

# Former Saville Theatre, 135-149 Shaftesbury Avenue

Local Planning Authority: Camden

Local Planning Authority reference: 2024/0993/P

## Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

## The proposal

Part demolition, restoration and refurbishment of the existing Grade II listed building, including a roof extension and excavation of basement space, to provide (i) a theatre at lower levels (ii) restaurant / bar space at ground floor level, and (iii) a hotel at upper levels, together with other associated works.

## The applicant

The applicant is **YC Saville Theatre Limited**, and the architect is **SPPARC**.

## Strategic issues summary

**Land use principles:** London Plan policies support the principle of a theatre use at this West End site, within a historic theatre building. The proposed hotel use would also support the strategic functions of the Central Activities Zone.

**Urban design:** The scale and form of the proposed upwards extension raises serious concerns. GLA Officers consider that it fails to respect or relate well to the scale and character of the existing building and would dominate the local townscape and street scene to an inappropriate extent.

**Heritage:** GLA Officers have identified a high degree of less than substantial direct harm to the listed building, as well as less than substantial harm (in the low to middle end of the range) to the setting of adjacent conservation areas and listed buildings.

**Climate change and sustainable development:** Improvements to the energy strategy are required, including the carbon savings achieved on site. Further work is also required to the Circular Economy Statement and Whole Life Cycle Carbon Assessment.

Other issues relating to **Transport** also require resolution prior to the Mayor's decision making stage.

## Recommendation

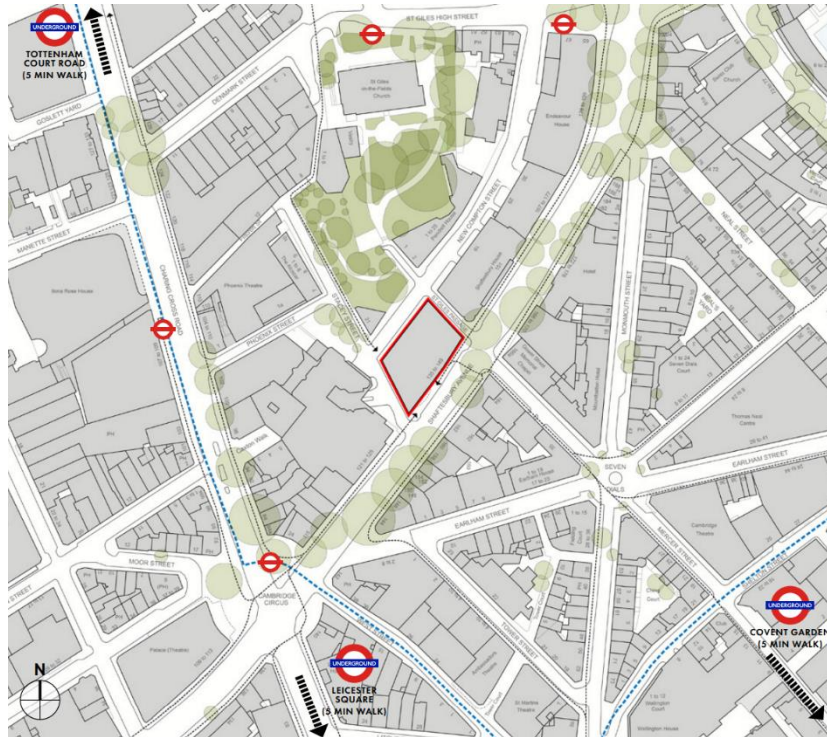
That Camden Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 49.

## Context

1. On 21 March 2024 the Mayor of London received documents from Camden Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.
2. The application is referable under the following Category/categories of the Schedule to the Order 2008:
  - Category 1C (c) The building is more than 30 metres high and is outside the City of London.
3. Once Camden Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or, allow the Council to determine it itself.
4. The Mayor of London's statement on this case will be made available on the GLA's public register: <https://planapps.london.gov.uk/>

## Site description

5. The application relates to a historic former theatre building on the northern side of Shaftesbury Avenue, east of Cambridge Circus. The building is Grade II listed and dates from 1930-1, with a brick-and-stucco architecture highly reminiscent of the art deco styles of the period. The original theatre use ceased in the 1960s, after which the building was used as a live music venue before being converted into a two-screen cinema in 1970. In 2001, it underwent further internal remodelling to become a four screen cinema, which continues to the present day.
6. The building is neighboured to the west and south by office buildings, to the east by a block of flats, and to the rear by the Phoenix community garden. The site is not within a conservation area but is adjoined by the Denmark Street Conservation Area to the north and the Seven Dials Conservation Area to the south. The location benefits from the highest level of public transport accessibility (PTAL 6b) reflecting its central location.



