

PLANNING SERVICES

**TOWN & COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000**

PROOF OF EVIDENCE
Colette Hatton BA (Hons), PG Cert

FOR PUBLIC INQUIRY COMMENCING ON
1st December 2020

APPEAL SITE

135-149 Shaftesbury Avenue, London, WC2H 8AH

APPELLANT

Capitalstart Limited

SUBJECT OF APPEAL

Appeal against London Borough of Camden's refusal of Planning Permission and Listed Building Consent for *'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'*.

COUNCIL REFERENCES: 2017/7051/P & 2018/0037/L

PINS REFERENCES: APP/X5210/W/19/3243781 & APP/X5210/Y/19/3243782

CONTENTS

Section		Page
	Introduction	3
	Summary	4
	Proof Structure	7
1	Legislative framework and national and local planning policies and guidance	8
2	The site	8
	Significance of the Listed Building	8
	The significance of the cultural / leisure use	27
	Significance and qualities of Shaftesbury Avenue	30
	Character of the adjacent conservation areas	33
3	Assessment of the change of use	36
4	Proposed extension	43
	Impact of extension	43
5	Overall assessment and heritage benefits	46
6	Response to appellant's statement	48
7	Optimum viable use	49
8	Conclusion and summary	50
9	List of appendices	51

INTRODUCTION

- i. I, Colette Hatton have prepared this Proof of Evidence for presentation into the public inquiry appeal. I hold a Bachelor of Arts degree in Cultural History from the University of Brighton and a Post Graduate Certificate in Historic Building Conservation from the University of Oxford Brookes.
- ii. I have worked in Development Management as a Conservation Officer since 2006. I have been a Conservation Officer at the London Borough of Camden since December 2017 and prior to that was employed as a Conservation Officer by the London Borough of Islington.
- iii. This Proof of Evidence provides my professional view on the conservation issues arising from the following reason for refusal relating to applications 2017/7051/P and 2018/0037/L. This is the main focus of this proof of evidence.

- iv. *Reason for refusal 1*

The proposed rooftop extension, by reason of the proposed height, mass, detailed design and materials would compromise the form, architectural character and historic interest of the host listed building, and in combination with the change of its main use to a hotel, would result in less than substantial harm to the significance of the host listed building and nearby surrounding Seven Dials and Denmark Street Conservation Areas, contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.

- v. However, I also discuss the heritage impacts of the proposed replacement cultural or leisure facilities, in relation to Reason for Refusal 2.

- vi. *Reason for refusal 2*

The applicant has failed to demonstrate that the proposed development would ensure the provision of the maximum reasonable amount of replacement cultural or leisure facilities within the scheme contrary to Policy C3 (Cultural and leisure facilities) and Policy D2 (Heritage) of the Camden Local Plan 2017.

- vii. I have visited the interior of the appeal site on three occasions on accompanied site visits, and the appeal site (exterior) and the surrounding area on many occasions. I am familiar with the planning history of the site. The evidence that I have provided for this appeal is accurate to the best of my ability. I confirm that any professional opinions expressed are my own.

SUMMARY

- viii. The evidence provided within the proof illustrates the significance of the listed building, including its architectural and artistic qualities, and the importance of the buildings use in relation to these aspects. The evidence then discusses the harm caused by the proposed change of use and the proposed roof extension. The appellants comments are also addressed and the optimum viable use for the building discussed.
- ix. The theatre was designed by T.P Bennet, with Bertie Crewe as the consultant architect who was a well-known theatre architect. The large rectangular shaped building was constructed in 1931 on a steel frame. The elevation facing Shaftesbury Avenue is simple but imposing and is characterised by a large bas-relief frieze by sculptor Gilbert Bayes. The frieze wraps around the building and is carved into artificial stone and depicts 'Drama Through The Ages'. The frieze is described by Historic England as 'one of the largest and most important pieces of public sculpture of its age'. Bayes produced a volume of work that has been celebrated both nationally and internationally. He was also president of the Royal Society of Sculptors. Other architectural features of note on the building are the roundel plaques, also by Bayes, and the large and grand arched stone entrance with bronze framing.
- x. Internally, the building has been altered to some degree and some significant fabric has been lost. However, when it was built, the internal arrangement and decoration was impressive. The theatre was accessed via the grand Shaftesbury Avenue entrance where patrons were greeted with a large foyer and bar. The seats within the auditorium were then accessed via staircases which took audience members to the dress circle, which was slightly below ground level and the stalls above. The stage was framed by a proscenium arch. There was also a bar at basement level. Decoration was in an art deco style. Photos of the theatre are included within the evidence below.
- xi. In 1970 the theatre was sold to the ABC Cinema group who remodelled the interior. Unfortunately, the tiered seating, stage and proscenium arch were removed. The auditorium was divided into two separate screens and new decoration was inserted. It's not clear if the 1970s decoration was added over the top of the original decoration or if the original was removed. Investigative work has not been carried out to ascertain this.
- xii. In 2001 the cinema was taken over by the Odeon cinema group who carried out further alterations internally. This involved additional partitioning to create four cinema screens and further decoration in association with the Odeon branding.
- xiii. The building is in disrepair, however the external elevations remain largely intact, with the exception of the window of the arched entrance which has been tiled over. Internally, the volume of the auditorium is still evident, as is the foyer.

The perimeter staircases, dressing rooms and ancillary rooms are all intact. In addition, the fly grid is still in-situ and is unaltered.

- xiv. My evidence goes into detail about the cultural legacy of the building and its contribution to theatre and cinema. The theatre was home to a number of successful shows and actors such as Marcel Marceau performed there. In 1967 the former Beatles manager, Brian Epstein, took over the venue and a number of famous musicians performed on stage including Chuck Berry and The Who. The Beatles also recorded a promotional film at The Site. When ABC Cinema Group took over, in 1974 the premier for 'Murder on the Orient Express' was held at the cinema and was attended by the Queen and Princess Anne.
- xv. The special characteristics of Shaftesbury and the Seven Dials and Denmark Street conservation areas are discussed in the evidence. The historic evolution of the area and the resultant variety of architectural styles are discussed. The number of theatres that line Shaftesbury Avenue, starting at the Holborn end of the street and going west to Piccadilly Circus, and theatreland, are also explored in more detail.
- xvi. The significance of the use of the building in relation to the architecture, Gilbert Bayes sculpture and the character of Shaftesbury Avenue is also explored. It is made clear that the specific architecture of the building is entirely suited to theatre or cinema use and that the frieze is given additional significance when viewed in relation to these uses. It is also asserted that the building in its past and current use adds to the established character of Shaftesbury Avenue and the surrounding conservation areas by adding cultural vitality and animation to the street scene.
- xvii. The evidence asserts that changing the use of the building to primarily hotel use with a basement cinema will have an impact on historic fabric. Any remaining internal historic fabric is removed to accommodate the use, this includes the perimeter staircases, dressing rooms and ancillary rooms and the fly grid. The internal spaces are also carved up with the loss of the foyer and the sense of the auditorium. Externally, an insensitive roof extension is erected to accommodate the hotel rooms and the side and rear elevations are punctuated with additional openings to allow more light into the building. In addition, the significance and impact of Bayes's frieze will be undermined by changing the use and function of the building. It is accepted that cinema use is included in the scheme, however my evidence and that of my colleagues demonstrates that a basement cinema is unlikely to have much impact on or animate the street scene and may not be a viable long term use.
- xviii. The impact of the proposed roof extension is explored in further detail. The design and materiality of the extension does not suit the existing building or the proposed use. The size of the extension leaves the existing building vulnerable to dominance and the proposed glazing does not relate well to the existing materials. In addition, the glazed nature of the extension would mean the

interior of the building would likely be visible, with bedroom furniture, lighting and curtains on view. This would likely lead to a cluttered and messy appearance unlike the pictures shown in the submitted documents.

- xix. My evidence goes on to assess the level of harm the proposals cause to the heritage assets, it is concluded that the proposals cause the higher end of less than substantial harm. It is acknowledged that there are proposed heritage benefits, however these are not considered to outweigh the harm caused, especially as these benefits are mostly repair to fabric that has fallen into disrepair and would likely be incorporated into any historically sensitive scheme.
- xx. I provide a response to the Appellant's statement. The appellant has argued that the harm caused by the extension and the change of use is offset by the heritage benefits. My evidence makes clear that this is not the case as a result of the poorly conceived extension and the size and location of the proposed cinema. The Appellant's statement also claims that the Design Review Panel supported the proposed roof extension, I have explained that Panel members were critical of the materials and design.
- xxi. I go onto to discuss the heritage merits of the building being put to its optimal viable use, which is as a theatre. I explain that within such a scheme the architecture and artistry of the building would be better revealed, including the frieze, roundel plaques, arched entrance and internal elements such as the perimeter staircase and rooms and also the fly grid. It is also likely that features that have been lost would be reinstated such as the stage and tiered seating and possibly the proscenium arch. The cultural legacy would also be continued, bringing life and animation to the building itself and also Shaftesbury Avenue and the Seven Dials and Denmark Street conservation areas.
- xxii. The evidence is then concluded, asserting that the proposed development causes the higher end of less than substantial harm to the listed building and the neighbouring conservation areas as a result of the change of use and the design of the roof extension and that this harm is not outweighed by the heritage benefits.

STRUCTURE OF EVIDENCE

xxiii. My evidence will be divided into nine sections:

In section one, I will list the key legislative framework and national and local planning policies and guidance relevant to the conservation and design issues raised in my assessment.

In section two, I will summarise the significance of the site, its use and its surroundings, including the two adjacent conservation areas.

In section three, I will provide my assessment on the impact of the proposed changed of use.

In section four, I will provide my assessment on the impact of the proposed roof extension.

In section five, I will provide an overall assessment of the heritage impacts including assessing the heritage benefit of the proposals.

In section six, I will respond to the appellant's statement.

In section seven, I will discuss the optimum viable use

In section eight, I will summarise and conclude my analysis.

In section nine (appendix A), I provide a statement from Alastair Crockett, Senior (Urban Design) Planner at Camden who provides a brief design assessment of the proposals.

1. SECTION 1

Legislative framework and national and local planning policies and guidance

Planning (listed Buildings and Conservation Areas) Act 1990
National Planning Policy Framework
National Planning Practice Guidance
Camden Local Plan 2017 – Policy D1 and D2
Historic England GPA 2
Historic England GPA 3
Denmark Street Conservation Area Appraisal
Seven Dials Conservation Area Appraisal
CPG Design 2019

2. SECTION 2

The site

- 2.1. The building is a grade II listed former theatre currently used as a four-screen cinema, and previously a two-screen cinema. It has a large rectangular form constructed on a steel frame with elevations of red and brown brick with a stone base. The building has a large grand entrance and has various external features discussed further below, in particular a decorative frieze spanning the width of the front elevation, and wrapping round onto both flank elevations
- 2.2. The site is situated on the northern side of Shaftesbury Avenue. It is an 'Island site' bound by Stacey Street to the west and St Giles Passage to the east. To the north of the site is New Compton Street.
- 2.3. To the north of the site is the Denmark Street Conservation Area, the Grade I listed St Giles Church and the locally listed Phoenix Gardens. To the south of the site is the Seven Dials Conservation Area.

Significance of the Listed Building

Architect

- 2.4. The former Saville Theatre was designed by TP Bennett and Son and constructed in 1930-31. TP Bennett was a well-established architect at the time; however, this was his first theatre commission. The consulting architect on the project was Bertie Crewe who was a well-known theatre architect, designing and remodelling various entertainment venues including The Lyceum Theatre, The Phoenix and Piccadilly Theatre.
- 2.5. My colleague Dr Wilmore has further described the architect and theatre design in his proof of evidence, to which I refer generally below.

