



20 March 2025

Laura Dorbeck
Planning Solutions Team
London Borough of Camden

Sent by email and uploaded to the website

Dear Laura

Odeon Cinema (Former Saville Theatre), 135-149 Shaftesbury Avenue, London WC2H 8AH
Planning Application - 2024/0993/P and Listed Building Application - 2024/1005/L

1. The Proposals

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.

2. Summary of Objections

This letter is written on behalf of The Seven Dials Trust. The Trust works in partnership with local authorities, landowners, national agencies and local amenity groups to protect the historic fabric of Seven Dials and the surrounding conservation areas, and to promote and bring about exemplary environmental improvements in the area.

The Trust raised strong objections to the original proposals in a letter dated 28 April 2024. The scheme was revised in February 2025 and new documents were uploaded to the London Borough of Camden planning web site in February and March 2025.

The Seven Dials Trust **objects in the strongest possible terms** to the proposals to add six storeys on the roof of this Grade II listed building. It considers that these proposals will cause:

- a. **substantial harm** to the significance of this listed building, and
- b. **a high level of less than substantial harm** to the setting of the Seven Dials Conservation Area.

The Trust shares the views expressed by Historic England in their letter of objection dated 11 March 2025, and the Theatres Trust in their letter dated 12 March 2025.

3. The Proposals

The proposals involve the addition of five floors of hotel accommodation and a large sixth floor roof top plant enclosure. Additional basements levels would also be created, with the lowest

level approximately 22 metres below street level. This would transform the building into an 10 storey hotel (plus roof level plant), with a new 'theatre' in the basement, below a basement plant room.

The main revisions to the proposals include:

- The height of the extension has been reduced by approximately 5 metres, from 39m to 34m (a reduction of one storey)
- The top plant storey has been set back further
- The width of the extension has slightly expanded so that it aligns with the plane of the façades
- The design of the new facades has changed to 'woven' brickwork, with a strong vertical emphasis
- The external walls of the fly tower above cornice level are now to be retained.
- The 'theatre' has been moved further below street level.

4. The Significance of the Odeon Cinema

The list description states that the Odeon Cinema, the former Saville Theatre, 135 Shaftesbury Avenue, is listed for the following principal reasons:

Architectural interest:

1. for the quality of the architectural composition, its restrained and carefully proportioned form specifically designed to integrate the purpose-designed sculptural work by Gilbert Bayes.
2. for the distinction of Bayes' integrated sculptural work, most notably the 'Drama through the Ages' frieze, which is an especially fine example of this leading sculptor's work that serves to clearly proclaim the building's designed purpose.

Historic interest:

1. as a major theatre built for the impresario A E Fournier during the inter-war West End revival, designed by T P Bennett & Son in collaboration with the veteran theatre architect Bertie Crewe.
2. for the lively historical pageant of theatrical performance displayed in Bayes' frieze, an important example of integrated public sculpture which is redolent of the period in its stylised composition and depiction of famous actors, celebrated plays and theatregoers of the inter-war era.

5. The Impacts of the Current Proposals

5.1 Impact on the Listed Building

As the list description states the significance of the listed building lies partly in:

1. the quality of the architectural composition, and
2. its restrained and carefully proportioned form specifically designed to integrate the purpose-designed sculptural work by Gilbert Bayes.

The proposed extension is six storeys high, including the large plant room on the top. The extension is taller than the existing listed building. Setting aside the design of the extension, its height and bulk would dominate and overwhelm the listed building and destroy its original 'restrained and carefully proportioned form', a key aspect of its significance. The original architectural composition would be severely compromised by these proposals.

As the list description makes clear the building was designed to integrate the sculptural work. By changing the height, proportions, scale and appearance of the listed building to such a radical degree the setting of the sculpture is fundamentally changed. The sculpture becomes a small

part of a building twice the height of the original. Its prominence as part of the overall composition is very seriously diminished.

Additional harm would be caused by the removal and loss of surviving original fabric internally, and also the demolition of the existing rear elevation.

5.2 The Level of Harm to the Listed Building

We consider that the level of harm caused to the listed building falls into the category of substantial harm. The NPPG states:

In general terms, substantial harm is a high test, so it may not arise in many cases. **For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest.** It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting. (Emphasis added)

However, even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting.

It is considered that in this case the proposals would seriously affect a key element of the special interest of the listed building. In which case the harm is substantial, and paragraph 214 of the NPPF has to be considered. This states:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

The applicants have not addressed these tests, because they do not identify the substantial harm which would be caused, and the proposals clearly fail to pass them.

Even if the proposals were considered to fall below the level of substantial harm, they would certainly result in a very high level of less than substantial harm to the significance of the listed building.