*Figure 1 site location.*

## Details of this proposal

7. The proposal would introduce new theatre alongside a hotel. The development would comprise an extended four-storey basement to accommodate the theatre's auditorium and back-of-house facilities, whilst an upward extension of six storeys would accommodate the hotel. In addition, the listed building would be extensively reconfigured internally, creating a large front-of-house space with a theatre lobby, box office, retail space and bar and restaurant at ground floor level.



*Figure 2 proposed elevations*

## Case history

8. Pre-application meetings were held with GLA Officers on 21 November 2023 and 20 March 2024. Officers advised that whilst the applicant's ambitions to bring a theatre use back to this site were supported, serious concerns remained about the scale and design of the proposed extension and its impact on heritage assets and the local townscape. The proposal has not been changed since the March pre-application meeting and so these concerns remain and are discussed in more detail in this report.
9. A previous planning application (LPA Refs. 2017/7051/P and 2018/0037/L) was refused by Camden Council and subsequently dismissed at an appeal following a Public Inquiry which was held in December 2020. The development was for a two-storey roof extension and new basement in connection with the building's use as a cinema, spa, restaurant/bar, and 94-bed hotel.

## Strategic planning issues and relevant policies and guidance

10. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Camden Local Plan 2017 and the London Plan 2021.
11. The following are also relevant material considerations:
  - The National Planning Policy Framework and National Planning Practice Guidance;
  - National design guide.
12. The relevant issues, corresponding strategic policies and guidance (supplementary planning guidance (SPG) and London Plan guidance (LPG)), are as follows:
  - Good Growth - London Plan;
  - Central Activities Zone - London Plan;
  - Urban design - London Plan; Character and Context SPG; Public London Charter LPG; Characterisation and Growth Strategy LPG; Optimising Site Capacity: A Design-Led Approach LPG;
  - Heritage - London Plan;
  - Inclusive access - London Plan; Accessible London: achieving an inclusive environment SPG; Public London Charter LPG
  - Sustainable development - London Plan; Circular Economy Statements LPG; Whole-life Carbon Assessments LPG; 'Be Seen' Energy Monitoring Guidance LPG; Energy Planning Guidance 2022; Mayor's Environment Strategy;

- Transport and parking - London Plan; the Mayor's Transport Strategy;
- Culture - London Plan; Mayor's Cultural Strategy;

## Land use principles

13. A new theatre and hotel would both support the strategic function of the Central Activities Zone (CAZ) in accordance with London Plan Policy SD4. GLA Officers remain supportive of the applicant's ambition to bring a new theatre to this West End location in principle, however, there are serious concerns about the design, townscape and heritage impacts of the development as currently proposed.

## Urban design

14. Chapter 3 of the London Plan sets out key urban design principles to guide development in London. London Plan Policy D3 seeks to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.
15. Policy D4 sets out that development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made or demonstrate that they have undergone a local borough process of design scrutiny.
16. The proposal was presented to the Camden Design Review Panel on 10 November 2023, satisfying the requirement in London Plan Policy D4. The panel supported the principle of bringing the building back into theatre use but considered that the design required reassessment and further development to ensure the quality required for redeveloping a listed building. The panel was concerned that the proposed massing could have a negative impact on The Phoenix Garden to the rear, and asked that options to mitigate the impact (such as stepping back) are considered.

## Scale and massing

17. The proposed development would not appear to meet the criteria for a 'tall building' according to the Camden Local Plan, which defines tall buildings as those twice the prevailing context height, or those which would result in a significant change to the skyline. As such London Plan Policy D9 does not apply in this case.
18. Nevertheless, the scale and form of the proposed roof extension gives serious cause for concern in terms of how it sits with its neighbours but more particularly in terms of how it relates to the existing (listed) building. Contrary to London Plan Policy D3, GLA Officers consider that the extension fails to respect or relate well to the scale and character of the existing building and would dominate the local townscape and street scene to an inappropriate extent. GLA Officers consider that any upward extension should be of a noticeably lesser volume than that of the existing building volume, to be considered appropriately scaled.