External Elevations

- 2.6. The theatre is an island site and is a large, rectangular, steel framed building clad in red-brown brick. The principal elevation facing Shaftesbury Avenue has a rusticated stone plinth that supports the Gilbert Bayes frieze depicting Drama Through The Ages. A large stone arch with a flat keystone marks the entrance to the building. Originally the arch contained bronze metal glazing, however this has since been tiled over. The upper portion of the elevation is of blind rusticated brick work interrupted by five pairs of roundel plaques depicting Art Through The Ages. The side and rear elevations are relatively simple with fletton brick work and regularly placed Crittal windows, but none the less have architectural merit and contribute to the streetscene and the aesthetic setting of Phoenix Gardens.
- 2.7. The building has a horizontal emphasis as a result of the brick coursing and rusticated banding; however the eye is drawn upwards as a result of the impressive arch and entrance, and to the white roundel plaques. Despite having a relatively simple design, the building is elegant and refined whilst having a dramatic presence on Shaftesbury Avenue.
- 2.8. Of principal significance is the frieze depicting 'Drama Through the Ages', this is discussed in more detail below. However, the overall design has architectural quality as a result of the composition and elegant simplicity, as well as the quality of the materials. It is also a fine example of a theatre built during this period.

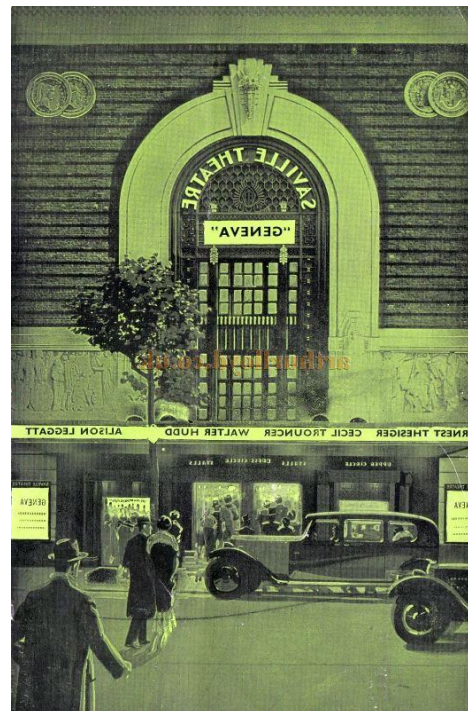
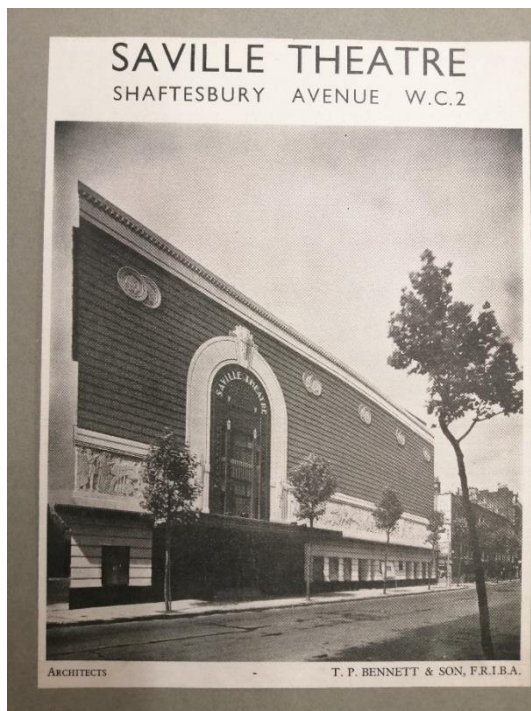


Figure 1A (left) The Theatre as originally constructed in 1931 Source: The Architects Journal and Figure 1B (right), the Theatre in use in 1941

- 2.9. The stone arched entrance which is now tiled over, was framed in bronze and

reached up to the parapet. Extracts from The Derby Telegraph from 1931 claims that it was ‘One of the largest window frames ever made’ and was transported from Derby to London by road. The entrance, when fully revealed, as seen in the photograph above, brought grandeur to the building and added to its dramatic presence on the street. The images above also demonstrate how the simplicity of the architectural design enables the asset and its use to be appreciated and displayed in the wider streetscape – the eye is drawn to the entrance, and upwards to the roundels and roofscape, and the lack of openings for windows assists in accenting the main entrance. When activated by arriving crowds, as the second image demonstrates, the drama at street level is reflected by the drama in the frieze. The collaboration is a pleasing and very successful design.

Significance of the frieze and roundel plaques

- 2.10. The frieze adorns the width of the principal elevation and partially wraps round onto the flank elevations and is located at first floor level. It is currently the most prominent feature of the façade, due principally to the simplicity of its setting and its size. The frieze is visible from Shaftesbury Avenue and when walking north along Mercer Street. The frieze would previously have flanked the prominent entranceway (see image above).
- 2.11. Carved into artificial stone, the bas-relief frieze is 129ft long and 6ft high and depicts “Drama Through The Ages” (shown in figures 2A – 2E). The frieze features 70 life size figures, these include St Joan, The Chester Players, St George, a Roman triumphal procession, Bacchanalian dancers, Shakespearian character and 20th century dancing girls. The frieze is very detailed and it takes some time to look along the frieze and pick out so many individual features.



Figure 2A: The minstrels, Players and St George.



Figure 2B: Greek Chorus and Gladiators.



Figure 2C: Imperial Rome and Bacchanalia.



Figure 2D: Harlequinade and Romantic.



Figure 2E: Romantic and Twentieth Century.

Source (all): www.alondoninheritance.com

2.12. The piece was crafted specifically for the theatre and embodies the various art forms the building represents, celebrating through art, sculpture and architecture, the theatrics of art. Historic England's list description states that the frieze is 'one

of the largest and most important pieces of public sculpture of its age'. The piece was exhibited at Burlington House for an exhibit at the Royal Academy before being fitted to the building. The frieze then went on to win a silver medal from the Institute of Sculptors (Now The Royal Society of Sculptors) in 1931.

- 2.13. The frieze is aesthetically well executed and performs multiple valuable functions. It is an essentially permanent advertisement for the building and the activities taking place inside it, as the frieze was, and still is, a signifier of the dominant cultural use and cultural users of the building. It is designed to, and does, draw the eye from various points (see further below).



Figure 3 Front elevation of the building. Source: Flickr.

- 2.14. On the upper portions of the Shaftesbury Avenue are the five pairs of roundel plaques (seen on the image above). These depict art of Egypt; Assyria; the Italian Renaissance; Medieval; Pompadour; Victorian period (signed); Elizabethan and Georgian. Although not celebrated to the same degree as the frieze, the plaques have artistic merit and add to the layers of artistry present on the elevation facing Shaftesbury Avenue. The plaques draw the eye upwards, adding interest to the mostly blank top section of the façade and balancing the elevation.

Sculptor

- 2.15. Gilbert Bayes 1872-1953, was a successful British sculptor who created a number of art pieces that are both nationally and internationally celebrated. His work was exhibited at numerous galleries, including the Royal Academy, and he won various prizes such as the gold medal at the Paris Salon 1939. He was elected as the president of the Royal Society of Sculptors between 1939-44. The Society still offers an annual Gilbert Bayes award to a small group of talented sculptors.
- 2.16. Bayes had a strong belief that sculpture should be accessible to all and a key part of his artwork was achieving that accessibility through architectural

collaborations which celebrated the use. He was commissioned to create a variety of bas-relief friezes to adorn the facades of some prominent buildings in Britain and also worked internationally.

2.17. A good example of his work can be seen in his 1939 commission by the Royal Doulton Company, "Pottery Through the Ages". He was commissioned to create a bas-relief frieze of Pottery Through The Ages for "Doulton House", which was also designed by TP Bennet. Doulton House stood on the Embankment, at the junction of Albert Embankment and Lambeth Bridge and was a landmark site for the Royal Doulton Company. The building was demolished in 1979, but the frieze was saved. It is now exhibited at the Victoria and Albert Museum (where interestingly, on the museum's façade, are two stone sculptures from 1905 of the V&A museum's architects, Sir William Chambers and Sir Charles Barry, executed by Gilbert Bayes many years earlier). From the figure 4 below, it is clear to see the similarities between this frieze and the frieze at the former Saville Theatre. However, in figure 5, it is also possible to appreciate what has been lost from the frieze's value and significance after being removed from its setting on Doulton House.



Figure 4 Royal Doulton House and 'Pottery Through The Ages'. Source: www.architecture.com.



Figure 5 'Pottery Through The Ages' displayed at the Victoria and Albert museum. Source: collections.vam.ac.uk.

2.18. In addition, and of relevance is Bayes's 1934 grade II listed sculptured frieze at Lord's Cricket Ground. The frieze is a bas-relief sculpture carved into Portland stone and depicts 13 sports men and women playing tennis, golf, cricket, football and swimmers and oarsman. The top of the frieze reads 'Play up play up and play the game'. The frieze is linked to the activities taking place within the cricket ground and draws much of its significance from this context. This is the same scenario as at the former Saville Theatre where the frieze is inherently connected to the building and its use.



Figure 6 Frieze at Lords cricket ground. Source: Alamy.



Figure 7 Frieze at Lords Cricket Ground. Source: www.londonremembers.com.

2.19. Bayes was also commissioned to create decoration in the form of sculpture to the headquarters of the London Fire Brigade now Lambeth Fire Station. The building is grade II listed and was built by the London County Council in 1937. Bayes's bas-relief sculptures depicting fire fighters adorn the central section of the building from the first to the third floors. The Historic England list description notes that the building is listed in part because the sculpture upholds the Arts and Crafts ideal of collaboration between architecture and sculpture.



Figure 8 Sculpture at Lambeth Fire Station. Source: Alamy

2.20. In addition, in 1933 Bayes created two large relief sculptures of Hebe and Aesculapius for the Royal Masonic Hospital in Hammersmith designed by Thomas S. Tait. The building won the RIBA Gold Medal for the best building of the year.



Figure 9 Hebe and Aesculapius at the Royal Masonic Hospital in Hammersmith. Source www.victorianweb.org.

- 2.21. Gillbert Bayes was also commissioned to create bas relief panels for Broadcasting House which was built in 1932 and is grade II* listed. He and sculptor Eric Gill carved the panels depicting stories from history, mythology and fantasy. The panels adorn both the interior and exterior of the building.
- 2.22. Bayes's work often incorporated roundels of some kind, like those present at The Site, and between 1890 and 1900 he produced large numbers of low relief plaque and panels in wax and plaster. We can see plaques included in his work in the Blue Robed Bambino sculpture pictured below which won a Gold medal at the Paris Exhibition of 1925.



Figure 10 Blue Robed Bambino Fountain with two roundel plaques. Source: www.gilbertbayes.com.

- 2.23. In addition, in 1930 Bayes was asked to create a bronze clock for Selfridges. The 'Queen of Time' sculpture is now an iconic component of the Selfridges building. This is an example of another genre of Bayes's work which included bronze statues.



Figure 11 A Bronze 'Queen of Time' sculpture at Selfridges. Source: www.speel.me.uk

- 2.24. Bayes had a longstanding interest in the role of sculpture in public art; for example he was an Advisor to the Ministry of Town and Country Planning/Ministry of Works and Buildings in the early 1940s, through the Art Workers Guild, where he was one of a small group of five Members involved in the sub-committee.
- 2.25. In celebration of Bayes, his home at 4 Greville Place in St. John's Wood bears a blue plaque placed by English Heritage in 2007.
- 2.26. It is clear Gilbert Bayes was a celebrated sculptor who produced a body of work valued by respected artists, art historians and curators. He helped to bring sculpture into a collective consciousness including and particularly through architectural collaborations on commissions on public frontages of major buildings, and as a result his work is still widely appreciated and admired today.
- 2.27. Further, these examples collectively illustrate how the Saville Theatre frieze was within the body of Gilbert Bayes work, but was of a comparative greater scale, sited in an exterior and prominent location close to the street and reflecting not only the theatre of the building, but also the theatre of the street. The Saville Theatre Frieze is the only one of these friezes to my knowledge to have achieved a contemporaneous award, in that case the Silver Medal from the Royal Society of British Sculptors for this work, and the "Prize for the Best Work of Sculpture Exhibited in London". For these reasons I consider it is fair to describe the Saville Theatre frieze as the greatest frieze he executed. Some of his other works were also recognised by contemporaries as I identified above.

