



Historic England

Mr Alex Kresovic
London Borough of Camden
Development Management
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Town Hall, Judd Street
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Direct Dial: 020 7973 3762

Our ref:

29 April 2024

Dear Mr Kresovic

**Arrangements for Handling Heritage Applications Direction 2021
& T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**135-149 SHAFTESBURY AVENUE LONDON WC2H 8AH
Application Nos 2024/1005/L & 2024/0993/P**

Thank you for your letters of 20 March 2024 regarding the above applications for listed building consent and planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the applications.

Summary

The former Saville Theatre on Shaftesbury Avenue is a distinctive and handsome inter-war building with a significant sculptural frieze and strong geometry, sitting in a prominent location in the West End. This scheme would seriously damage the architectural and historic integrity of the listed building, through the scale of the upward hotel extension, its dominance of the host building, the loss of all remaining internal features and the rebuilding of the rear elevation. The heritage benefits presented as part of the scheme are not clearly linked to this proposal, and the lack of a true restoration of an auditorium within the historic building volume limits the heritage value of a return to theatre use.

Historic England strongly objects to this scheme, which would cause a high level of harm to the listed building. The harm would be of a rare and serious nature and, on heritage grounds, we recommend its refusal.

Historic England Advice

Significance of the listed building and surroundings



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The Saville Theatre was designed by TP Bennett & Sons and theatre architect Bertie Crewe at the end of the 1920s. It sits in a prominent location in the heart of the West End, and became an acclaimed concert venue before being converted into a multi-screen cinema; it remains in active cinema use. It is listed at Grade II, and has recently benefitted from an enhanced listing, which clarified the extent of surviving fabric and the special interest of the building.

The building has a strong, distinctive composition with art deco influences, focused on a giant entrance arch and an accomplished and award-winning integral sculptural frieze by Gilbert Bayes, a leading sculptor of his time. The frieze sits on a rusticated ground floor, and is complemented and balanced by the decorative roundels and cornice. The form, cornice, rustication and channelled brickwork unite with the frieze to give the structure a pronounced horizontal emphasis. Although the original metal-framed window to the arch has been (on the basis of current evidence) lost, and the modern canopy is out of character, the original design of the façade is entirely appreciable, and it makes a valuable contribution to the building's significance.

The flank and rear elevations are simpler than the front façade, with plainer brickwork and steel-framed windows. However, the cornice continues around the building and all elevations also have considered use of brick detailing, such as channelled brickwork and soldier courses meeting the return frieze terminations. The shell of the building remains almost entirely as built, apart from some post-war rebuilding to the west side of the rear, and reflects the original internal layout of the auditorium, circulation, front- and back-of house facilities and fly system. The exterior remains as a coherent whole, and all elevations contribute to the significance of the building.

The building originally contained a large auditorium on three levels, a foyer, several bars, and extensive back of house spaces. The subdivisions of the auditorium in the 1970s and early 2000s removed many of the public-facing elements of the interior. Surviving original elements include back of house rooms and staircases, an altered version of the basement bar, the steel fly grid and parts of the shell of the auditorium and wings. These elements contribute to the understanding of the site as a theatre, though this is limited by the loss of appreciable public spaces to connect them, and any known decorative detailing.

The former theatre forms part of the immediate context of two conservation areas. The southern part of the Denmark Street Conservation Area abutting the site contains a mix of building types but with a consistency of materials and scale. It includes an open space, Phoenix Garden, which connects the site with the churchyard of St Giles in the Fields (Grade I). The western part of the Seven Dials Conservation Area is bordered by Shaftesbury Avenue, and focuses on a distinctive radial layout of late-seventeenth-century origins with a granular and low-scale character. The eastern end of the site



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can be seen from the heart of the area, along Mercer Street. The former theatre makes a positive contribution to the setting of these areas.

Impact of the proposal

The current proposal is to for extensive alterations and extensions to provide hotel and theatre use on the site, with restaurant and bar uses proposed for the foyer at ground floor level. This would involve major demolition, with only the façade and parts of the flank elevations remaining intact. We consider that these works would cause harm of a high order, and that the heritage benefits of the scheme are limited by the theatre proposal's lack of integration with the building's historic form.

a) The upward extension

The upward extension would be six storeys high, plus a full-height plant storey; it would more than double the height of the above-ground structure. The hotel use would be concentrated in this upward extension, though a number of rooms would also be incorporated into the rear sections of the main listed building. The scheme would more than double the depth of the basement, and the theatre auditorium and many of its supporting spaces would be contained entirely below ground.

