.05 The Statement continues by discussing that the majority of the proposed works would be in the back of house area which would be less visible to the general public. A number of the walls to be removed have been installed after the original construction of the building. The most visible alterations will be the enlargement of the door openings either end of the new protected corridor.

## 9.0 BACKGROUND PAPERS AND PLANS

Application Form;

Drawing Number L27P6K1 - Original Ground Floor Plan

Drawing Number L27P6K1 AE01 A – Existing Plans

Drawing Number L27P6K1 AE02 B – Amended Proposed Plans (Option 1)

Drawing Number L27P6K1 AE03 B – Amended Proposed Plans (Option 2)

Drawing Number L27P6K1 AE04 A – Proposed New Door Details

Design, Access & Heritage Statement

Email received 09/01/23 regarding amended plans

## 10.0 APPRAISAL

### **Impact upon the special architectural or historic interest of the Grade II listed building**

- 10.01 NPPF 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.’*
- 10.02 Paragraph 200 further advises; *‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.’*
- 10.03 Paragraph 202 states: *‘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.’*
- 10.04 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the local planning authority to 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.
- 10.05 The works are relatively minor, and largely internal.
- 10.06 The comments from the Principal Conservation Officer carry significant weight in the determination of this application. In their view, the two suggested options are considered to be very similar and the impacts and level of harm are essentially the same. Therefore either option would be considered equally acceptable. The level of harm is considered to be at the low end of less than substantial, and therefore there is a requirement to provide a public benefit to outweigh the harm.

10.07 The public benefit would be that levels of safety are increased, and this in turn means that the building can be used to its full capacity. Such works also 'future proof' the building, allowing its continued use.

10.08 It is acknowledged that two options are put forward as part of the application which is not standard practice. However, both are very similar, and are considered to have the same impact by the Conservation Officer. Further, the works are largely internal, not being overly visible within the wider public realm. A condition is added below to ensure that the Local Planning Authority is notified prior to the start of works as to which condition the applicant intends to proceed with.

10.09 On that basis, it is recommended that listed building consent is granted.

**11.0 RECOMMENDATION – GRANT** subject to the following conditions:

- (1) The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number L27P6K1 AE02 B – Amended Proposed Plans (Option 1)  
Drawing Number L27P6K1 AE03 B – Amended Proposed Plans (Option 2)  
Drawing Number L27P6K1 AE04 A – Proposed New Door Details

Reason: To clarify which plans have been approved.

- (3) The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the historic fabric, character and appearance of the listed building.

- (4) Prior to the commencement of works, written confirmation shall be provided to the Local Planning Authority as to whether the access arrangements set out in Drawing Number L27P6K1 AE02 B – Amended Proposed Plans (Option 1) or Drawing Number L27P6K1 AE03 B – Amended Proposed Plans (Option 2) will be implemented. The works shall then proceed in accordance with that approved option only.

Reason: To clarify which access arrangements are to be implemented and to safeguard the historic fabric, character and appearance of the listed building

Case Officer: Abby Shillingford

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.