Summary of internal arrangement - past and present

- 2.28. Internally, the building once housed a c. 1,220 seat theatre (and additional standing room) with associated bars on each floor and a significant number of dressing rooms. This can be seen in the ground floor plan and section below.

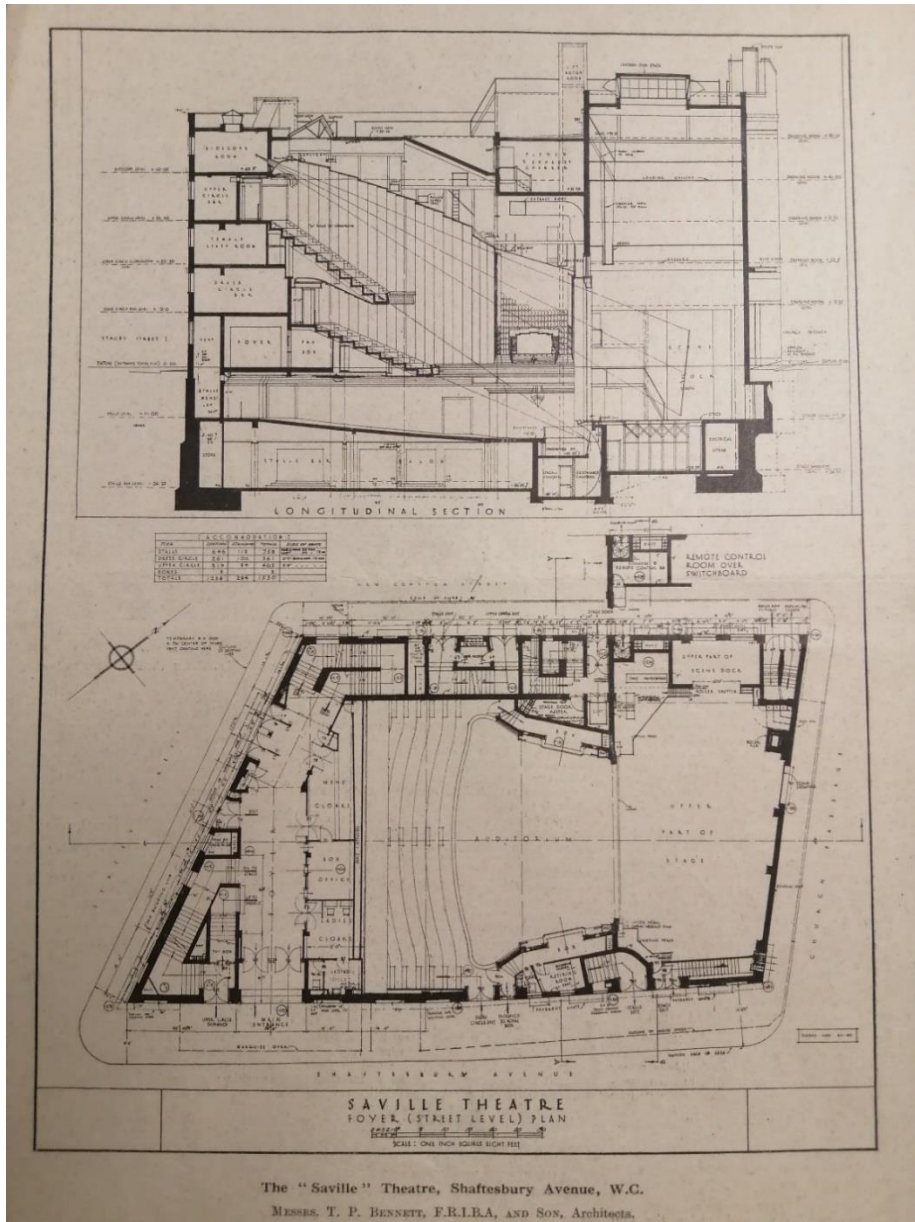


Figure 12 Original section and ground floor plan of the theatre. Source: Architects Journal.

2.29. The theatre was entered from Shaftesbury Avenue where theatre goers would be welcomed into a grand foyer with a bar. The tiered seating was then accessed via staircases running around the perimeter of the building, with the dress circle at ground floor level and the stalls beneath. Decoration was in the art deco style and at the time was modern and considered to be particularly decadent and of high quality. The photos below demonstrate the grandeur of the theatre, the entrance lobby and some of the bars.

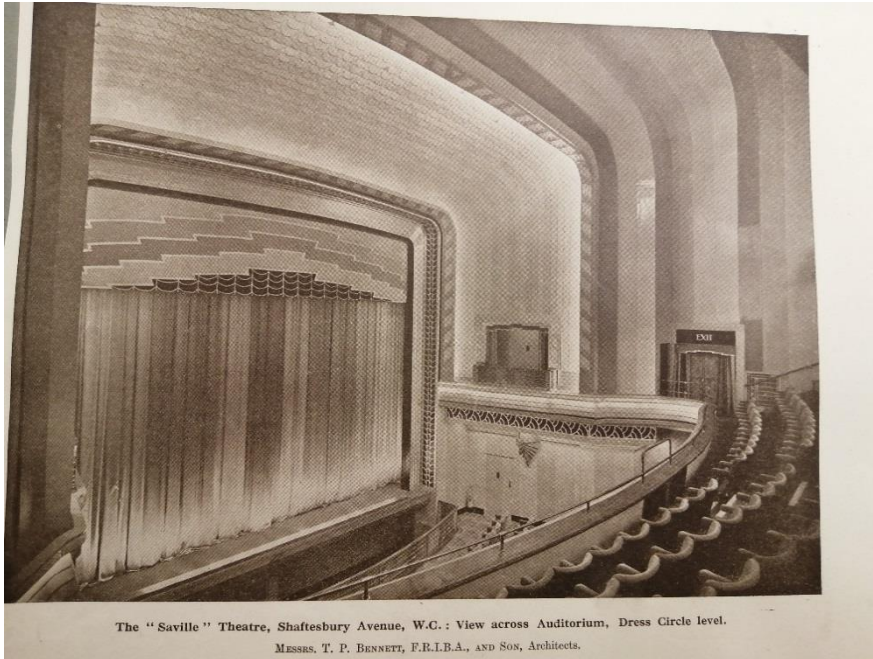


Figure 13 Auditorium and proscenium arch. Source: Architects Journal.



Figure 14 Stalls Bar. Source: Architects Journal.



Figure 15 Entrance and foyer.

2.30. In 1970 the theatre was converted into a cinema and parts of the interior were removed and modern fixtures inserted. However, the main volume of the building remained and, it would appear, a significant amount of the historic plan form.

2.31. Later alterations also occurred in 2001 when the Odeon took over the site which remain in place. Access remains in its original position on Shaftesbury Avenue where cinema goers are greeted by a foyer in the same location as the original with largely the same footprint, however without the grandeur of the original design and with a significantly lower ceiling. Four separate cinema screens have then been created by inserting a variety of partitions and false ceilings into the auditorium. The various staircases and dressing rooms remain in their original position and are currently used as ancillary office space.

2.32. Although internally the building has experienced change, there are still historic elements that remain and contribute to the building's significance.

2.33. As noted above and in detail by my colleague Dr Wilmore, the overall volume of the foyer remains although the decoration has been altered during successive cinema conversions. Within the foyer, partitions have been erected along with false ceilings, to create a popcorn stall and access to the individual screens. These partitions could be removed. Upon some investigation it is clear that underneath the current false ceiling, lies an additional ceiling that appears to have been erected during the renovation of the building in 1970. It has not been established if the original ceiling still exists beneath the 1970 ceiling, but it is possible it remains intact.

2.34. In addition, although the auditorium has been heavily partitioned, the volume of the space lies beneath and within. It is acknowledged that the stage and proscenium arch have previously been removed, however, stripping out the 2001 partitions would reveal the full auditorium volume. The large triple height volume would be fully revealed allowing for the insertion of tiered seating and a stage and

the space to be used as a theatre once again. I refer to the images in Dr Wilmore's proof of evidence which demonstrate by reference to the Bradford Cinema that it is likely this overall volume would remain and would be readily "read", and I extract one image below to illustrate my point.



Figure 16 Auditorium at the Victoria Theatre in Bradford.

- 2.35. It is possible that there is evidence of decorative fabric remaining in areas behind partitioning and curtaining, although no such fabric was seen on the three short site visits. I have had regard to the overlays but there are some areas where original fabric may remain and secondly the accuracy of overlays drawn at different times is uncertain. It can and does happen that original fabric is overlooked, as indeed happened in the case with the fly grid within the fly tower. It is not possible to say with certainty without investigation.
- 2.36. At basement level, the stalls bar and associated entertainment spaces are still significantly intact. The plan form has been slightly altered but could be reinstated with the removal of contemporary partitions.



Figure 17 Stalls bar

- 2.37. I note the comments of my colleague Dr Wilmore as to the lack of investigation of the murals which previously were displayed in this space.
- 2.38. It has also been established that the fly tower grid is still intact at roof level, although this was not disclosed at application stage or within the Donald Insall Heritage Report provided at pre-application stage.
- 2.39. The fly grid is an essential component of any major theatre. It is a system of rope lines, block (pulleys), counterweights and other devices that enables a stage crew to fly quickly, quietly and safely, and move components such as curtains, lights, scenery, stage effects and sometimes people. Systems are designed to 'fly' components between clear views of the audience and out of view into the opening known as the fly loft/tower above the stage.
- 2.40. Theatrical rigging is most prevalent in proscenium theatres like the former Saville Theatre, with stage houses designed specifically to handle the significant dead and live loads associated with fly systems.
- 2.41. The engineering of fly grids represents the technology available during the period of construction and also the expectation and requirements of the theatre. In this instance the fly grid remains intact, being a fine example of theatre engineering and also of historic fabric. The fly grid could accommodate and serve modern theatre productions if required and if permitted could also be adapted in part whilst retaining other historic elements. The construction of part of the fly grid can be seen in the photo below.



Figure 18 Photos of existing fly grid

- 2.42. As an essential component of any theatre, the fly grid has architectural and in this instance historical significance.
- 2.43. The fly grid in this asset is one of the few areas where the original theatre can be experienced. It is an intimate, yet workmanlike space, which is difficult to photograph. At the top of the theatre, accessed through the roof, it enables appreciation of the former scale of the theatre, as well as the craftsmanship of the era, and physical skill of the stagehands.
- 2.44. Around the perimeter of the building are the original staircases, dressing rooms and ancillary spaces. These have been little altered over the years and represent the backstage activities that took place within the theatre. Historic fabric still survives in the form of the staircases, hand rails, partition walls and some joinery. The historic plan form is also intact, which represents the circulation and movement around these spaces. The plan form also gives meaning to the articulation of the fenestration to the rear elevation.
- 2.45. Overall, whilst it is accepted that there have been significant modifications to the internal fabric and layout of the theatre, it is clear that both plan form (particularly volume, but also staircases and ancillary rooms) and some historic fabric such as the fly grid, remain intact and could be better revealed within a heritage sensitive development. Such a proposal would be more

Cultural legacy of the theatre and ABC cinema

- 2.46. The Theatre has an evocative and interesting cultural history that has contributed to the vibrant legacy of theatre and entertainment that characterises Shaftesbury Avenue and the wider area. As GPA 3 describes, cultural associations can impact how a heritage asset is experienced, and that is considered the case in this instance, both from its original use as a theatre, as well as its conversion to cinema use.
- 2.47. On the 8th October 1931 the theatre opened with a production of 'For the Love of Mike' which gained positive reviews. Various other productions took place with

success, such as *The Condemned of Altona* by Jean- Paul Sartre, and with performances from well-known artists such as Marcel Marceau.