## Architecture and materials

19. The façade of the extension is complex and busy, with different angles and modules of zigzag glazing proposed. GLA Officers do not consider that this works successfully with the existing building façade which is extremely restrained and has a very high degree of solidity due to its historic theatre use. The varying modules on the façade also give the building extension a ‘rounded’ appearance on the elevations presented, which appears at odds with the form of the building below. Whilst Officers are not satisfied that objections regarding scale and form could be overcome through architectural treatment alone, it is clear that the complex detailing is further contributing to the dominance of the extension and its poor relationship with the existing building.

## Fire safety

20. In accordance with London Plan Policy D12, a Fire Statement has been submitted with the application, prepared by a suitably qualified fire engineer. The building is more than 18 metres high and the upper floors, comprising the hotel element, would be provided with two escape staircases. The building is also to be provided with one fire evacuation lift in the theatre portion of the building, and one in the hotel portion.

## **Heritage**

21. London Plan Policy HC1 requires development proposals to conserve significance by being sympathetic to the assets’ significance and appreciation within their surroundings and avoid harm and identify enhancement opportunities by integrating heritage considerations early in the design process.
22. London Plan Policy D3 requires development proposals to respond to the existing character of a place and respect, enhance and utilise the heritage assets that contribute towards local character.
23. The NPPF states that when considering the impact of the proposal on the significance of a heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. In weighing applications that affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. Any harm is required to be weighed against the public benefits of the proposal.

## *Significance of the building and area*

24. The site is not located within a conservation area but adjoins the Denmark Street Conservation Area and the Seven Dials Conservation Area. The existing building is Grade II listed and was built as a theatre in 1930-1. The external elevations, including sculptural frieze and roundels, are generally as built but the building has undergone at least three rounds of major internal alteration. The listing description states that, of the original interiors, only some peripheral and service areas survive from 1931 including some structural elements, stairs, corridors, some basement areas, the fly tower and suspension grid. Although it

is a particularly notable feature, a sole focus on the significance of the Gilbert Bayes frieze and roundels would not be correct; the fact that the listing of the whole building was confirmed in a recent Historic England listing review reflects the remaining interest of the building as an early 1930s building and the wider architectural and historic interest which it retains.

#### *Direct heritage impacts*

25. The application contains further information on the condition of the building and its structural issues, including Regents Street Disease. It is accepted that repairs are needed, although the scale and urgency of the repairs appears to be relatively moderate. Although a Condition Survey and Schedule of Works are provided, there are no costings at this stage. While the repair of a listed building is a potential heritage benefit, without costings it is difficult to make a judgement on whether there is a clear relationship between the cost of the repairs required and the quantum of development proposed. That said, as a matter of principle the justification for the harmful scale of development proposed could not rest on the cost of repair alone.
26. The entire remaining interiors and interior structure of the building is proposed to be demolished along with the rear wall. The listed building would therefore be reduced to a three-sided shell. The last remaining theatre elements from 1931 (along with a 1970s basement bar) will be lost and whilst these are fragmentary, they do collectively contribute to significance. GLA Officers consider that this causes harm to the listed building.
27. Furthermore, while some structural information has been provided, it is not considered to be sufficiently detailed to provide reassurance that the proposed risky and highly intrusive works could be undertaken without additional harm to the structural integrity of the building.
28. The proposed hotel use results in the opening of new windows in both the side and the rear facades, as well as new ground level doors to the front elevation. The provision of new windows in a theatre is considered to be uncharacteristic and therefore harmful to some degree.
29. The scale and form of the proposed roof extension lends it the appearance of a 'building on top of a building' and this is considered to be a fundamentally flawed approach in heritage terms. The roof extension dwarfs the historic building and is wholly out of scale and overwhelming, failing to be subservient and detracting from the prominence of the listed building in the view. The proposed roof extension is also harmful to views within nearby conservation areas (see table below) since the building appears incongruously out of scale with the historic setting.
30. In summary, there are very serious conservation concerns about the proposals, which are considered overall to cause a very high level of less than substantial direct harm.
31. In terms of heritage benefits, these are stated to include:



- The re-provision of a theatre use. While this may be a public benefit, it is not considered to be a heritage benefit because the use is proposed in a new basement space, without reinstatement or reuse of any historic theatre elements. The reinstatement of the historic use is only a public benefit if it brings historic fabric intended for theatre use back into use and therefore more likely to be conserved for the future. In this case the proposed theatre use involves harmful works, including the façade retention and basement excavation.
- Structural and repair works to the existing fabric and cleaning and repair of the Bayes frieze and roundels. These works are the minimum which any reasonable listed building owner would be expected to undertake. In the absence of cost information, it is difficult to make a judgement on whether there is a clear relationship between the cost of the repairs required and the quantum of development proposed.

