

Ref.: TC/2076

10 April 2024

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Application: 2024/0993/P & 2024/1005/L

Site: 135-149 Shaftesbury Avenue London WC2H 8AH

Proposal: Part demolition, restoration and refurbishment of the existing Grade II listed building, roof extension, and excavation of basement space, to provide a theatre at lower levels, with ancillary restaurant / bar space (Sui Generis) at ground floor level; and hotel (Class C1) at upper levels; provision of ancillary cycle parking, servicing and rooftop plant, and other associated works.

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'.

Theatres Trust

22 Charing Cross Road, London WC2H 0QL

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Chair Dave Moutrey OBE

Director Jon Morgan

Trustees James Dacre, Suba Das, Stephanie Hall, Annie Hampson, Lucy Osborne, Truda Spruyt, Katie Town

Comment:

Thank you for consulting Theatres Trust on this application for planning permission with a corresponding listed building consent. We have been notified because the site is the former Saville Theatre; it currently operates as a cinema. This proposal would see basement excavation to return theatre use to the site in a re-located position, an upwards extension to facilitate hotel use, as well as refurbishment and restoration of the building's facades including its notable frieze. There will be significant internal alterations. We have been engaging with the applicant at pre-application stage, as they have noted within the Design & Access Statement, although we have provided only high-level commentary as we have not been able to review detailed plans of the space.

This building has been the subject of a previous scheme to which Theatres Trust strongly objected. This was refused planning permission and listed building consent with the subsequent appeal being dismissed following an Inquiry which sat in late 2020 and early 2021. Theatres Trust was a main party (Rule 6) during that procedure. On that occasion there was to be substantial loss of cultural provision and function without justification, with a small replacement cinema to be re-provided within the basement.

This building opened as the Saville Theatre in 1931 and continued as a theatre until 1970. During the 1960s, particularly under the ownership of Brian Epstein, it hosted live music by a number of iconic acts of the time including the Beatles, The Who, Jimi Hendrix, Chuck Berry, Cream and Pink Floyd. In this era it also hosted plays considered risqué. At that time the theatre was unlisted and despite being active was purchased by the Associated British Cinemas (ABC) chain and converted to a cinema. It was this loss which helped unify a campaign to protect theatres, resulting in the formation of Theatres Trust.

Upon conversion to a cinema virtually all of the original Art Deco interior and character was lost or hidden as it was converted into two auditoriums, with further sub-division following Odeon taking on the cinema in 2000. A fundamental element of the building's historical significance is its external decorative sculpted frieze by Gilbert Bayes depicting drama through the ages. This extends approximately forty metres along the full length of its Shaftesbury Avenue elevation as well as partially into Stacey Street and St Giles Passage. It also contains a giant arch above its main entrance and five large plaques.

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Although much internal fabric was lost through the cinema conversion, the original plan form and volume is broadly readable and some historic features remain for example the grid. It is possible there may be other features concealed behind cinema interventions.

The building is a Grade II listed heritage asset. It is not within a conservation area but is just outside of two – namely the Denmark Street and Seven Dials Conservation Areas. It falls within the internationally-renowned ‘Theatreland’ cluster; Policy HC5 of the London Plan (2021) supports the continued growth and evolution of London’s cultural facilities including protecting existing venues and supporting new ones. Supporting paragraph 7.5.12 references key clusters including this one (the theatres and cinemas of the West End). Similarly paragraph 4.57 of Camden’s Local Plan (2017) considers ‘Theatreland’ an important part of the borough’s cultural and leisure offer, with Policy C3 seeking to protect facilities and to manage the impact of adjoining uses. The draft replacement Local Plan for Camden includes this building as a site allocation for cinema or theatre use, although at this stage the document carries limited weight.

We consider this building to be important, not just for its historic significance but because it represents a rare opportunity to deliver additional larger-scale theatre within London’s West End for which there is demonstrable need and interest. Although not currently within theatre use it is nonetheless within cultural use, and the previous appeal was clear that much significance derives from its single use related to its cultural function as emphasised by its frieze.

