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21 March 2025

Dear Laura,

**2024/0993/P (024/1005/L) | THE FORMER SAVILLE THEATRE
135-149 SHAFTESBURY AVENUE, LONDON, WC2H 8AH**

THEATRES TRUST LETTER (REF TC/2076)

On behalf of our Client, YC Saville Theatre Ltd (“the Applicant”), we write in response to the letter received from Theatres Trust on 12 March 2025, regarding the recent re-consultation on application reference 2024/0993/P and 2024/1005/L.

The Applicant was disappointed to read that Theatres Trust object to the granting of planning permission and listed building consent for the Proposed Development, particularly in the context of recent constructive Design Review Panel and pre-application discussions. Moreover, several of the points raised within the letter are factually incorrect and / or misleading to the reader. Therefore, the Applicant has prepared this letter to respond to the matters raised.

Notwithstanding the objection, it is salient to highlight Theatres Trust’s concluding comments, which state that *“whilst constrained and compromised by its subterranean position, it has nonetheless been demonstrated that it could constitute a viable proposition. In isolation, ignoring other factors, we could support this provision if it had come forward as part of a new-build scheme or a new site without current cultural use”*. This statement should provide confidence to the decision maker, that Theatres Trust consider the proposed theatre use to be a long-term viable proposition.

The matters raised within the letter are addressed, in turn, below:

Optimum Viable Use

Theatres Trust: “The Optimum Viable Use of this building is as a theatre, at a larger scale with a capacity of around 800-1,000 dependent on configuration. We have confidence there are established operators who could viably deliver this thereby avoiding the additional development and harm created by this proposal. This casts considerable doubt on the Appellant’s viability evidence and assertion that a 100% theatre use would not be viable.”

For the avoidance of doubt, the application is not promoted on the basis that the proposed use realises the optimum viable use, as defined in the NPPF and PPG. The application is promoted on the basis that the benefits of the scheme as a whole, outweigh harm to the heritage asset.

The Proposed Development provides a rare opportunity to deliver a new purpose-built theatre, with a world class and committed operator, in the heart of the West End. A live performance venue has not been present within the former Saville Theatre building since 1970. The theatre space and interior were removed, and the building essentially became a retained façade and roof around a series of cinema screens, 55 years ago.

Over recent decades, numerous proposals have been considered to bring back a live performance venue into the building, however, none have been commercially viable, and the building fabric has continued to deteriorate over many years.

In addition, a Financial Viability Assessment ('FVA') has been submitted which confirms the requirement for a dual use on the site to deliver a new flexible theatre space within the former Saville Theatre building. The FVA information was not supplied to demonstrate optimum viable use, which is a very particular form of heritage benefit and is not necessary as a matter of policy to outweigh the harm.

Throughout a significant design process, technical analysis has proven the optimal position to locate a best-in-class theatre whilst minimising the scale of the upper-level additions.

The increased capacity potential of the application scheme, arranged over the ground and lower floors, provides an increased theatre capacity than would be possible inside of the existing volume when cohabiting with an enabling dual use. For the avoidance of doubt, a dual use building is the only way that a commercially viable live performance space of the scale proposed can be delivered on the site.

The robust position of the Applicant (not Appellant as erroneously suggested by Theatres Trust) is in the knowledge of a rigorous design process completed by industry recognised theatre specialists including the architect SPPARC and theatre consultant Charcoalblue.

The comprehensive evidence-based studies have demonstrated that a capacity of 800-1000 seats is not viable or sustainable.

Current Building Regulations, a compliant fire strategy, theatre and building servicing, a robust acoustic strategy and sanitary provision set very specific parameters to the setting-out of the auditorium box and the size of the associated foyer areas. Those capacities purported by the Theatres Trust without any evidence could not be accommodated within the building and it is misleading to suggest otherwise.

The Quality of the Theatre

Theatres Trust: "The proposed theatre is heavily constrained by its relocation into subterranean levels and would not be able to deliver the audience capacity promoted by the applicant."

The Applicant has worked closely with Charcoalblue, highly regarded theatre, acoustics and experience consultants, and theatre operators including Cirque du Soleil to design an increased theatre area (with a capacity of 622 seats) which is now larger than the original 1931 format. The theatre has been designed for flexibility to meet the production and creative needs of live performance for the next 125 years.

The information provided by the Applicant's design team is irrefutable evidence that the proposals will have the seating capacity and world-class theatre experience that is claimed. The quality of the proposed theatre has also been validated by the presence of the internationally renowned Cirque de Soleil who will be the first to occupy the Saville for live performance since 1970.