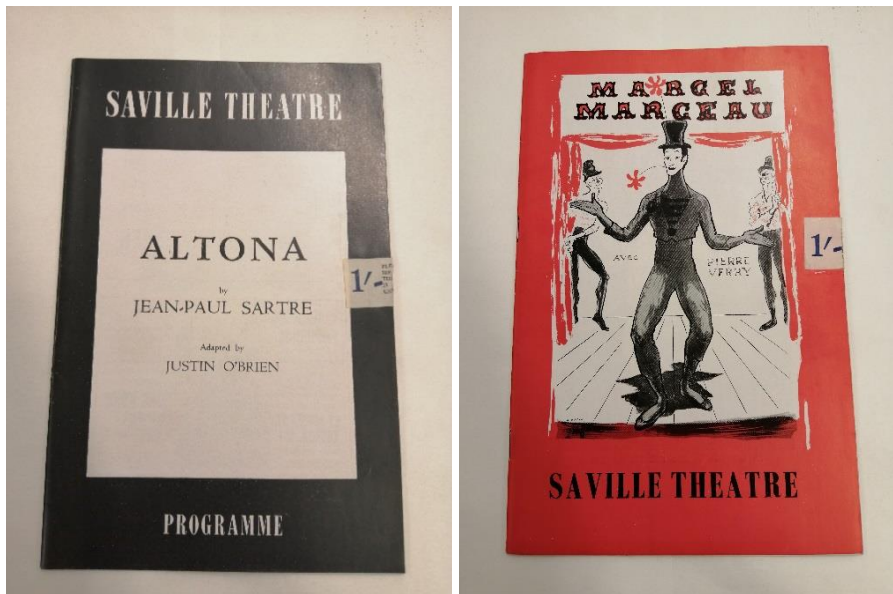


Figure 19 Programmes from the Saville Theatre. Source: Photos taken from the original programmes at the Local History Library.

2.48. When war broke out in 1939 the theatre closed, but it was soon realised that the public wanted some light entertainment and as a result, opened its doors again. This feels particularly appropriate to record, as at the date of drafting this evidence as coronavirus is impacting theatres and cultural venues there has been an outpouring of support for cultural workers and crowdfunding for theatres and a variety of solutions to meet the public's need for entertainment are being considered.

2.49. After WWII the theatre changed hands, and in 1965 was acquired by Brian Epstein who at the time was the manager of The Beatles. Epstein had plans to turn the building into a music and pop concert venue and this occurred with much success. Many prominent artists of the time performed on the stage, including Little Richard, Chuck Berry, The Who and Jimi Hendrix. The Beatles never formally performed at the venue but regularly attended concerts and shot promotional videos on the site. Promotional films for 'Hello Goodbye' were shot at the Theatre on 10 November 1967. Areas of the Saville Theatre, particularly the basement bars, appear to retain elements of the 1960s decorative scheme.

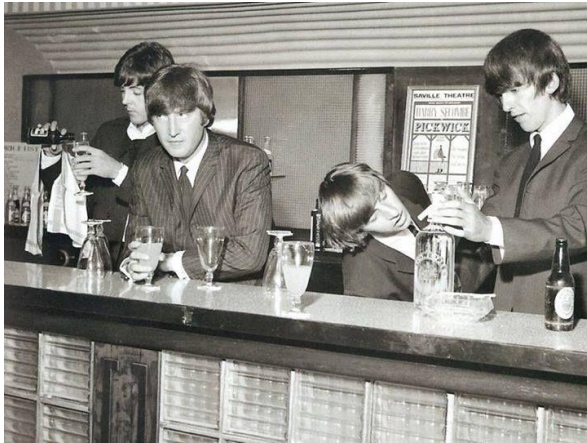


Figure 20 The Beatles in the basement bar at The Saville Theatre. Source: Pinterest

- 2.50. After Epstein's death in 1967, the building reverted to theatre use once again. In 1969 Cameron Mackintosh put on what was to be the theatre's last production with a revived version of 'Anything Goes'. Mackintosh went on to become incredibly successful, producing show such as Les Miserable, Phantom of the Opera and Cats. In 1990 the New York Times described him as "the most successful, influential and powerful theatrical producer in the world".
- 2.51. The theatre was sold on in 1970 to the ABC cinema group. Associated British Cinemas (ABC) were seeking a "West End showcase" to show their films by their parent company EMI. They purchased the Saville Theatre and it was reportedly luxurious for the times. It opened as the ABC 1 & 2 Shaftesbury Avenue on 22nd December 1970 with Peter Sellers in "There's A Girl in My Soup" and Dinah Sheridan in "The Railway Children". It was hailed as 'The Ultimate Cinema of the 70s' and was the second twin cinema to open in the West End after the converted Plaza (Piccadilly Circus) (www.in70mm.com).
- 2.52. Notably, on 21st November 1974, the ABC 1 & 2 held the Royal World Charity Premiere of "Murder on the Orient Express" starring Albert Finney, attended by Her Majesty The Queen, HRH The Duke of Edinburgh and HRH The Princess Anne.



Figure 21 Queen Elizabeth and Princess Anne attending the premier of 'Murder on the Orient Express'. Source: getty images.



Figure 22A Interior of ABC cinema. Source: <https://www.in70mm.com/newsletter/1998/55/shaftsbury/index.htm>



Figure 22B Interior of ABC entrance lobby. Source: www.architecture.com.

2.53. The photograph below shows crowds gathering outside the cinema for the 1974 premier of *Swallow and Amazons*.



Figure 23 The ABC Cinema 1974. Source: <https://sophieneville.files.wordpress.com>

2.54. The building has since been used as a cinema, continuing the building's contribution to the arts and entertainment scene.

The significance of the cultural / leisure use

Architectural qualities associated with the use

2.55. The former Saville Theatre was designed and built to be used as a theatre. As such, the building contains all the elements required to house a successful major theatrical entertainment venue. These include, in relation to architectural qualities

associated with the use: a grand entrance, blind elevations and large internal volume which all provide the ideal conditions for spectator entertainment in the theatre. The perimeter staircases leading backstage and dressing rooms are also still intact. In addition, the fly grid remains intact in the roof space and is directly associated with the use of the building as a theatre. Although currently not used, if the building were to be taken over by a theatre company the grid could be integrated and used in future productions.

2.56. The large frieze by Gilbert Bayes spanning the width of the principal elevation and depicting 'Drama Through The Ages' has an intrinsic link to the building's use as an entertainment venue. As noted above, the frieze acts effectively as an advertisement to the building's use, demonstrating through the motifs the activities taking place inside. The significance of the frieze is amplified through its association with the building's use. Because of the location of the frieze in relation to the Avenue, which it fronts and wraps around, and the prominent entrance, the ingress and egress of patrons from the theatre along the Avenue would also both draw attention to, and reflect, the drama in the frieze with the drama and sense of anticipation and enjoyment in the patrons below.

2.57. The large and grand bronze framed entrance also lends itself to theatre use. The design and architectural details create a dramatic and glamorous entrance synonymous with a West End entertainment venue. The size of the entrance also makes it perfect for the access and egress of theatre goers.

2.58. Although not essential, it is also designed for and is an "island site", which is as my colleague Dr Wilmore shows, is valuable for a theatre site. A theatre that doesn't share any party walls can provide safe means of escape from all sides of the building and also easier egress and access of stage equipment.

Broader qualities associated with the use

2.59. The symbolism of theatres, and cinemas, can have a profound effect on the perception and feeling of place. These venues have a strong positioning in the public realm as places of mass communal gathering and shared cultural experience. The sharing of storytelling has a significant place in our collective historical and cultural experience and these venues are symbolic of that part of human nature. This impact and the intensity is increased where the venue has a major architectural impact on the street-scene with a dominant site (in this case an island site), and a dominant façade, and the associated footfall which ingress/egress in mass, creating public moments itself in its intensity, as well as its location.

2.60. The experience of an entertainment venue starts when the building first comes into view. In the instance of the former Saville Theatre, this is both when walking along Shaftesbury Avenue or north along Mercer Street, as well as the glimpsed views. The large rectangular form and decorative frieze create a dramatic vision.

The grandeur of the entrance generates excitement and the blind elevations create the feeling of another world taking place inside the building.

- 2.61. Further, in the instance of the former Saville Theatre, the experience also reflects its location as it is part of what is known as “Theatreland”
- 2.62. The gathering of crowds and the shared exhilaration prior to screening or show time creates an ambiance and energy one can only associate with spectator entertainment. This energetic quality permeates through Shaftesbury Avenue and the surrounding streets due to the number of entertainment venues creating the unique West End atmosphere.
- 2.63. The former Saville Theatre has a vibrant cultural legacy as noted above and this legacy is continued as a result of the current use of the building. There is the opportunity in the future, for layers of cultural experience to be added to this legacy as an intangible but important component of the building’s significance and evolution.

Conclusion

- 2.64. It is clear from the above analysis that the building has significance as a result of its exceptional architecture and artistry in the form of the frieze and roundel plaques. The amount of historic fabric that survives both externally and internally and the large volume of the auditorium also add to its historic importance as a surviving 1930s theatre. The use of the building as an entertainment and performance space gives meaning to the architecture and art work and increases the building’s value as an historic asset. The cultural history creates a legacy for the building that cements it as an iconic entertainment venue in the centre of London.
- 2.65. It is evident that the building meets all four of the criteria set out in Conservation Principals Policies and Guidance 2008 published by Historic England.
- 2.66. Aesthetic – The building is a simple but elegant building that has a pleasing composition. The brick and stone work are good quality. The frieze is an exceptional piece of artwork with particular aesthetic and cultural significance.
- 2.67. Communal – The building has an exceptionally interesting cultural history and figures in peoples’ collective experience and memory and is in essence a communal experience.
- 2.68. Historic – The building is connected to past people and events as it is the tangible historic representation of 20th century theatre, music events and cinema.
- 2.69. Evidential – As effectively all of the historic fabric survives externally, and some internally, the building is evidence of theatre design and construction during the

interwar period.

Significance and qualities of Shaftesbury Avenue

2.70. Shaftesbury Avenue was constructed in 1880 to improve links between Piccadilly Circus, Charing Cross and Tottenham Court Road. Many slum buildings were cleared to construct the new street and it subsequently became an important central London avenue. Many of the buildings constructed at the time survive, particularly on the south eastern stretch of the street. These are characterised as buildings of four to five storeys, built from red brick with stone dressings and detailing. The buildings have a solidity and grandeur typical of buildings of the time and suited to the importance of their central London location. The south side of Shaftesbury Avenue is located in the Seven Dials Conservation Area.



Figure 24 Southside of Shaftesbury Avenue within Seven Dials Conservation Area

2.71. There has been some modern post war development on the street, most evident in the far north eastern stretch. The development here is considered to be fairly unsuccessful as the buildings are uncharacteristically large, at seven and eight storeys, and the substantial amounts of glazing and use of unsympathetic materials erodes the established architectural language of the street. This is also potentially why the north side of Shaftesbury Avenue was not included within the Seven Dials Conservation Area boundary.



Figure 25 151 Shaftesbury Avenue demonstrating unsuccessful use of glazing.