On that basis we welcome that this scheme would provide a new theatre which is currently intended as a permanent London base for Cirque du Soleil, a major international producer and entertainment company.

The theatre will be accessed from ground floor level, with the main entrance being its historic primary entrance from Shaftesbury Avenue. Above this its large domed window will be reinstated and immediately within the foyer it will have a void behind so it can be appreciated internally. This is welcomed. Much of the southern part of the internal space will be given over to an ancillary bar/restaurant offer which we understand will be within the lease of the theatre operator. This is important, and we suggest this could be conditioned, to ensure the theatre retains sufficient street presence and front of house space to remain viable. This level will also contain a hotel reception area to the north-west, accessed independently, as well as stairs, lifts, cores and servicing for both the hotel and the theatre.

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In contrast to the original theatre space and volume, the core theatre functions and its auditorium are sunk into the basement levels. The overall volume of proposed theatre space appears to be smaller than the volume of the original theatre and offers no fly tower. It is also noted that the basement -4 level is predominantly shared MEP rather than specific theatre use.

The proposed floorplans show the internal layouts to be defined by the operator, although separate indicative auditorium plans have also been provided. These layouts are particular to the model of Cirque du Soleil and their needs. In broader terms it will be important to safeguard this theatre space and its ability to accommodate other operators should they withdraw prior to development or at a subsequent time. That will mean ensuring sufficient flexibility of design. More fundamental is securing the theatre space in the first place; whilst we have no reason to doubt the intentions of the applicant we recommend that conditions and legal agreements are included which will ensure the theatre space is delivered. We can advise the Council on this further, with there being existing examples from elsewhere. This includes conditioning a contract with this (or another) realistic and reputable operator being in place and agreed by the Council, and a restriction on the ability to occupy all or part of the accompanying hotel development until the theatre space has been completed.

The current indicative capacity for the theatre is around 400, but again this is based upon the particular model of the operator. The original capacity of the Saville was around 1,400, although we accept this level would be unlikely to be achieved with modern building, safety and accessibility standards. We understand from the applicant a greater capacity would be possible through alternative layouts, although this number has not been identified within the planning documentation. We urge submission of further information showing realistic options to understand what could be achieved along with sufficient access and egress with core and means of escape safeguarded. The purpose of this is to help demonstrate the applicant's proposal is reversible and sustainable for the longer-term in the context of policy managing provision of cultural facilities and heritage considerations (particularly around optimum viable use and justifying harm), given this does appear to be a reduced theatre/cultural space compared to the original. We understand from engagement with theatre operators at the time of the previous appeal that higher audience capacities of up to around 1,000 within a less harmful scheme in heritage terms

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would be realistic and viable so it is important that anything that limits such potential is properly understood and justified.

With regards the current indicative scheme for the operator, we are concerned that the back of house support provision (warm up rooms, costume and equipment stores, laundry spaces etc) that one might typically associate with this type of operation appears limited. It is important that there is appropriate space allowance within this current scheme. It is noted that the soft spot for a potential future get-in lift for the alternative theatre layouts is located in a zone currently indicated as a sub-station thereby making any future lift installation highly improbable.

A further concern is on the outwards extension through excavating underneath the highway. As a result of other development within the building the space available for the theatre and its back of house functions in particular is already constrained. If rights for such excavation were unable to be granted or are otherwise not possible due to the presence of utilities or other barriers additional space would need to be found elsewhere within this development, in an accessible location for its purpose.

As development is displacing the existing cultural (cinema) space and relocating it into the basement levels with ground floor for foyer/bar/restaurant this in effect constitutes a re-provision. Policy C3 of the Camden Local Plan can conditionally support this, if it is at the same or better standard than the facility which is being lost. As this scheme appears to be of reduced scale to the original, it is particularly important for our comments above to be addressed.

