

Annex D – Letters from the Theatre Trust

Protecting theatres for everyone



Ref.: TC/2076

15 October 2018

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Town Hall
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By e-mail: planning@camden.gov.uk;

Application: 2017/7051/P & 2018/0037/L

Site: 135-149 Shaftesbury Avenue LONDON WC2H 8AH

Proposal: The comprehensive refurbishment of the existing Grade II listed building and the provision of a new two storey roof extension and new basement level, providing a new four-screen cinema (Class D2) and spa (sui generis) at basement levels, a restaurant/bar (Class A3/A4) at ground floor level, a 94-bed hotel (Class C1) at part ground and first to sixth floors and associated terrace and bar (Class A4) at roof level, together with associated public realm and highways improvements

Remit:

The Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

Comment:

This application has just been brought to our attention, and relates to the former Saville Theatre which currently operates as a cinema. The Trust was not consulted on this application as per our statutory remit set out above; our remit covers theatre buildings whether currently in use as a theatre, disused, or within other uses.

The Saville Theatre opened in 1931 and continued as a theatre until 1970 when it was purchased by Associated British Cinemas (ABC). At that time the theatre was unlisted, and did not achieve statutory Grade II listing until 1998. Upon conversion to a cinema virtually all of the original Art Deco interior and character was lost or hidden as it was converted into two

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Trustees Richard Baldwin, David Blyth, Pam Bone, Paul Cartwright, Paddy Dillon, Ruth Eastwood, David Ian, Richard Johnston, Gary Kemp, Dara Ó Briain, Simon Ricketts, Peter Roberts, Ann Skippers, Anna Stapleton

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auditoriums, with further sub-division following Odeon taking on the cinema in 2000. The building's historical significance is external, in particular a decorative sculpted frieze depicting drama through the ages which extends approximately 40 metres along the full length of the Shaftesbury Avenue elevation as well as partially into Stacey Street and St Giles Passage. It also contains a giant arch above the entrance and five large plaques. Although not a theatre, cinema still constitutes a cultural use for the building and contributes to cultural well-being. Paragraph 92 of the NPPF (2018) seeks decisions to plan positively for such facilities and to guard against unnecessary loss.

As this proposal would result in significant alteration to the building's cultural function and external appearance, we would consider it to constitute substantial harm for which there should be thorough and robust justification. Policy D2 of the Camden Local Plan (2017) does not permit such harm to a heritage asset unless it can be demonstrated it is necessary to achieve substantial public benefits. We do not consider that test to have been met.

We are concerned about the existing visible deterioration of the building externally and this is reflected within the accompanying 'The need for renewal' report which states, "The building is in a poor physical condition. It has not been maintained. This has necessitated an intervention from the owner and applicant". The report follows with, "The costs of retaining, upgrading and refurbishing the building in order to provide accommodation of an adequate commercial standard would make refurbishment unsatisfactory." A number of defects and required works are cited, and that approximately £26 million would need to be spent which is unviable in the context of the site being worth approximately £5 million. However, we would contend that this should not and cannot be used as a justification for significant redevelopment of the nature proposed. As a statutorily listed building, as indeed with any building, it is the ultimate responsibility of the owner to have ensured it has been adequately maintained so as to avoid the accumulation of defects and costly repairs now required. We would suggest that some further detail ought to be submitted which substantiates the £26 million figure as it is somewhat higher than might be expected.

Paragraph 3.3 of 'The need for renewal report' asserts the site has a negative and detrimental impact on the public realm and local pedestrian permeability. This is a spurious claim as the site is bounded on either side by pedestrian and vehicle access approximately 40 metres apart both leading to/from the Phoenix Garden to the rear and elsewhere via St-Giles-in-the-Fields and New Crompton Street. Thus it is more permeable than any of its surrounding neighbours. Paragraph 3.3 then goes on to claim there is "no visual interest at street level", which we find a perplexing argument as the building's visual interest which merited statutory listing is at street level. Paragraph 3.5 follows stating it is, "dark, unattractive and does not allow for natural surveillance" and "does not invite pedestrian exploration" or encourage "one to walk towards and around the site". Again we would disagree, whilst the current Odeon canopy, signage and doors may lack welcome, historical images of the front entrance with its taller openings, slender canopy and focused lighting have an elegance and entice public entry. The historical lighting scheme also serves to highlight the magnificent external frieze, In addition the rear of the building contains a number of existing windows and openings and the building is in any case

quite recognisable as a theatre from its form and character. Considering there is no access onto New Crompton Street from Phoenix Gardens, when approaching from the rear the activity of Shaftesbury Avenue can be easily seen by pedestrians and it is difficult to imagine how the proposed development would substantially enhance this from Shaftesbury Avenue heading north.