The assertion that the audience capacity proposed is not achievable, is not supported with evidence by Theatres Trust. Designed to accommodate an audience capacity of 622 (for reference, Soho Place is 602), the proposed location of the theatre auditorium unlocks the possibility of a larger capacity, rather than

constraining it, as the design takes advantage of the basement vaults that extend beyond the boundaries of the existing facade. This enables the theatre to have a larger footprint and consequently a greater capacity than a theatre located within the listed envelope.

There is a strong case, which the Proposed Development has embraced, for new venues to be designed to balance the diversity of the theatre stock, offer alternative seating configurations, be flexible and adaptable, and meet modern audiences' expectations for a high-quality experience at every level. The layout of the proposed theatre has been designed for maximum future flexibility including structural soft spots for reconfiguration of get-in lifts and other supporting facilities to meet the requirements of future operational needs and not designed specifically for Cirque du Soleil.

The submitted theatre layouts propose a 622-capacity central stage arrangement with all means of escape fire escapes, fresh air ventilation and other supporting infrastructure designed to this capacity. The occupation of Cirque Du Soleil as the first production of live performance within the building for over 55 years is testament to the high-quality theatre space proposed.

In respect of the subterranean location, these are not uncommon within the West End, with the National Theatre's Dorfman, the Criterion and the Royal Opera House's Linbury Theatre both offering good examples of the successful subterranean theatres. The location of the proposed new theatre allows for a greater front of house experience at ground level. Unless the stage level is also at ground level, the loading and servicing of most West End theatres rely on servicing via a dedicated get-in lift, regardless of the above or below ground location of the theatre space. Given the constraints of the area, street-level BOH accommodation and servicing to a ground level stage would severely compromise the operation and capacity numbers of any theatre proposed on the site.

The proposed location of the theatre avoids hotel circulation and escape routes taking up valuable floor theatre space across the auditorium levels (which would occur if auditorium volume occupied any above ground levels). During the Applicants discussions with Theatres Trust during the consultation process, the separation of the theatre functions and hotel functions as a consequence of lowering the stage position was welcomed.

The availability to laterally expand the footprint of the theatre creates a larger space than possible within the existing envelope. A larger footprint of course offers larger capacities and better quality of space including improved sightlines and BoH accommodation like dressing rooms being located next to the stage rather than dispersed vertically.

The design, layout and format of the proposal have been carefully considered to create the best outcome for a sizeable theatre space with the potential for future flexibility to meet the demands of live performance for the next 125 years.

Reduction in Cultural Provision

Theatres Trust: "Although reinstating a theatre use for the first time since 1970, it constitutes a reduction in cultural provision without sufficient evidence for that loss contrary to development plan policy."

The proposals' cultural provision must be assessed relative to that which the building provides today. The building currently comprises a number of relatively small cinema screens that, before they closed, offered a low-end and out-dated but relatively affordable cinema experience. The existing cultural provision can certainly be described as 'low' therefore.

The proposals on the hand offer a new, world-class, 622 capacity theatre, with modern facilities designed by market leading architects with the support of a world-renowned theatre operator. The assertion that the net effect of the proposals is a reduction in cultural provision is beyond comprehension. Instead, the scheme offers a dramatic increase in cultural provision, wholly aligned with relevant planning policy at national, London and local levels.

Draft Site Allocation

Theatres Trust: "Draft site allocation S19 (HCG4) within the Draft New Local Plan 2024 specifically allocates this site for theatre/cinema or cultural use and does not promote other uses. Development and design principles include retaining the cinema or theatre use and ensuring that other uses on the site do not compromise or restrict the viability or operation of the cinema or theatre. Whilst at this stage only a draft policy with limited weight, it is nonetheless an expression of the importance the council places on this site for cultural provision. We do not consider that vision to be realised by this scheme and there are conflicts which undermine cultural delivery as sought by the draft plan."

It is acknowledged that the draft site allocation is for a theatre or cinema use. The Proposed Development meets the requirement of the site allocation through the delivery of a theatre, and this approach has been supported by LB Camden and GLA officers in pre-application discussions. The proposed hotel use is in accordance with the strategic functions of the Central Activities Zone, and will complement the theatre, without compromising or restricting the viability or operation of the theatre.

The Proposed Development will deliver a state-of-the-art theatre venue in the West End, and will complement Cirque du Soleil's annual Royal Albert Hall performances, offering audiences a more up-close, transformative journey into the magic of circus art. The theatre space is not compromised, and the ground floor lobby and bar are key to the theatre's layout and enhanced visitor experience, creating a vibrant, welcoming front-of-house space with a triple height entrance designed to expose the original arched glazed window.