5.3 Impact on the Seven Dials Conservation Area

The "Seven Dials Renaissance Study", originally published in 1990, is the key document in the work of the Trust. It provides a detailed framework for the care and enhancement of the total environment of the Seven Dials area. The latest revised and updated web-edition from 2023 has been extended across the borough boundary down to Long Acre in Westminster, covers an enlarged area in Camden and has been renamed "The Seven Dials in Covent Garden Study".

Although the Odeon Cinema falls just outside the area covered by the Study (as it is on the far side of Shaftesbury Avenue which forms the northern border of the Study's area), the site forms the backdrop to the Seven Dials Sundial Pillar (which was reinstated by the Trust in 1989 as the focal

point of the Seven Dials area) and is visible behind the Sundial Pillar when seen from the south looking towards the junction of the northern end Mercer Street (one of the seven roads radiating out from around the Pillar) and Shaftesbury Avenue.

The proposals would place an overly large and architecturally overpowering addition on top of the listed building, greatly increasing its prominence in the local streetscape. The mass and height of the proposed extension are highly excessive, both in the context of the existing listed building and also in the context of the neighbouring buildings on Shaftesbury Avenue.

The proposed addition will tower above the neighbouring buildings, both those on the south side of Shaftesbury Avenue (which is within the Trust's Study area) which are all four or five floors. There is one exception where notably the two top floors are stepped and set back from the street facade preventing the type of gross intrusion currently proposed. On the north side of Shaftesbury Avenue the buildings are taller than the south, but even here the upper floors are set back from the street façade, again avoiding the type of over-massing exhibited by the current proposals.

The Trust considers that this extension would cause a high degree of less than substantial harm to the setting of the adjacent conservation areas, namely the Seven Dials Conservation Area and the Denmark Street Conservation Areas.

5.4 Impact on Amenity

The Seven Dials Trust notes that the height and bulk of the proposed extension will take away a significant portion of the sunlight reaching both the Phoenix Garden, the only community green space within Covent Garden, and its neighbour, the St Giles Churchyard and playground. These are important green spaces open to the public and extensively used by many residents and workers in the Trust's study area, and the Trust objects strongly to the loss of amenity that this would entail.

6. The 2021 Appeal Decision (2017/7051/P)

The issue of a roof level extension on the listed building has already been tested at appeal. Following a public inquiry in 2020 the Planning Inspectorate refused planning permission and listed building consent for a scheme to add a two storey roof extension on top of the listed building.

The Planning Inspector considered that this extension would cause significant harm to the listed building, and minor and moderate harm to the Seven Dials Conservation Area and the Denmark Street Conservation Area respectively.

With respect to the impacts on heritage assets the Inspector concluded:

33. None of the parties at the inquiry objected to the principle of a rooftop extension. The statement of common ground between the appellant and the Council states that an extension of the form and height proposed, if sympathetically executed, could be incorporated without significant harm to the listed building. Similar views were expressed by the Camden Design Review Panel. However, in my view, the height, mass, form and choice of materials in this proposal would compete with, rather than complement, the listed building. The extension would be overly dominant and detract from the existing form and composition. It would not be sympathetically executed. **Thus, it would result in less than substantial but nevertheless significant harm to the listed building.** (Emphasis added)

34. There would also be **less than substantial harm to both conservation areas**. For Seven Dials Conservation Area, due to the modest contribution the building makes to this heritage asset and the limited and restricted views of the extension, the harm would be minor. For Denmark Street Conservation Area, due to the greater contribution made by the

building, the more open views, and the bulkier appearance of the extension at the rear, the harm would be moderate rather than minor.

Images of the appeal scheme are shown below.

The scheme refused at appeal



The current proposals



7. Harm and Benefits

The applicant acknowledges that the proposals would cause a degree of harm to the listed building. The Seven Dials Trust considers that this assessment is flawed. It fails to assess properly the full significance of the listed building and grossly underestimates the degree of harm which would be caused to that significance.

The applicant lists 'public benefits' which they consider to outweigh the low level harm they identify (Planning Statement , page 3). These include the following:

- Much needed repair to the listed building, which is currently suffering from corrosion-related damage;
- Reintroducing a theatre use for which the listed building was originally designed, and in so doing, bringing a world class theatre operator (Cirque Du Soleil) to this part of Shaftesbury Avenue;
- Public realm improvements to surrounding streets;
- Enhanced activation to the frontage along Shaftesbury Avenue;
- Improvements to accessibility, sustainability and fire safety; and
- Comprehensive community benefits through the construction and operational phases.

The heritage benefits are listed on page 23 as:

- The reinstatement of original theatre use;
- Addressing the 'Regents Street Disease';
- Restoring the front and side elevations including the Bayes frieze and lost architectural details such as the front window and entrance canopy;
- Creating an attractive and exciting entry experience that would celebrate the theatre use at the ground floor and introduce a new way to experience the front window from inside the building (which it has never had before)
- Reconstructing the rear elevation in facsimile which would restore original window openings;
- Long-term maintenance and the opportunity for interpretation of the building's history and architectural interest.