2.72. Immediately adjacent to the Site on the corner of Stacey Street is a post war 11 storey building, which has limited aesthetic success. The top five storeys are set back to minimise the impact of the height.



Figure 26 125 Shaftesbury Avenue

2.73. The former Saville Theatre is on the north side of Shaftesbury Avenue and has a dominant presence on the street. Built in 1931, the building has an architectural style that differs from neighbouring buildings which tend to be either late Victorian

or post war. As an 'Island Site' the building also has a strong, rectangular, detached form which is unusual on the street, and solid elevations. The frieze adds artistic interest and distinctiveness that naturally draws the eye and which continues up to the roundels and roof-form. The large arched entrance adds grandeur and a welcoming aesthetic.

2.74. I discuss glimpses of and towards, and the kinetic experience, of Shaftesbury Avenue below in more detail. However, when discussing Shaftesbury Avenue it is important to understand its role as an Avenue and siting of key venues in the "West End" theatre and entertainment district. To the far eastern end of Shaftesbury Avenue is the Shaftesbury Theatre, travelling south west is the Site of the former Saville Theatre, travelling further west is Cambridge Circus where both The Theatre Royal and the Phoenix are located. The street is continually punctuated by theatres and cinemas, this can be seen clearly in the map below.

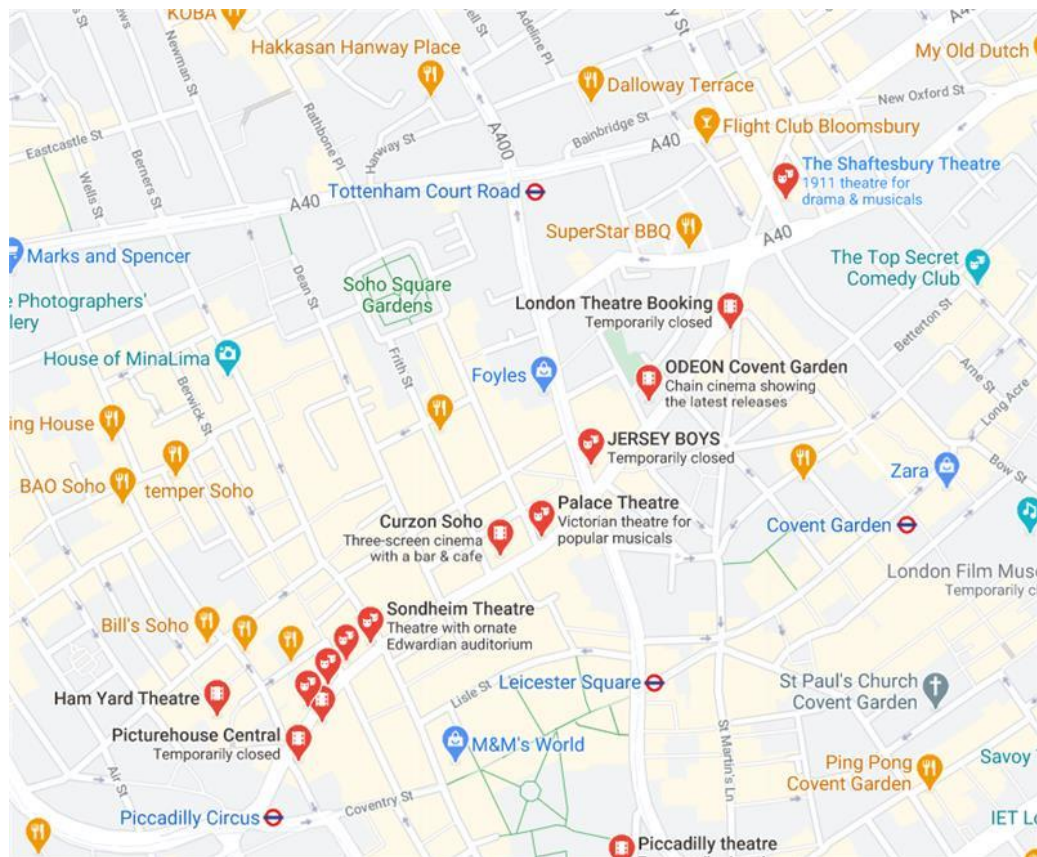


Figure 27 Shaftesbury Avenue showing the location of theatres and cinemas. Source: Google Maps.

2.75. Shaftesbury Avenue has been influenced by the many theatres and entertainment venues in the vicinity. To the eastern end of Shaftesbury Avenue is The Shaftesbury Theatre which is a grade II listed building. The theatre was designed by Bertie Crewe who was the consulting architect for the Saville Theatre and a leader in theatre design. The Shaftesbury Theatre opened in 1911 and has been host to a variety of successful performances spanning more than a century.

To the west, Shaftesbury Avenue intersects Cambridge Circus which is particularly vibrant and is host to a cluster of entertainment venues including the Palace Theatre which is grade II* listed and the Phoenix Theatre. The Circus lies within the borough of Westminster, and is part of “Theatreland”, which is also reflected on street signs containing the word ‘Theatreland’.



Figure 28 Street sign in Theatreland: Source: Almay.

2.76. It is important to understand the district as a whole. Various entertainment venues occupy the adjacent streets including other Theatres. However, it is the more “landmark” sites on the principal “Avenues” which have given the area its dominant character as “Theatreland”. That character attracts the public, and also enables other cultural venues for example on the smaller streets with their smaller buildings (see below as to the character of the adjacent conservation areas) for example the music venues on Denmark Street known colloquially as ‘Tin Pan Alley’ to the north. These venues combine to create a lively cultural and entertainment scene in Theatreland and the vicinity of the Site.

Character of the adjacent conservation areas

2.77. The Seven Dials conservation area radiates from the Seven Dials and forms the south side of Shaftesbury Avenue. The conservation area appraisals notes that ‘The special character of the conservation area is found in the range and mix of building types and uses and the street layout. The character is not dominated by one particular period or style of building but rather it is their combination that is of special interest’. As a result, the character of Shaftesbury Avenue with its larger grand buildings, differs from the smaller scale buildings that form the southern part of the conservation area around Seven Dials, which serves to further emphasise the smaller, more intimate scale of the conservation area. The area appraisal identifies the common characteristics of Shaftesbury Avenue as having a ‘distinctive scale of buildings and use of materials, dominated by red brick and the use of terracotta’. Southern parts of the conservation area have a finer grain and a more domestic scale, and narrow alleys and hidden yards are noted to ‘provide unforeseen interest’. The combination helps gives the conservation area its sense

of intimacy. There are interesting views from the streets radiating from Seven Dials that open out on to the busier and larger streets within the conservation area such as Shaftesbury Avenue. Mercer Street opens onto Shaftesbury Avenue with direct views to the former Saville Theatre. The frieze is clearly visible along with some of the poster boards. The quality of the building adds to the historically rich character of the conservation area. Views of the building also help with orientation within the conservation area, which has an unregular and at times incoherent street pattern.

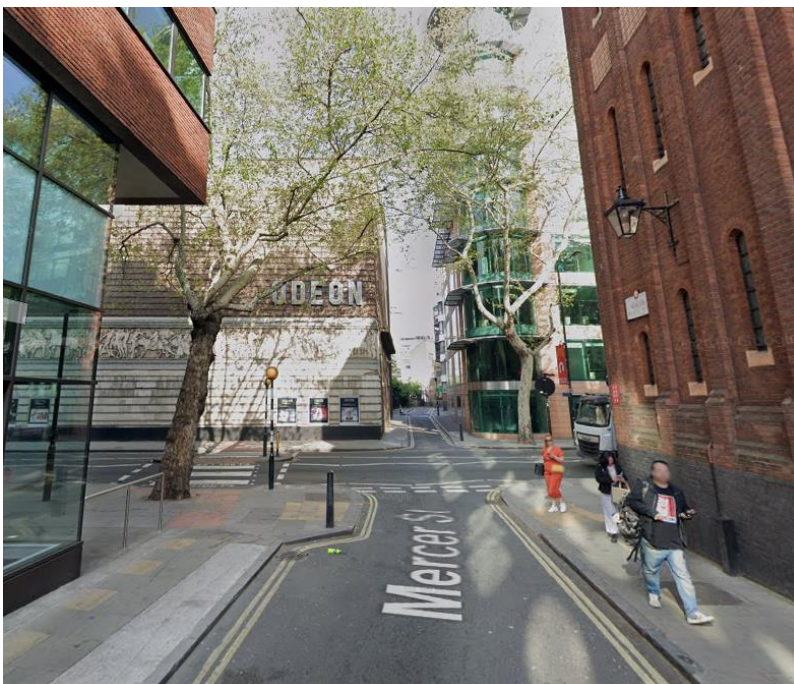


Figure 29 Views north along Mercer Street the former Saville theatre can be seen at the top of the street. Source: Google Maps

- 2.78. The experience is also kinetic – as one moves through the conservation area, navigation is often by the principal streets and landmarks on them within and bordering it, because of the intimacy and “unforeseen interest”. There is an awareness of the frieze as one approaches, through that kinetic experience - it is designed to be glimpsed, as it wraps along the whole of the front frontage and partially to the sides, and it would have diurnal impacts when the crowds gather to come through its front entrances, adding excitement and anticipation to the area. Through its extent, it is designed to be “walked past” and admired.
- 2.79. GPA 3 (para. 11) discusses how views can contribute more to understanding the significance of a heritage asset, including those with cultural associations and views which have otherwise become historically cherished and protected. This is particularly the case in this instance, with the glimpse views of the building from within the Seven Dials Conservation Area and from Theatreland adding to its significance and helping to read it as a cultural facility within the area.
- 2.80. The current state of the frontage diminishes this effect as the front elevation has been altered, with additional branding by the Odeon, and is in disrepair. The entrance arch has been tiled over and the pollution and patina on the brick and stonework reduces the contrast between the two materials. However, it is not difficult to see that if the building were restored the building would have a greater impact as a landmark.
- 2.81. To the north of the Site is the Denmark Street conservation area which lies within the Parish of St Giles, an area that has been developed since at least 1117. The application site is not located within the conservation area but is located in close proximity to its southern boundary which covers the north side of New Compton Street opposite the north elevation of the site. The part of the conservation area immediately north of the application site was within the original conservation area designation covering the area between New Compton Street, Phoenix Street, Charing Cross Road, Denmark Place and St Giles High Street, designated on 1 March 1984. An extension was designated in June 1991 to include the south side of Andrew Borde Street and again in July 1998 to include the land between New Oxford Street and Earnshaw Street.
- 2.82. At the heart of the conservation area is the grade I listed St Giles church, built in 1731-33 and designed by Henry Flitcroft. The Church is constructed from Portland stone with a copper roof and was restored in 1896 and 1952. The Church sits close to the site to the north, and the roof can be seen from the rear of the building, slightly beyond Phoenix Gardens. Significant urban development began in the 17th century, however the conservation area appraisal notes that there are ‘seven centuries of history expressed in the street layout, the legacy of buildings, open spaces and mix of uses’. The historic street pattern and network of narrow passageways which remains in much of the southern part of the area (the area closest to the application site) lends an intimate character. Those to the south and

closest to Shaftesbury Avenue are generally 17th century development of a domestic scale, constructed from London stock bricks with terracotta roofs. The rear of the buildings on the south side of Denmark Street are clearly visible from the theatre site from across Phoenix Gardens. The form of the appeal building complements the scale of the Conservation Area. The quality of the brick work and the composition of the rear elevation contribute to the qualities of the Denmark Street Conservation Area. The northern portion of the CA has a very different character, which is dominated by Centre Point, traffic, and the associated 1960s road layout.

- 2.83. Since the latter part of the C20th, Denmark Street has been renowned as a centre of popular music instrument retailing, and it also houses associated music industry uses such as instrument repair workshops, studios etc. This concentration of uses creates a unique and vibrant atmosphere, which is particularly distinctive, and contributes significantly to the area's special interest and character.