In short and mid-range views along Shaftesbury Avenue (particularly in winter), north up Mercer Street, and south across Phoenix Gardens, the roof extension would sit prominently above the distinctive and well-considered historic building. An extension on such a scale would radically and harmfully change the clear and considered geometry of the building, departing from the horizontality which characterises its architecture and provides such an effective setting for the Bayes frieze. It would be overbearing, making the listed building appear as a podium to the taller structure above, and seriously diminishing the clarity and strength of its design.

The visual impact of the proposal on the rear elevation would also be dramatic. Although these views are of lower sensitivity they are still significant, and the visibility of the extension from the north would be even greater over the open space of the adjacent garden, from where it would be very conspicuous. It would compromise the way in which this elevation conveys the theatre's original form and purpose.

b) Extent of demolition

The scheme entails the demolition of all remaining original remaining interior fabric of the building, the roof, and the entire rear elevation. The rear elevation would be taken down and rebuilt in near-facsimile, and the flank elevations would have multiple new windows and doors inserted, with extensive change to historic fabric.



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The loss of all remaining surviving elements inside the building would cause additional harm. Although some of the rear elevation was rebuilt following bomb damage, the majority is original fabric. The rear of the building contributes to the integrity of the whole and its demolition, combined with the degree of change to the flank elevations, would mean the loss of very considerable amounts of external original fabric; it would therefore cause harm by further reducing the integrity of the building.

c) Presented heritage benefits

The scheme includes some heritage benefits, including restoration of the façade, reinstatement of the historic arch and more sympathetic canopies, and addressing condition issues likely caused by corrosion of the steel frame. It also presents the reinstatement of a theatre as a sizable heritage benefit. While we agree that most of these elements would create some heritage benefits, we disagree with the applicant's assessment of their extent, and consider they would be modest by comparison to the degree of harm caused.

Although the documents state that repair and addressing Regent's Street Disease are a benefit of the scheme, full details of the proposed remedial works to the façade have not been included in the proposal. The 2022 condition report expressly states the need for further investigative works to make further recommendations, and so the urgency for and extent of these works is not yet clear. Furthermore, we question whether repair works are tied to this scheme, or whether *any* proposal or continued use would incorporate this work.

We consider that the potential benefit of returning theatre use to the building would be limited in this scheme. The auditorium would be positioned entirely underground, rather than in even an approximation of its original position in the building, and would take up a much smaller volume of space than the proposed hotel. The layout and form of the theatre would not clearly respond to either the original internal configuration, or how that is reflected in the external architecture.

d) Harm to other heritage assets

The harm to the listed building would cause some associated harm to the adjacent Seven Dials and Denmark Street Conservation Areas. Due to restricted sightlines and the height of some nearby buildings, impacts on these areas would not be widespread. However, the listed building currently has a positive presence in the setting of both historic areas, as it is seen along Shaftesbury Avenue, north up Mercer Street from the centre of Seven Dials, and south over the public open space of Phoenix Garden. Because of this, highly visible harmful change to its exterior would cause some harm





to these conservation areas.

e) Relevant planning history

This site was the subject of a previous proposal for major change by previous owners in 2017, which resulted in an appeal; the outcome of the appeal is a relevant consideration. The former proposal also entailed demolition of the interior and addition of a much smaller roof extension, in a hotel scheme incorporating a small cinema. The decision for that appeal stressed the contribution made by the fabric of the building, highlighted the large scale of the proposed three-storey extension, and stated that the latter would be overly dominant, causing a “significant” level of less-than-substantial harm. It also drew attention to the fact that hotel and restaurant uses would dominate the then proposed cultural use. The appeal upheld the refusal of this scheme.

Relevant policy

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a statutory duty on local planning authorities to consider the impact of proposals upon listed buildings and their settings, and to pay special regard to preserving or enhancing the character or appearance of conservation areas.

Government guidance on how to carry out those duties is found in the National Planning Policy Framework (NPPF) 2023. The NPPF identifies in paragraph 201 that development should avoid or minimise conflict with the conservation of heritage assets. Paragraph 205 of the NPPF sets out that when considering the impact of any development on the significance of a heritage asset, the local planning authority should give great weight to the asset’s conservation, irrespective of whether the harm would be substantial or less-than-substantial. Paragraphs 206 and 208 stipulate that any less-than-substantial harm requires clear and convincing justification, and should be weighed against the public benefits of the proposal.