Whilst we have set out points to safeguard and future-proof the theatre space including need for further evidence and information, on the assumption this is satisfactory on balance we can support re-location/re-provision elsewhere within the building in principle as the public benefits of a new theatre within the West End and restoring this building's original function can mitigate the harm of loss of remaining features and plan form. We do not consider this to be inconsistent with our position for the previous scheme, because that constituted a significant reduction of cultural use without requisite public benefit and is therefore incomparable. There must however be a programme of historic building recording undertaken and sufficiently conditioned, and we would encourage display or re-use elsewhere within the building of salvaged features or fabric if this is practical.

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The previous appeal determined that a three-storey rooftop extension resulted in significant less-than-substantial harm. It also found that hotel rooms were not the same type of use as the building's identifiable function and purpose, but nonetheless dominated. The scale, massing and design of the proposed upwards extension within this scheme is therefore pertinent to how the existing building can be read and experienced as a place of culture and entertainment, and how significance is affected in heritage terms. It is reasonable for us to consider and comment on such within the scope of our remit and purpose as an organisation.

This scheme proposes a much greater extension, of around six stories. The new upwards extension adds over 130% to the height of the existing building from ground level. Even excluding plant, the overall balance of uses through the building including basement levels is just over 40% for theatre and just less than 60% for hotel. On that basis, there is an obvious imbalance between the two uses and it is clear that again it is the hotel function which dominates.

This could be mitigated by heritage and public benefits generated by the scheme. Within the planning balance, as we have set out above, the provision of a new theatre of reasonable size and scale does constitute a heritage, social and economic benefit and returns original use to the site. Similarly, there is also heritage benefit in external repair and restoration particularly to the frieze.

However, it is arguable that the significant development costs generated through the need to excavate additional basement levels, and to extend footprint beneath the highway, are resulting in a need for even greater height to make the development viable. The additional height and the number of guest bedrooms within the hotel are in turn necessitating larger footprint for cores, which has then reduced space available to the theatre.

We suggest that a scheme reduced in height and possibly without basement extension, potentially involving an alternative hotel operator who could viably work with fewer bedrooms, could continue to offer the same public and heritage benefits as this scheme whilst addressing our concerns as well as those issues which saw the previous scheme fail. An alternative option would be to utilise much of the existing cinema/theatre volume for the theatre, potentially also offering a larger theatre space, with more modest upward extension given over to hotel or other commercial uses as enabling development if required. There appears to be no appraisal of alternative options within the applicant's submission and why these have been discounted. These should be provided to help demonstrate such intervention is

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necessary, particularly as in heritage terms (with reference to paragraph 208 of the NPPF) a mixed use of theatre and hotel is unlikely to be the optimal viable use given recent demonstrable evidence of demand for the building as a theatre only.

Therefore in conclusion, whilst we are supportive of the return of theatre use to this site and of refurbishment/restoration, and can support a broader mixed use scheme in principle (dependent upon the extent of theatre/cultural use within such a scheme), we consider there should be a re-design of this proposal. This is to provide a better balance of uses and to reduce harm to the building in heritage terms through diminution of its cultural and performance function and visual recognition.

Alternatively, further evidence should be provided to demonstrate why upwards and downwards extension of the nature and scale proposed is necessary and why the proposed development constitutes the optimum outcome for this important asset. This includes providing information reassuring that the theatre would be adaptable for other theatre operators at a suitable capacity to ensure long-term viability as a theatre or performance space. We would otherwise be unable to support the granting of planning permission or listed building consent.

We thank the applicant and their design team for engaging positively with Theatres Trust throughout the pre-application process, and would welcome further discussion and consultation to find a way forward and see that the potential of the former Saville Theatre can be realised.

Please contact us if we may be of further assistance or should you wish to discuss this representation in greater detail.



Tom Clarke MRTPI

National Planning Adviser

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