3. Section 3

Assessment of the change of use

Impact on architectural and design qualities

- 3.1. As noted above, the former Saville Theatre was designed and built for entertainment purposes and provides the optimum conditions and layout for entertainment use.
- 3.2. The proposed change of use of the majority of the building and its principal space to hotel and bar/restaurant use would not optimally utilise the existing architecture and would require unsympathetic alteration.
- 3.3. The proposed use would mean the building would need to be significantly extended at roof level to accommodate the hotel rooms and ancillary space. This would have a dramatic impact on the hierarchy and visual amenity of the building where the architectural significance comes from the simplicity and the way the eye is drawn to the entrance and the Frieze, up to the roundels. The extensive visual harm this would cause is discussed separately in section 4, and is considered to harm the significance of the building. This extension would also cause the complete loss of the historic fabric in the flytower grid, which is discussed below.
- 3.4. Additional openings would also need to be created to the side and rear elevations to allow natural light into the building as a result of the blind front elevation. Whilst individually I consider this element of harm would be at the lower end of less than substantial, this would nevertheless have a negative impact on the composition of these refined elevations, adding to the cumulative harmful impact of the development.

- 3.5. The large volume of the internal spaces, which if revealed fully would be a significant architectural component and can be appreciated to some degree in the building's current form, would also need to be further partitioned to create the floor space and rooms required. The internal space would become confused making the original plan form illegible. The loss of this large volume and hence the loss of the legibility of that structure would significantly harm the asset. This harm is at the higher end of less than substantial.
- 3.6. The perimeter staircases and dressing rooms are completely lost to accommodate the change of use. Although secondary spaces, they have significance, adding to the understanding of the original use of the building as an operational performance space. The removal of this fabric individually is considered to cause a low to moderate level of less than substantial harm, rather than neutral.
- 3.7. The fly grid also becomes entirely redundant as a result of the proposed use and is completely removed due to the proposed roof extension. This removal / demolition is not identified nor marked on the relevant drawings. As discussed above, the fly grid is an important component of theatre architecture and engineering and its loss would be harmful to the building's significance (see further below). The loss of this fabric individually falls between the moderate and upper end of less than substantial harm; the evidence before me is such that it is not possible to appraise where it falls individually. That is because the space has an intimate feeling, and compared to the loss of the large volume, and it is also a remaining feature of historic fabric which with proportionate investigation to its significance, appraisal and consideration of that significance is in principle potentially capable of being used in situ as part of the "story" of this building, in a way which may even allow the volumetric relationships to be appreciated, and to demonstrate the craftsmanship, workmanship, and functional relationship of backstage to frontstage areas in the asset. None of these opportunities for solutions have been explored and so I cannot appraise different solutions short of total loss. In my view the complete loss of this heritage fabric in this way causes harm at the upper end of less than substantial. It may be such that adequate design solutions could lower this element of harm to moderate.
- 3.8. There would also be considerable harm to the bas-relief frieze by Gilbert Bayes as a result of the change of use. The current use provides the context and "setting" for the frieze and without this the symbolism of the artwork and its intent to reflect use through public art would be diminished. The frieze would be valued simply for its aesthetic qualities and not for its wider cultural meaning and its artistic value as a piece of public art, which is enhanced by the cultural and entertainment activities currently taking place inside the building and which on ingress/egress enable the frieze to be reflected in the dynamic nature of the patronage on the level below. I discuss the frieze further below; but the harm to the frieze, its relationship with the asset and its use, and its "setting" is at the higher end of less than substantial.

- 3.9. It should be noted that change of use would likely be permanent, meaning the harm to the significance of the architectural and artistic features of the building would be lasting.
- 3.10. Collectively (and see also my comments below), I consider the harm to be at the higher end of less than substantial because of the impact the roof extension has on the architectural and artistic qualities of the building, the creation of additional openings in the side and rear elevations, the removal of historic fabric, including the flytower and the perimeter staircases and ancillary rooms, and the setting of the frieze.

Impact on broader significance of the use

- 3.11. As discussed above, the current use of the Site has an impact on the public experience of the building. This is significantly due to the atmosphere that is created by the use and the cultural legacy associated with it. Whilst a major theatre use has a significant or very significant impact on public experience, a cinema use will usually have a less significant impact (with some notable exceptions, for example the Leicester Square cinemas individually and collectively draw the cinematic crowd in a similar way which strongly impacts into the public space and consciousness of Leicester Square). It can be seen that whilst in ABC ownership, the cinema continued to draw this excitement, including Royal patronage and film premiers. However, the current cinema use as a dominant use retains the strong cultural legacy, the public experience of the building as a place of mass entertainment, and the “setting” of the frieze remains readily readable. A cinema experience through four large screens still has a volume of people moving through it and still creates a sense of expectation at particular times, albeit this will be less than a theatre use on the same site, and the cinema in its current condition would not be likely to attract national or world premieres or the patronage of celebrities as it did in its ABC years.
- 3.12. However, under the proposed use, the landmark building would become a commercial enterprise with little cultural or artistic sensibility. I recognise that a smaller basement cinema is planned. However, the footfall of a dominant use and large screened cinema, the accompanying communal sense of a shared cultural space, vibrant and full of stories about life would be lost and along with it, the atmospheric and energetic qualities into the public realm and the experience of the building. The gathering of people to a restaurant and hotel that ebbs and flows over the course of a day and evening has a different quality. It loses the magic of a shared experience of drama and it will have a noticeably different impact on the public space around this island site.
- 3.13. This would be harmful to the building, the setting of the frieze, Shaftesbury Avenue and the wider area including the conservation areas and the nature of ‘Theatreland’, which is identified above as having a thriving arts and cultural scene. The building’s use at present contributes to the character of the area and

this character would be significantly diminished by the proposed use change.

- 3.14. In addition, the change of use would effectively end the vibrant cultural legacy associated with the building. The opportunity to add to the building's contribution to an arts and cultural scene would be significantly limited and, in its place, would be a fairly generic hotel, restaurant space and small basement cinema(s) with little capacity to inspire. This would negatively impact the significance of the building and its contribution to the area.
- 3.15. As already identified above, the surrounding area and adjacent conservation areas have a vibrant cultural and artistic character which the current use of the building contributes too. Changing the use to hotel would affect the building's presence on the street and its contribution to the established vital character.
- 3.16. It is difficult to give specific examples of the extent of harm that this change of use is likely to cause, because of how this important building and its use impacts the surrounding area. It is rare to lose in the current era such a dominant and important cultural building from its dominant cultural use, and the more current trend is to seek to reinstate such important cultural venues.
- 3.17. Dr Wilmore talks about this in more detail with regard to the New Victoria Theatre in Bradford. However, there are many examples of theatres coming back into use to revive high streets, creating a lively street scene and economic opportunities.
- 3.18. The Granada Theatre in Walthamstow has recently been purchased by the Council with the intention of bringing the auditorium back into use for performing arts mixed with film.



Figure 30 Granada Theatre Walthamstow. Source: www.storiesoflondon.com.

- 3.19. Other examples include the art deco theatre on Stoke Newington High Street which has been empty and derelict since 1984. It has recently been renovated and has reopened as a performing arts venue called Earth. There is a mixture of uses on the ground floor, however the main volume of the space is the cultural venue.



Figure 31 Earth, Stoke Newington High Street, Hackney.

3.20. It should be noted that the loss of the principal use as a cinema or theatre is likely to be permanent. This would then permanently affect the significance of the listed building, the street scene on Shaftesbury Avenue and the geography of Theatreland.

3.21. I assess this harm as at the higher end of less than substantial.

Assessment of the proposed basement cinema

3.22. It is acknowledged that following the removal of the current four large screens a cinema use is to be reinstated in the scheme, and I seek to assess the heritage impacts of this.

3.23. This new cinema use is located in the basement and with a vastly reduced floor space and with different access arrangements.

3.24. Dealing first with the floor space, according to the figures presented by the applicant, the basement cinema accounts for just 21% of the total floor space within the proposal, with an overall reduction of 50% of the current cinema floor space.

3.25. Dealing secondly with the positioning, the location of the cinema in the basement and the limited floor space dedicated to cinema use makes it ancillary to the main use as a hotel and restaurant and its presence within the building severely compromised. The identity of the building would be gained from its principal use as a hotel and restaurant at ground floor and above.

3.26. Within the proposals the cinema is accessed through a small side door on Stacey Street with stairs leading down to the screens. When walking along Shaftesbury Avenue the cinema's entrance would not be prominent and whilst there may be some signage such as film poster boxes, the elevations and primary use would no longer be predominantly about the cultural use. The cinema's lack

of presence makes its longevity as a successful and viable use within the building uncertain. To many, it may not be clear the cinema even existed – the building would be likely known as a hotel. In the absence of a marketing strategy for the cinema, but even with one given its basement and small scale, it is not clear how the public would be made aware of the cinema and encouraged to use it.

3.27. I recognise that there was a descent into the stalls in the Saville Theatre, but this is not comparable. Firstly, the experience of entering a Theatre is one where it is not unusual to have either a short ascent or a short descent into the auditorium and it is a collective experience into the exciting volume of a whole theatre (principal) space amongst the throng of the crowd. It is not akin to a descent into a basement cinema. Second, in the Saville Theatre expressly, the entrance to the dress circle and those principle seats was not in any case that sort of ascent or descent as my colleague Dr Wilmore explains. Third, the proposed basement descent will be to a much smaller screen space and that change in volume (and seats) is also a change in footfall and experience. It is the significant levels of footfall at ingress/egress to a voluminous internal shared space from a theatre that creates the sense of expectation in the public realm of a major theatre, both the progression in the vicinity (in this case, along the Avenue and perambulating through minor streets) but also the glimpses of the sight, and the knowledge that that progression happens. Cinemas are able to do this also, albeit to a lesser extent, particularly where they have larger screens and are a destination cinema, as this cinema was in its ABC heyday.

3.28. As an example to demonstrate my concerns regarding the proposed cinema, the Firmdale Hotel Group owns a variety of hotels in London's west end. The hotels offer a variety of facilities including cinema screens, which are generally hired out for private events and screenings, including corporate events and children's parties. These hotels are very much perceived as hotels and not cinemas within the street scene as can be seen below.



Figure 32 Charlotte Street Hotel

- 3.29. In addition, the hotel website does little to advertise the presence of the cinema screens. Focusing more on the primary use, in this case hotel rooms and the restaurant and bars.
- 3.30. I appreciate that the proposed cinemas would be slightly larger and would not be solely for private events, however, the example of the Firmdale Hotels demonstrates how the primary use of a building can dominate other uses in the overall understanding of a building.
- 3.31. Further, whilst the legibility of the original Theatre structure was clearly appreciated and readable in the ABC two-screen era, and eroded in the Odeon four-screen layout, that legibility is still perceptible to a member of the public currently in the two larger screens, and is easily readable once the historic fabric behind the screens is viewed, and so remains legible. The basement cinema and the change to the auditorium space means this legibility will be lost.
- 3.32. Whilst I recognise that the proposal is for a mixed used scheme, I consider that the basement cinemas, together with the mix of uses proposed, are not likely to significantly animate the conservation areas.
- 3.33. I consider that the change in cinema use on this site to a small basement cinema causes harm to the heritage asset, at the higher end of “less than substantial”, and that overall the small amount of cinema use included in the proposals does not effectively mitigate the harm caused by the change of use of the majority and of the principal spaces of the building.