The London Plan forms part of the development plan, and its policy HC1(C) on heritage conservation and growth reinforces the requirement for development proposals affecting heritage assets to be sympathetic to their significance, and to avoid harm. It justifies this position by explaining the unique sense of place created by London’s historic environment, and the irreplaceable nature of its heritage assets.

Policy D2 (Heritage) of the Camden Local Plan reinforces the policy thrust of NPPF paragraphs 201 and 202 on assessing and weighing harm, and additionally states that the Council will resist proposals for extensions to a listed building where they would cause harm to its special architectural and historic interest. At paragraph 7.48, it specifically identifies the potential for the character and appearance of conservation



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areas to be affected by development outside them, because of the dense urban nature of the borough.

Policy D1 (Design) of the local plan emphasises the importance of the historic environment to any design considerations, with its first and second requirements relating to context, character, and heritage assets.

Policy C3 of the local plan states that the council will seek opportunities for new cultural and leisure facilities to sustain the borough's strong cultural offer and to serve the growing population.

Historic England's position

The integrity of the former Saville Theatre as an historic theatre and a piece of well-considered architecture would be seriously damaged by such a major extension and wholesale change. The scheme is essentially a partial façade retention. The theatre use would be the subordinate use on the site, with the auditorium contained beneath a sound buffer, entirely below ground. The listed building proper would contain hotel rooms to the rear and sides and ancillary space to the front and ground floor, with no real cultural function. The design of the highly significant façade and the clarity of the historic theatre's form would be seriously diminished by the overwhelming scale of the extension. The loss of almost every other element of fabric beyond this façade would further eat away at its authenticity.

We consider that the harm caused by this scheme, if executed, would be at the very top of the range of less-than-substantial in the terminology of the NPPF. The heritage benefits presented would be relatively modest in scope and do not seem likely to be reliant on this scheme; they do little to mitigate the overall effect on significance.

The extensive and permanent harm which would be caused by this scheme would be far greater than the scheme refused by Camden in 2019, with the subsequent appeal making much of its negative impact on heritage. The scheme would be in conflict with heritage protection policies in the development plan, and would result in a seriously degraded and diminished historic asset in a prominent location in the borough. Such severe harm to a listed building is rarely proposed; it should be given great weight, and should not be approved unless clearly and convincingly justified and outweighed by public benefits of sufficient value.

We appreciate that your authority has cultural use policies to bolster and preserve the borough's cultural offer; however, we would question the extent of benefit gained. We note that the Theatres Trust has raised questions about the layout and size of the theatre as presently designed, including in the light of evidence provided about theatre



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viability in evidence presented at the 2020 appeal for the previous scheme. We also note that it appears the number of seats in the present scheme represents a reduction from the number of seats in the present cinema, and reiterate that it would be very much the subsidiary function on the site.

Various designs and materials were tested for the extension at pre-application stage, none of which notably reduced the harm caused by the extension by comparison to the current proposal. We therefore consider it unlikely that shifts in massing and form, articulation or materiality could mitigate the harm caused to any real extent. Harm could only be meaningfully reduced if the extension were significantly reduced in scale, and the scheme reworked to better respond to the historic structure. We therefore consider that this scheme should be fundamentally reconsidered, and would be happy to engage further with the applicants and your authority to discuss this.

Recommendation

Historic England objects to the applications on the grounds of the high level of harm they would cause to the listed former Saville Theatre, as laid out above. The proposal would also cause some harm to two conservation areas.

We consider that the applications do not meet the requirements of the NPPF, in particular paragraph numbers 201, 205, 206 and 208, and that they would contravene key policies of the development plan.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the same Act obliges you to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

For the reasons set out in this letter, Historic England has not issued its authorisation for the granting of listed building consent. We will review our position on that matter in light of further discussions with your council and the applicant. If the scheme is not significantly amended, we recommend that these applications are refused or withdrawn.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority. The full GLAAS consultation criteria are on our webpage at the following link: <https://www.historicengland.org.uk/services-skills/our-planning-services/greater-london-archaeology-advisory-service/our-advice/>



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Yours sincerely

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