### *Indirect impacts*

32. GLA Officers consider that the following levels of indirect heritage harm are caused by the proposed development (in all cases, the assessment is based on the cumulative scenario). The scale used for less than substantial harm is very low, low, low to middle, middle, middle to high, high and very high.

<b>Table of indirect (setting) impacts</b>			
<b>Heritage asset</b>	<b>Category of harm</b>	<b>Extent of harm</b>	<b>View reference</b>
Church of St Giles in the Fields, listed Grade I and associated lych gate, Vestry Room, listed Grade II;	Less than substantial	Low	DAS Views 8 and 10 and HTVIA Figure 9.1
Palace Theatre, listed Grade II;	No harm	No harm	DAS View 1
Elms Lester Painting Rooms, 1-5 Flitcroft Street, listed Grade II;	Less than substantial	Low	DAS View 8 and HTVIA Figure 9.1
Denmark Street Conservation Area (LBC), adjacent to the north;	Less than substantial	Low to middle	DAS Views 5, 6, 7, 8, 10
Seven Dials (Covent Garden) Conservation Area (LBC), adjacent to the south;	Less than substantial	Low	DAS Views 1, 2, 3, 4, 9 and HTVIA Figures 9.2 and 9.3

### *Conservation conclusions*

33. The proposals do not comply with London Plan Policy HC1 which requires heritage harm to be mitigated or avoided in the first instance. NPPF Paragraph 208 states that “where a development proposal will lead to less than substantial

harm to the significance of a heritage asset, this harm should be outweighed against the public benefits of the proposal...". At this stage, the public benefits stated by the applicant in the Planning Statement include:

- Environmental benefits such as a package of landscaping and urban greening measures; improvements to the quality of the public realm around the site; optimisation of a previously developed site; and promoting sustainable travel to the site through delivery of new cycle parking;
  - Social benefits including education partnerships with Cirque du Soleil, local schools and performing arts organisations; discounted and free theatre tickets for local residents; free resident access to hotel communal areas; and partnerships with local artists to feature in the hotels;
  - Economic benefits including investment in the building and the growth of creative and cultural industries in the CAZ; jobs created during construction and operation; wider benefits for complementary businesses in the local area.
34. Even if the full public benefits package was robustly secured within the S106 agreement, GLA Officers are of the initial view that many of the environmental benefits are required to achieve a basic level of planning policy compliance and can be given only limited weight as public benefits. The social and economic public benefits would be given greater weight if secured, however GLA Officers are of the initial view that they would be insufficient to outweigh the high degree of less than substantial direct harm which has been identified. A final conclusion on this matter would be made at the Mayor's decision-making stage.

## **Transport**

### Healthy Streets

35. The previously requested night-time ATZ does not appear to have been provided. This must be provided as customers and staff will be travelling late in the day. The daytime ATZ assessment has identified potential improvements to footways, street clutter and street lighting have been identified. Contributions towards these or S278 works in kind as appropriate would be supported.

### Trip Generation and Public Transport Impact

36. Officers have been unable to replicate the presented trip generation from the information provided and there are errors in the methodology and information presented. Until this is addressed, the Transport Assessment does not comply with the requirements of London Plan Policy T4. Further work is required to enable a robust impact assessment to be undertaken.

### Cycle Parking and Cycle Hire

37. Further work is required to demonstrate compliance with Policy T5 Cycling and LCDS requirements. A contribution towards the expansion of existing (or new)

cycle hire facilities is likely to be sought, and TfL is keen to work with the Council to deliver a new facility in the vicinity.

### Car Parking

38. While the car free nature of the proposals is welcomed, blue badge parking proposals are required to comply with policy T6.5.

### Deliveries and Servicing

39. There are a number of issues with the proposed servicing strategy in terms of the number of entrances and internal movements. TfL would like to see servicing arrangements redesigned around a single entrance on New Compton Street, a combined loading and bin collection area and an internal corridor to the hotel goods lift. Opportunities for consolidation should be actively investigated with the aim of reducing the overall number of vehicles needing to access the site.