Conclusion

- 3.34. It is clear that the change of use causes (in NPPF terms) “less than substantial” harm to the special interest of the building, which is contrary to the NPPF, particularly paragraph 192 that states the following:
- 192: In determining applications, local authorities should take account of:*
- a) The desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation;*
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) The desirability of new development making a positive contribution to the local character and distinctiveness.*
- 3.35. The change of use is also contrary to policy D2 of Camden’s Local Plan. .
- 3.36. The change of use would also alter the setting of Gilbert Bayes’ frieze which would have a detrimental impact on its significance and would be contrary to the advice set out in the Historic England document GPA3 The Setting of Heritage Assets (core document J1) which sets out that elements of setting make a

contribution to an assets significance and should be considered when assessing a proposal.

3.37. Local and national policy indicates that if harm is caused, there should be sufficient public benefit to offset that harm. The heritage benefits provided are discussed in more detail in section 5, whilst my colleague Ms Hazelton discusses the public benefits offered and provides the overall planning balance.

3.38. I consider these proposals result in the clear loss of an important cultural venue. It is also a clear loss of floorspace and associated volume. I do not consider the change of use of the principal floors from the existing cultural use, to a hotel, bar and restaurant with a small basement use is comparable. I consider it is a very real loss to the special interest of this building, a very real loss to the special interest of the frieze, and a very real loss to the character of the adjacent Conservation Areas.

4. SECTION 4

Proposed extension

4.1. The proposed extension is a part two, part three storey glazed addition. The extension is frameless with no solid components. The two lower storeys contain hotel rooms, the top third storey which is slightly set back is a bar and contains some plant.

4.2. There was extensive negotiation between the applicant and the Council about the extension during the pre-application and application stages. The Council was more than willing to enter into constructive negotiation.

Impact of extension

4.3. The proposed roof extension at three storeys on top of five lower storeys, is too large for the site. It is acknowledged that the building lies between two larger buildings, however, the height of the extension forms a large mass and is not subservient to the scale of the existing building. The height and the bulk detract from the host building and weaken its strong architectural rectangular form. The form is noted as being an important component of the building's significance and is recognised as contributing to the surrounding architectural context. Compromising this fundamental design component would cause some harm to the building's significance.

4.4. The materiality of the extension whilst in theory mitigates the visual impact, by creating a lightweight and transparent extension, would be entirely visible as a result of the reflection and activities carried out within the building. The likely paraphernalia associated with the hotel would be visible, such as variable lighting (on/off), and likely also curtains and larger items of furniture etc. Whilst the glass

could be conditioned (see below further as to the glass), the lighting is likely to, along with the mix of open and closed blinds, create a messy appearance that would be at odds with the clean and crisp images shown on the proposed drawings.

- 4.5. Mr Crockett also notes in his comments that are appended to the evidence, that in extending the original building, the interface with the existing parapet is particularly important, as it forms a transition between the old and the new. This has been inelegantly detailed so that the façade line of the extension sits part way across the existing parapet, with the two separated by an inset labelled as *06. Solid Metal Door/Cladding Panel*. This is an apparent lack of due consideration for one of the key junctions within the proposals.
- 4.6. In addition, the glass has no relationship with the host building, which is almost entirely constructed from brick. It is accepted that there are some examples of historic brickwork and modern glazing being successfully integrated, for example at the Tate Modern, however the extension there is constructed from opaque glazing resulting in the activities within the extension not being observed. Furthermore, buildings such as the Tate have an industrial character that tolerates this type of modern and simplistic type of extension, unlike the simple but subtly grand architecture of the Site.
- 4.7. Mr Crockett also notes in his comments, that within building proposals, we would expect the façade designs in the rooftop extension to provide elegant and appropriate responses to the surrounding context and orientation, but also to consider the function of the internal spaces. The wrapping of all new rooftop elevations with a highly singular full-height façade material, both in appearance and thickness irrespective of function or orientation, suggests that any particular requirements have not been addressed. Hotel bedrooms will typically demand privacy, good acoustics, the ability to have complete darkness and a comfortable temperature, with a view out also desirable. As drawn, it is doubtful this design and material will readily create these within the proposals and it is likely that the individual solutions will result in a cluttered aesthetic.
- 4.8. The size of the extension makes this incongruous relationship between the materials more evident. At three storeys this type of extension is not a secondary addition to the building but a main component. The glazing would begin to compete with the established aesthetic of the building with the potential to dominate what is at present a celebrated piece of art and architecture.
- 4.9. The quality of the glass construction is in question, particularly in terms of the detailing and how the floor plates and partitions meet the glazed elevations. Visible floor plates and partitions would create clutter behind the glazing, compromising the clean simple lines that are envisaged and shown on the submitted drawings. It is not clear what the final appearance of the extension would be once these aspects are accounted for and as such, the Council has not been satisfied that the

development could be completed to the standard shown in the submitted CGI visualisations.

- 4.10. The use of the extension as a hotel would also impact the appearance of the glazed extension as there would be extensive associated paraphernalia in order for the hotel to function. Curtains and blinds would be required for privacy and blocking out light. Additional plant would also be required to ventilate the extension and control the internal temperature, which is likely to be impacted by considerable solar gain. As a result, it has not been demonstrated that the simple design shown on the drawings is likely to be what would be constructed once all the constraints of building an extension such as this were accommodated.
- 4.11. The extension would impact the character of Shaftesbury Avenue and views from Mercer Street which lies within the Seven Dials Conservation Area, and views from New Compton Street, the local listed Phoenix Gardens and the Denmark Street Conservation Area.
- 4.12. As noted above, Shaftesbury Avenue, particularly the part forming the Seven Dials conservation area, is characterised by large brick buildings with terracotta and stone detailing. The introduction of a large glazed element would weaken this architectural language and would be distinctly out of character. There are some examples of large glazed buildings on Shaftesbury Avenue, specifically the building 151 Shaftesbury Avenue which is adjacent to the Saville theatre, however this is recognised as being an unsuccessful development and as having a negative impact on the street.
- 4.13. The Denmark Street conservation area to the north of the site has an eclectic mix of building types, however none exhibit large amounts of glazing, and solid materials such as brick dominate. A large glazed extension by virtue of its materiality would not support the existing character of the conservation area and would be detrimental to its architectural quality.
- 4.14. Finally, it became known only during the Council's site visit during the course of this appeal that the interior of the fly tower remained. This has never been the subject of proper appraisal by the Applicant at any time. The proposed extension has not been designed to retain or protect the fly tower and as a result it is entirely lost within the proposed scheme, which as discussed earlier, would cause less than substantial harm.

Conclusion

- 4.15. The extension causes less than substantial harm to the heritage assets as it fails to preserve the listed building and the qualities of Shaftesbury Avenue and the adjacent conservation areas. The proposed extension is therefore contrary to policy 192 of the NPPF, and policies D1 and D2 of Camden's Local Plan.

- 4.16. The extension itself will cause the total loss of the historic fabric within the fly tower, which has not been properly appraised by the Applicant.

5. SECTION 5

Overall assessment and heritage benefits

- 5.1. In paragraph 5.44 of the Appellant's statement of case, they provide their assessment of the impact of the proposals on the building's significance, ranking each impact as either 'neutral', 'beneficial' or 'harmful' and providing an overall assessment of enhancement of the significance of the heritage asset. I have provided my own assessment of the impact of the proposals in sections 4 and 5 above, but for the sake of clarity, I also consider the same elements as set out by the Appellant, and the level of harm I consider these would cause to the heritage asset. These are each discussed in turn below.
- 5.2. *The removal of internal fabric from the listed building.* The proposals involve the loss of all remaining internal historic fabric, which includes three original staircases to the north, west and south corners of the building. During the course of the appeal, it has been discovered that there are additional areas of historic fabric remaining which Officers were unaware of at the time of determination including the original fly grid. The complete removal of this fabric is considered to cause a low to moderate level of less than substantial harm rather than neutral.
- 5.3. *Introduction of new openings to the building's external facades.* The proposals include the rationalisation of ground floor door openings and the insertion new window openings. These works would result in the loss of historic fabric, but the level of harm is considered to be at the lower end of less than substantial.
- 5.4. *Erection of new two and a half storey roof extension.* The proposed roof extension would be excessively large, and it would weaken the strong architectural rectangular form of the existing building, a feature which contributes to the building's architectural significance. The use of glazing would further emphasise the inappropriate size and bulk and result in an incongruous relationship with the brick base. This extension would also cause the complete loss of the historic fabric in the flytower grid. The extension is considered to cause less than substantial harm to the host building, and this harm would be at the higher end of less than substantial.
- 5.5. Notably, the Appellant does not include the impact of the proposed change of use. I consider the change of use of the building to a predominantly non-cultural use to be an important element to consider when assessing the level of harm arising from the proposals. The building's use and contribution to the music and entertainment scene contributes to the building's special interest, and the loss of cultural / leisure floor space and its removal from the building's principal floors would cause harm to the building's special interest and significance. This harm is considered to be at

the higher end of less than substantial.

5.6. The proposed heritage benefits as listed by the Appellant include the following:

- a. Repair and consolidation of the Bayes frieze and roundels.
- b. Reinstatement of the original recessed poster boxes to Shaftesbury Avenue façade
- c. Reopening of the arched window over the main entrance.
- d. Structural works to arrest and redress structural failings.
- e. Exposure of the building's internal front wall and its decoration with full-scale section of the original auditorium.

5.7. I agree that repairs to the frieze and roundels and the reinstatement of the arched window are considered significant heritage benefits, but these works would not necessarily depend on the proposed development to come forward. The reinstatement of the original poster boxes would be a benefit, but is not considered significant. The exposure of the internal front wall and its decoration with full scale section of the original auditorium is considered a positive feature of the appeal proposals in reference to the historic theatre use, but it is not considered to be a significant heritage benefit. The structural works to address existing failings is also recognised as a benefit. Overall, it is recognised that these works would constitute heritage benefits, but these benefits could also be achieved via an alternative and less harmful design.

5.8. Overall, after considering the level of harm caused and the heritage benefits offered, I consider that the appeal proposals would cause harm to the significance of the designated heritage asset and that in line with paragraph 196 of the NPPF, I consider this harm would be less than substantial. The level of harm would be towards the higher end of less than substantial. Any harm to or loss of a designated heritage asset requires clear and convincing justification (NPPF para. 194) and where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use (NPPF para. 196). Ms Hazelton provides an assessment of the scheme's public benefits in her evidence.

5.9. Having reached that judgment, I am also concerned as to the issues around the lease, and that the original repairing covenant was given up, as Mr Jones refers to in his evidence. The NPPF states that "where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision". For these reasons, I also consider that, whilst I am of the view that reinstating the frieze and roundels is a public benefit, I consider that less weight should be given to these works as a benefit as they could be brought forward as part of an alternative scheme which resulted in less harm.