The applicant also states that “the existing accommodation is unable to meet the needs and demands of commercial occupiers”. Again, we would challenge this as we are aware of at least one operator seeking accommodation in the West End of the scale offered at the site. As this is stated without basis and with no apparent marketing evidence, it is contrary to Policies C3 and D2 of the Camden Local Plan. The former requires demonstration the premises is unable to support alternative cultural and leisure uses or that replacement facility is at the same or better standard than the facility that is lost, with the latter seeking evidence that no viable use of the heritage asset can be found in the medium term that will enable its conservation. The draft London Plan (2017) also recognises the “enormous contribution” of the West End theatres and cinemas to London’s cultural heritage, acting as “key visitor hubs for Londoners and domestic and international tourists” which should be “protected and promoted”. We recommend that a marketing exercise is undertaken, on appropriate rent and terms, to demonstrate that a cultural use within the existing space cannot be viable.

Notwithstanding the above, by virtue of the proposed materials to the upper floors we consider the appearance and form of the proposed upwards extension to be unsympathetic to the appearance and character of the building, especially when viewed from Phoenix Gardens. Whilst there is an attempt to copy the asymmetry of the existing Shaftesbury Avenue façade, we consider the mirroring of the asymmetry to jar with that of the existing building. We do however appreciate that the development is stepped back along the Shaftesbury Avenue elevation, and that the historic decorative features will be restored. That said, we concur with the comments of the Cinema Theatre Association (CTA) that the original scheme for the arched window should be fully restored and replicated with the entrance canopy replicated in its original design. Likewise we request that the original external lighting scheme for the front façade be reinstated.

If the Council is minded to approve this proposal, we recommend the insertion of a condition requiring the recording and salvage of any historic features or artefacts uncovered during works.

It is also noted that, within their response, the CTA raised concerns about the viability of the proposed basement cinema screens, both in terms of cinema auditorium size and also operationally over potential problems that may arise through sharing an entrance with the hotel and restaurant. The CTA had recommended that an operator be consulted over the designs. If this has not taken place we strongly recommend that this is carried out.

In conclusion we **object** to this proposal on the basis of the proposal failing to evidence that continued cultural use at the current scale cannot be maintained and because of the unacceptable harm caused to the character and setting of the building as a Grade II listed

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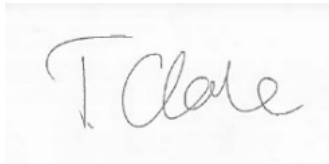
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heritage asset contrary to policies within the Camden Local Plan, London Plan and NPPF. We therefore **recommend the refusal of planning permission and listed building consent.**

Please contact us should you wish to discuss this representation further.

Yours sincerely,

A handwritten signature in black ink that reads "T Clarke". The signature is written in a cursive style with a large, looped 'T' and a clear 'Clarke'.

Tom Clarke MRTPI
National Planning Adviser

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Comment:

The Trust previously submitted comments objecting to this proposal on 15th October 2018. These comments have been drafted to supplement our previous representation.

In our previous representation we noted the lack of marketing exercise to demonstrate the site cannot support alternative cultural use as required by policy and challenged the applicant's assertion that "the existing accommodation is unable to meet the needs and demands of commercial occupiers". At that stage we noted interest from at least one operator seeking West End accommodation at the scale offered at this site.

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Since that time a number of further credible operators have come forward with specific interest. This site represents the last and only opportunity in the West End to provide a large scale cultural venue such as a theatre with a fly tower, as it still has the volume and footprint to provide one. It has the potential to offer an auditorium seating up to around 1,400 seats.

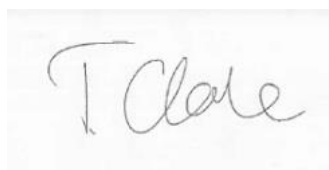
We consider it critical that this application is either not determined or refused, and certainly not permitted, until such time as a proper marketing exercise has been undertaken. If potential operators have expressed their interest to us without prompt, we find it inconceivable that a formal and appropriate marketing exercise by the applicant would have drawn no interest.

We would also like to further elaborate on previous critiques of figures contained within the applicant's supporting documents. The Condition Report prepared by Hallas & Co. estimates costs of £10 million to make good defects with the building. The majority of these are as a result of poor management and maintenance; we would have expected the property to have been let on a repairing lease meaning dilapidations are the responsibility of the former tenant or owner which may now have passed to the new owner. Furthermore, much of this would have been rectified in any case as part of the redevelopment proposed thus should not be used as a basis to demonstrate the supposed unviability of maintaining cultural use at the existing scale. On that basis, the £26 million figure would also seem to be inflated because that figure is inclusive of the £10 million.

We continue to **object** to this proposal and urge that the issues we have raised are further explored. In particular, it is clear the applicant has not made any realistic effort to market the site for continued cultural use and this must be addressed.

Please contact us should you wish to discuss this representation further.

Yours sincerely,

A handwritten signature in black ink that reads "T Clarke". The signature is written in a cursive style with a large initial 'T'.

Tom Clarke MRTPI
National Planning Adviser