### **Construction**

40. A construction Management Plan has been prepared and should be secured by condition.

### **Energy Strategy**

41. The London Plan requires all major developments to meet a net-zero carbon target. Reductions in carbon emissions beyond Part L of the 2021 Building Regulations should be met on-site. Only where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site may a contribution to a carbon offset fund or reductions provided off-site be considered.
42. An Energy Statement has been submitted with the application, which does not yet fully comply with London Plan policies SI2, SI3 and SI4. The energy strategy should be further refined, with additional evidence supplied to confirm compliance. Full details have been provided to the Council and the applicant in a technical memo which should be responded to in full. Outstanding requirements include:
- Be Lean: Further exploration of energy efficiency measures for the non-domestic element and submission of full BRUKL reports;
  - Managing Heat Risk: Further details to demonstrate the cooling hierarchy has been followed;
  - Be Clean: Further exploration of DHN potential and energy strategy to be futureproofed for connection to a future DHN;
  - Be Green: Demonstration that renewable energy has been maximised, including roof layouts showing the extent of PV provision and details of the proposed air source heat pumps;

- Be Seen: Confirmation of compliance with this element of policy, with compliance to be secured within the S106 agreement;
  - Energy infrastructure: Further details and justification of the energy strategy and the design of the DHN is required, and the future connection to a network must be secured by condition or obligation.
43. The development is estimated to achieve a 28% reduction in CO2 emissions compared to 2021 Building Regulations. The development falls short of the net-zero carbon target and does not meet the minimum 35% carbon reductions on site required by Policy SI2. The carbon savings should be improved. Once the on-site carbon savings have been maximised, a carbon offset payment is required to be secured. This should be calculated based on a net-zero carbon target using the GLA's recommended carbon offset price. The draft S106 agreement should be submitted when available to evidence the agreement with the borough.

#### Whole Life-cycle Carbon

44. In accordance with London Plan Policy SI2 the applicant is required to calculate and reduce whole life-cycle carbon (WLC) emissions to fully capture the development's carbon footprint. The applicant has submitted a written whole life-cycle carbon assessment but has not yet provided a completed GLA template assessment. This must be done to allow a full assessment of the level of compliance with the GLA WLC guidance and London Plan Policy SI2.

#### Circular Economy

45. London Plan Policy D3 requires development proposals to integrate circular economy principles as part of the design process. London Plan Policy SI7 requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, following the Circular Economy Statements LPG. The applicant has submitted a Circular Economy Statement in accordance with the GLA guidance. The Circular Economy Statement does not yet fully comply with London Plan Policy SI7. Further information is required to demonstrate how the proposals respond to the Circular Economy design principles, and commitments to GLA policy targets. The proposals include a degree of in-situ retention of the listed building façade, but it has not yet been sufficiently justified that retention has been prioritised and maximised.

### **Local planning authority's position**

46. Camden Council planning officers are currently assessing the application. In due course the Council will formally consider the application at a planning committee meeting.

## Legal considerations

47. Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged; or, direct the Council under Article 6 of the Order to refuse the application; or, issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application (and any connected application). There is no obligation at this stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

48. There are no financial considerations at this stage.

## Conclusion

49. London Plan policies on land use, urban design, heritage, transport and sustainable development are relevant to this application. The application does not comply with the London Plan as summarised below:

- **Land use principles:** London Plan policies support the principle of a theatre use at this West End site, within a historic theatre building. The proposed hotel use would also support the strategic functions of the Central Activities Zone.
- **Urban design:** The scale and form of the proposed upwards extension raises serious concerns. GLA Officers consider that it fails to respect or relate well to the scale and character of the existing building and would dominate the local townscape and street scene to an inappropriate extent.
- **Heritage:** GLA Officers have identified a high degree of less than substantial direct harm to the listed building, as well as a moderate degree of less than substantial harm to the setting of adjacent conservation areas and listed buildings.
- **Climate change and sustainable development:** Improvements to the energy strategy are required, including the carbon savings achieved on site. Further work is also required to the Circular Economy Statement and Whole Life Cycle Carbon Assessment.
- Other issues relating to **Transport** also require resolution prior to the Mayor's decision making stage.

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and engaging all communities in shaping their city.