The reimagined ground floor presence addresses the shortcomings of the original Saville Theatre and improves visibility from Shaftesbury Avenue. The reworking of the arrival experience provides a much-needed generosity of socialising space which is rare in West End theatres of a similar age.

Assessment of Alternative Options

Theatres Trust: "We consider there to be a high level of less than substantial harm to the character and significance of this building with insufficient public benefit to justify that harm, and no proper assessment of alternative options to demonstrate why such scale of additional development is necessary in the first place."

The Proposed Development would deliver significant heritage and public benefits, sufficient to outweigh the level of harm identified. The heritage and public benefits are summarised at the end of this letter for completeness.

In respect of the comment relating to "no proper assessment of alternative options to explain why such scale of additional development is necessary", this statement is incorrect. The Applicant and design team has undertaken extensive and detailed testing of alternative options to understand the scale necessary to deliver the Proposed Development. These alternatives have been presented to stakeholders, including the Theatres Trust in meetings, and are clearly set out within the DAS and DAS Addendum.

In addition, the FVA confirms that the harm to the listed building has been minimised as much as possible, in the context of these proposals, whilst remaining deliverable and financially viable in the long term such that the listed building's survival is assured.

The lack of alternative options is not the test in policy for whether a scheme is acceptable in terms of heritage assets. The "clear and convincing justification" for proposals that cause harm to a designated heritage asset is no more than the balance of public benefits at paragraph 215 (see Pugh 2015 judgement). In this case, the balance of public benefits is supported by design and technical justification, including detailed analysis on how the theatre use would function in the building and why the proposals have been identified as the optimum solution, with consideration of all the various constraints and opportunities.

Cultural Use and Function

Theatres Trust: "The previous Inquiry noted how the cultural use and function of this building contributes markedly to its special interest and significance. The scale and massing of additional development markedly diminishes that significance, moreover the proposed development results in a dominance of non-cultural use both visually and functionally."

The evidence produced for the previous Inquiry, and subsequent studies, including the enhanced listing of the former Saville Theatre by Historic England in May 2023, means there is much more information available on the significance and condition of the listed building since the Inquiry Scheme was developed. This means that the impact on significance and benefits can be understood more fully.

The listed building does derive significance from the historic interest of the theatre use, and how that theatre use is manifested in the architectural design. This aspect of significance has been diminished, however, by the alterations for the cinema use: internally, the appreciation and experience of the original use has been largely lost. The architectural interest of the building is its primary significance, made clear in the updated list entry description. Theatres Trust base the level of harm on the distribution of uses in the building, which fails to consider its significance as a whole, i.e. what aspects are affected and to what extent. Theatres Trust assessment is therefore flawed.

It is recognised that as a result of the Proposed Development, there would be harm to the special interest of the building. However, the harmful impacts have been minimised and to some extent mitigated through the detailed design of the extension. There have been further changes to the original scheme to address heritage concerns from consultees.

The proposed architectural concept for the new storeys above the existing building includes the horizontal setback (the 'belt') which creates a visual break and emphasises the horizontality of the whole building. The horizontality reinforces the continuity of the frieze, which, is prominent and flush from the façade as distinct from the horizontal belt which is recessed.

The Proposed Development would retain and restore the frieze and its original setting. The design is influenced by the frieze and seeks to emphasise it. Therefore, the level of harm cannot be high in our view because the Proposed Development would not seriously diminish or remove the main reason for the building's designation.

Furthermore, the Proposed Development would introduce a theatre to the listed building. This would reinstate its original use and represents a weighty heritage benefit as a result.

It is also relevant to note that the Inquiry scheme's 'cultural use', was a small cinema (1,401 sqm GIA) provided entirely in a new basement, with the existing above-ground envelope of the listed building being hotel and associated uses, including a spa. The Proposed Development represents a more appropriate solution for the listed building by introducing a theatre, the original use, and having the theatre lobby and associated hospitality space at the ground floor. In doing so, the cultural identity of the building would be better reinstated than the Inquiry Scheme.

Financial Viability Assessment

Theatres Trust: "The Financial Viability Assessment submitted by the applicant refers to the proposed hotel as "an enabling use". With reference to Historic England good practice guidance on 'Enabling Development and Heritage Assets' (2020) this development is not enabling development. This is because with other reasonable alternative means of delivering or designing the scheme with less or no harm it is not necessary and does not secure the future conservation of the asset."

It is noted within the letter, that Theatres Trust do not consider that enabling development is necessary because they are aware of realistic interest in this site by established theatre operators. Indeed, the long-term

commitment of Cirque du Soleil demonstrates this realistic interest, and the Applicant is excited to be in partnership with a world class theatre operator.