The Trust considers that these benefits are insubstantial and certainly do not outweigh the high level of harm identified (and underestimated) by the applicant. Many of the benefits are questionable.

1. The claimed benefit of a 'theatre' does not outweigh the loss of a five screen cinema, one of the most successful in Central London, which offers a great variety of popular culture, and is very well used by residents from Bloomsbury, Fitzrovia, Soho, Seven Dials and Covent Garden.
2. The proposed 'theatre' appears to have been designed for use by Cirque du Soleil only, who have apparently signed a lease. However, that begs the question of how useable the space would be for other theatre operators if the Cirque du Soleil were to pull out.
3. We understand that the contract with the Cirque du Soleil is heavily dependent on obtaining the 'Satisfactory Planning Permission'. If this condition is not met, then either party can be released from the contract without any consequences. This may mean that even if planning permission is granted Cirque du Soleil could still pull out.
4. The condition of the facades may be poor in places and may require conservation works. However, this is a repair and maintenance issue which should not be regarded as a benefit which would outweigh the harm the proposed extensions would cause.
5. It cannot be said reasonably that the elevations are restored to its original appearance when it is proposed to add six storeys above it. The appearance of the building will be altered radically.

6. 'Enhanced activation' of the ground floor of the Shaftesbury Avenue facade and reconstructing the rear façade in facsimile could only be regarded as minor benefits.
7. Public realm and facade improvements could be provided by an alternative scheme which caused far less harm to heritage assets.

8. Local Plan Policies

The proposals are contrary to the policies of the Camden Local Plan dealing with design and heritage matters, which seek to protect the heritage assets of the borough.

The proposals fail to meet the requirements of Policy D1 'Design' which requires high quality design in development that:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
- m. preserves strategic and local views.

They also fail to meet the requirement for 'Excellence in design' which states that the Council expects excellence in architecture and design.

The proposals are contrary to Policy D2 'Heritage' which states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

With respect to designated heritage assets Policy D2 states:

The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

With respect to conservation areas it states that the Council will resist development outside of a conservation area that causes harm to the character or appearance of that conservation area.

With respect to listed buildings it states that the Council will resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building.

The proposals fail to comply with the Council's approach to the design of extensions to existing buildings, as set out in paragraph 7.2 of the Local Plan. This states:

The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building, where alterations and extensions are proposed;
- the prevailing pattern, density and scale of surrounding development;
- the impact on existing rhythms, symmetries and uniformities in the townscape;
- the composition of elevations;
- its contribution to public realm and its impact on views and vistas; and
- the wider historic environment and buildings, spaces and features of local historic value.

More specifically, the proposals fail to meet the requirements of Draft Site Allocations Policy HCG4 – 134-149 Shaftesbury Avenue which states:

Development must be in accordance with Policy HCG1 and in addition must:

a. Retain the Grade II listed building and ensure that its fabric and setting are protected, restored and enhanced, particularly the building's distinctive features.

e. Ensure that any roof extension is of an exceptional architectural quality to complement and enhance the host building.

9. Viability

As the independent viability report, dated 6 March 2025, commissioned from BPS by the London Borough of Camden states:

4.22 We are of the opinion that even with the increased number of storeys and the lower profit target, the scheme would not only remain in deficit, but would be a loss-making development. **We therefore question how the Applicant intends to deliver what is a loss-making scheme.**

We consider that it is possible that alternative schemes could be produced which would respect the significance of the listed building and remain viable.

We agree with the Theatres Trust who consider that the optimum viable use of the building is as a theatre, with a much greater capacity than that proposed. There is an opportunity to provide a larger scale theatre on this site. We consider that it is likely that established theatre operators would be interested in running such an operation, without the need for harmful development. The applicant has not demonstrated that this is not the case.

10. Conclusion

The Seven Dials Trust considers that these proposals are very seriously flawed and would be very harmful to heritage assets and the area generally.

1. The significance of the listed building is not protected, restored or enhanced.
2. The roof extension is not of exceptional design quality and does not complement and enhance the listed building.
3. The proposals would cause significant harm to local views and the setting of the Seven Dials Conservation Area.
4. The proposals would cause substantial harm (or at the very least a high level of less than substantial harm) to the significance of the listed building.

5. The proposed public benefits are insubstantial and are far outweighed by the harm which would be caused.
6. The proposals do not accord with the NPPF with respect to the protection of heritage assets.
7. The proposals are clearly contrary to the planning and heritage policies of the London Borough of Camden.

We urge the London Borough of Camden to **refuse** planning permission and listed building consent.

Yours sincerely

David Bieda
Seven Dials Trustee, on behalf of the Seven Dials Trust

cc Kathy Clark, Principal Inspector of Historic Buildings and Areas, Historic England