Whilst the proposed hotel use is an enabling use that is better able to cross subsidise the costs of development than the proposed theatre, as demonstrated through the FVA, the Applicant is not making the case that the Proposed Development is 'Enabling Development' as defined by the Historic England Guidance. The Proposed Development is an appropriate reuse of the existing building, and the FVA confirms that the harm to the listed building has been minimised as much as possible, in the context of these proposals, whilst remaining deliverable and financially viable in the long term. The public benefits arising from the overall scheme are of sufficient weight to outweigh the low level of residual less than substantial harm identified.

In respect of securing the future conservation of the asset, it is important to reiterate that structural design, layout and format of the proposal have been carefully considered to create the best outcome for a sizeable theatre space, with the potential for future flexibility in terms of layout and capacity, to meet the demands of live performance for the next 125 years.

Summary of Heritage and Public Benefits

The significant heritage and public benefits supporting the case for planning permission are summarised below:

Heritage Benefits

- The reinstatement of the original 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; and
- Long-term maintenance and the opportunity for interpretation of the building's history and architectural interest.

Environmental Benefits

- Optimises a previously developed site within the Central Activities Zone ('CAZ') with a mixed use scheme;
- Delivers a package of landscaping and urban greening measures;
- Delivers a high quality building, which seeks to achieve a BREEAM rating of at least 'Excellent';
- Delivers cycle parking, promoting sustainable travel to the Site;
- Improvements to the local environment, by improving the quality of the public realm around the Site;
- The position of the entrances and the new architecture would invite people on a journey from Seven Dials to Shaftesbury Avenue which would be a significant townscape benefit;
- Delivers a betterment over Part L of the Building Regulations; and
- The Scheme will follow best practice principles in their design and construction with the overarching aims of reducing material usage, minimising waste, and embedding longevity, flexibility and adaptability.

Social Benefits

- Re-provides a state of the art 622 capacity new theatre within a deteriorating Grade II listed building that has not hosted live performance for over 50 years;
- Provides active uses at ground floor level that will be open to members of the public;
- Offers education partnerships with Cirque de Soleil and local schools and performing arts organisations;
- Opportunities for discounted and free theatre ticket for local residents;

- Use of local supply chain where possible, partnering with local businesses and restaurants;
- Offers free resident access to hotel communal areas to use for work and meetings;
- Offering space for local artists to display work in the foyer space;
- Delivering circus events outside of the theatre walls;
- Offers partnerships with local artists to feature in the hotels; and
- The proposed uses are complementary to the function of the area and would introduce activity and natural surveillance to the area to the north of the site which is currently uninviting and experiences anti-social behaviour.

Economic Benefits

- Delivers a mix of uses which align with both the LB Camden and GLA policy objectives for the Central Activity Zone, as well the adopted and emerging policy aspirations for the Site;
- Provides the first permanent UK home for Cirque Du Soleil, a world renowned theatre operator, whose investment in the building would help to support the growth of creative and cultural industries in this part of the CAZ;
- Provides placements for young people, and opportunities for circus training skills;
- Supports refugees into construction training courses;
- The Scheme is expected to create a total of 538 person years of employment. This equates to c. 538 FTE jobs sustained for the build period.
- A total of 129 Full Time Equivalent (FTE) jobs are expected to be created on completion;
- The Scheme, once in operation, is expected to generate c. £12.9m per annum in Gross Value Added, which represents a significant uplift on the direct economic contribution of the site in its current use;
- Increases business rates to LB Camden;
- The wider spin-off benefits for complementary businesses in the local area are also expected to be significant - visitors to the proposed theatre could be responsible for spending up to £23m per annum with other businesses in the local area during their visit; and
- Improvements to local infrastructure through planning gain payments

Conclusion

The quality of the proposed theatre has been validated through the rigorous design process, by industry recognised theatre specialists including the architect SPPARC and theatre consultant Charcoalblue and further validated by the presence of the internationally renowned Cirque de Soleil, who will be the first to occupy the Saville for live performance since 1970.

As noted above, notwithstanding the objection, Theatres Trust do conclude that *“whilst constrained and compromised by its subterranean position, it has nonetheless been demonstrated that it could constitute a viable proposition.”* This statement should provide confidence to the decision maker, that Theatres Trust consider the proposed theatre use to be a long-term viable proposition.

We trust that the information provided within this letter is helpful. Should you require any further information, please do not hesitate to contact either Gareth Fox (gareth.fox@montagu-evans.co.uk / 07894 815 343), Louisa Smith (louisa.smith@montagu-evans.co.uk / 07469 379 425) or Phoebe Milner (phoebe.milner@montagu-evans.co.uk / 07836 711 026).

Yours sincerely,

MONTAGU EVANS LLP

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Enclosures