6. SECTION 6

Response to appellant's statement

- 6.1. The appellant's statement argues that the proposals would benefit the Site and that should any harm be identified, this would be less than substantial harm and would be outweighed by the associated heritage and public benefits. I disagree. I summarise below the key responses to the appellant's statement.
- 6.2. The appellant claims the extension would not harm the aesthetic qualities of the building however, it has been established in my assessment above that the extension would have a detrimental impact on the visual amenity of the host building, would erode the established architectural character of Shaftesbury Avenue, and would negatively impact the architectural quality of the setting of both the Seven Dials and Denmark Street conservation areas.
- 6.3. The appellant claims Camden's Design Review Panel were supportive of the application; however, this is not the case. When the application was initially taken to the Design Review Panel in February 2018, the minutes clearly state that the Panel did not support the proposals. Concerns regarding the articulation of the extension were raised, particularly regarding materials. The Panel also had concerns as it was thought the character of the building was being compromised as a result of the cinema being placed in the basement. The Panel wanted the cinema to have a larger profile within the context of the rest of the building. In April 2018 the scheme was reviewed again by the Panel. Views were slightly more positive at this point, however concerns regarding the materiality of the extension were raised and how the hotel use would affect the aesthetic of the extension.
- 6.4. The appellant has stated that the scheme incorporates a mixture of uses, including hotel, café/restaurant, drinking establishment and assembly and leisure. Whilst it is accepted that there is a mixture of uses proposed, the appellant fails to highlight that the use of the site is overwhelmingly as a hotel and that all other uses are ancillary to this primary use. The application form gives a breakdown of the floorspace dedicated to each use, which it is noted is being disputed by Ms Hazelton within her proof of evidence, however according to the submitted figures more than 63% of the building is dedicated to hotel use. This is a dramatic shift from the existing use which is entirely for entertainment and leisure and its ancillary functions, and will impact the significance of the listed building and the surrounding area.
- 6.5. The appellant argues that the current use of the building as a cinema makes a neutral contribution to the significance of the building. Whilst clearly theatre use is the optimum use, cinema use is also a cultural / leisure use and also contributes to the character and significance of the building. I fundamentally disagree that it is "neutral". The dominant cinema use establishes and maintains the building as a performance and entertainment venue, maintaining the historic character and

supporting the significance of Gilbert Bayes's frieze. In my view the existing cinema use makes a positive contribution to the significance of the building and the character of the wider area, but the ancillary cinema in the basement of the building would not make a similar contribution.

6.6. The appellant argues within their statement of case that the mixed use development signposts the historic use of the building. This is to some limited degree true – I recognise that a small cinema use is proposed in the basement and that there are elements such as posters on the frontage which could indicate this. However, as I set out above, I do not consider this is a “replacement”. It is a change, and it is a significant loss. The significance of the building in terms of its architecture and cultural and social history, requires the use to do more than just signpost the building as having a small cinema, but to have these theatre/cinema entertainment use as its primary use. It causes significant harm to the significance of this asset (a primary use island site, previously an island theatre, now an island cinema use) for that dominant cultural use to be lost, replaced with a small ancillary subterranean set of screens without the experiential and volume experience of the current asset and that asset's consequential relationship with the public space and streetscene in which the asset is viewed from the conservation areas and the frieze sits.

6.7. It is argued that the current proposals are the optimum viable use for the building. This is not the case. The optimum use for the building would be theatre use. The viability of this use will be discussed by other experts for the Council.

7. SECTION 7

Optimum viable use

7.1. I do not give viability evidence; this section focuses exclusively on my heritage appraisal of other uses.

7.2. It is my clear view that returning the site to a Theatre use would be the preferable heritage use. This would allow the existing architecture to be used most effectively and would result in the least amount of change to the building. The frieze and the roundel plaques would also retain their significance and cultural meaning if the building were to return to its intended use as a theatre. In addition, the character of Shaftesbury Avenue and the surrounding conservation areas would be heightened and given more vitality.

7.3. Having regard to the evidence of Dr Wilmore, and Mr Jones and my own experience of heritage assets in theatres in London, I consider it is highly likely that a theatre scheme would overcome either entirely or to a very significant extent many of the heritage harms of this proposal. For example, I consider it highly likely that the volume would be retained and largely re-used, extant heritage fabric would be retained where practicable, likely many areas of the original design could

be reinstated (which can be appreciated from Dr Wilmore's evidence) and the flytower and the grid would not be wholly demolished and the grid and its space would be returned to use and it is, in my view, highly likely that the grid itself, or significant elements of it, would also be re-used. I also consider that whilst any scheme would be required to be appraised and any loss of significant heritage fabric is regrettable and must be given due regard, the public benefit of returning this site to a principal theatre use is precisely the sort of clear and demonstrable public benefit that the NPPF is anticipating when it seeks the justification of heritage harm. It would be a welcome development in the streetscene and public space of Shaftesbury Avenue and it would assist in animating the adjacent Conservation Areas – indeed it could even lead to their extension, following suitable appraisal.

- 7.4. For completeness, I also consider such a scheme would deliver all the heritage benefits identified by the Appellant, and many more – i.e. as part of the scheme, it would repair and reinstated the frieze and roundels, the original recessed poster boxes, the arched window over the main entrance, carry out necessary structural work, and it would be part of a scheme which would use the original internal auditorium and its volume rather than displaying part of it out of context.

8. SECTION 8

Conclusion and summary

- 8.1. In conclusion, the grade II listed Former Saville Theatre is an exceptional piece of theatre architecture incorporating a significant piece of interwar sculpture that creates a link between architecture, art and theatre. It has been in use as an entertainment venue for the last nine decades and has a significant social and cultural history. The aesthetic of the building reinforces the architectural language of Shaftesbury Avenue and the adjacent conservation areas. The use of the building also contributes to the theatre and entertainment scene of Shaftesbury Avenue and the wider area.
- 8.2. The change of use to predominantly hotel use will detract from and harm the existing architecture by altering both the internal and external elements of the building. The change of use will also reduce the importance of Gilbert Bayes' frieze by severing its relationship with the theatre and undermining its deeper cultural meaning. The proposed use will not add to the vibrant cultural character of Shaftesbury Avenue and the surrounding area, including the Conservation areas, instead having a corporate presence on the street.
- 8.3. The appellant argues that the scheme has a mixture of uses, incorporating a cinema, however hotel use is the principal use with all other uses ancillary to the hotel. The cinema is relegated to the basement and will have little presence within the building, leaving the long-term viability of the cinema uncertain.

- 8.4. The proposed extension, by virtue of its massing, overwhelms the existing building. The materiality of the extension is also incompatible with that of the existing building creating an inharmonious aesthetic with the existing historic brickwork and stone details. The use of the extension as hotel rooms further exacerbates the inappropriateness of the material as the paraphernalia associated with hotel use will be on view, creating an untidy and cluttered appearance. In addition, Shaftesbury Avenue has a largely brick palette, and where large amounts of glazing have been used, particularly on the north eastern stretch of the street, it has been unsuccessful. The addition of a large glazed roof extension would not support the character of the street and would reinforce some of the less architecturally pleasing aspects of it. As a result, the impact of the extension will have a negative impact on the character of the building, the wider street scene and views from the adjacent conservation areas.
- 8.5. In addition, the creation of the roof extension would result in the complete loss of the fly grid and fly tower, which as discussed above is an important and significant component of the building's history and use.
- 8.6. Overall, as a result of the cumulative effect, the proposals would cause harm to the significance of the heritage asset and this would be towards the higher end of less than substantial harm. The proposals would also harm the character and appearance of the nearby Seven Dials and Denmark Street Conservation areas and Shaftesbury Avenue.

9. SECTION 9

List of appendices

Appendix 1 – Statement from Alastair Crockett, Senior Urban Design Planner, LB Camden

APPENDIX 1: Statement of Alastair Crockett, Senior Urban Designer, LB Camden.

APPEAL SITE

135-149 Shaftesbury Avenue, London, WC2H 8AH

APPELLANT

Capitalstart Limited

SUBJECT OF APPEAL

Appeal against London Borough of Camden's refusal of Planning Permission and Listed Building Consent for *'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'*.

COUNCIL REFERENCES: 2017/7051/P & 2018/0037/L

PLANNING INSPECTORATE REFERENCES: APP/X5210/W/19/3243781 & APP/X5210/Y/19/3243782

Statement of Alastair Crockett, Senior Urban Designer, LB Camden.

Dear Sir,

Whilst not forming part of the original team of Officers on the application stage of the project, I have been asked to provide design commentary on the submitted scheme in relation to the refusal and subsequent appeal.

Appearance and function

1. The building was designed as a theatre, and subsequently converted to a cinema. Both of these cultural functions perform an important role in the area, and the proposals reflect a downgrading of the cultural usage as it is accommodated in basement level and therefore not apparent as part of the street scene. The ground floor layout has been designed as a hotel entrance primarily and access to the cinema is compromised.

Bulk, scale and massing

2. As viewed from the Shaftesbury Avenue side, the existing building is situated between two taller neighbours. It could therefore be considered appropriate for a rooftop extension, with the condition that it is sensitively handled in relation to the Grade II listed original building. On the northern side, any extension should minimise impact on to The Phoenix Garden. As drawn the proposals do not successfully address either of these challenges, in particular with a frontage on to Shaftesbury Avenue that carries no apparent consideration for the original building and, whilst not part of the Council's reasons for refusal, the rear elevation has an impact on to The Phoenix Garden, which more careful design could likely have reduced. The massing is clumsily handled through a series of generic glazed stacked boxes that contain no apparent reference to the existing building or setting.

Detail and materials

3. In extending the original building, the interface with the existing parapet is particularly important, as it forms a transition between the old and the new. This has been inelegantly detailed so that the façade line of the extension sits part way across the existing parapet, with the two separated by an inset labelled as *06. Solid Metal Door/Cladding Panel*. This is an apparent lack of due consideration for one of the key junctions within the proposals.
4. The proposals have been almost entirely conceived in a uniform glass envelope. The inclusion of fritting to the glazing suggests that some of the practical challenges of this material have already been identified. The fritting may assist with a slight improvement to privacy of bedrooms compared to clear glass, but will provide little benefit to the environmental challenges that this will present with overheating and glare in summer, and a large heating demand in colder months to cope with the poor insulative qualities of the material. Whilst that element is also not a reason for refusal, I do not consider it responds well in

design terms to the Council aspirations for low energy buildings. For example we would typically expect any glazing to be balanced with areas of solid wall to provide an overall high performance to the building envelope. A more respectful design in other materials reflecting the simplicity of the existing brick and stone work and of a lower height/mass would likely also achieve better environmental performance.

5. Of a particular challenge in relation to the rooftop extension is also the Roof Bar on level 7 which has entirely glazed elevations and roof. Surrounding the bar is an external terrace, populated with people in the elevations, but with no opening sections shown to understand how the space may be accessed. That change in function and design impacts negatively the architectural character and form.
6. Within building proposals, we would expect the façade designs in the rooftop extension to provide elegant and appropriate responses to the surrounding context and orientation, but also to consider the function of the internal spaces. The wrapping of all new rooftop elevations with a highly singular full-height façade material, both in appearance and thickness irrespective of function or orientation, suggests that any particular requirements have not been addressed. Hotel bedrooms will typically demand privacy, good acoustics, the ability to have complete darkness and a comfortable temperature, with a view out also desirable. As drawn, it is doubtful this design and material will readily create these within the proposals and it is likely that the individual solutions will result in a cluttered aesthetic.
7. Finally, the proposed envelope has been insufficiently detailed to provide confidence that it would be executed in line with the illustrations. Certain elements are drawn at a size that would be unfeasible such as framing to the glazing, and that would not deal well with basic requirements of a façade envelope, which is likely to further compromise the form and character as the elevations would not be able to achieve the singular form shown, and instead appear as a grid of glazed elements.

Design Review Panel Feedback

8. LB Camden encourages applicants to bring their schemes to our Design Review Panel (DRP) for independent design appraisal. This project was presented to the DRP most recently in April 2018. Reading through the comments whilst assessing against the submission drawings, it is clear that a number of their primary recommendations have not been responded to within the design, and in particular the detailed resolution of the heavily glazed upper extension. As noted in their comments related to the glazed extension, "*The glass structure will be much more visible than the representations suggest..... This level of detail is needed at planning stage to assure Camden that the designs can work. The quality of detail design of this element is critical to the successful execution of the extension, and as such that the panel feel it should be integral to the application and should not be conditioned.*"
9. Further to their concerns over the lack of detail shown within the glazed elements of the drawings, the panel recommended that the applicant look at

New Court, the Rothschild Bank headquarters in the City of London, shortlisted for the 2012 Stirling Prize. The building is an open-plan office, with events rooms and therefore was clearly intended as a precedent of a well-designed upper level glazed element, rather than one of usage. The building has a superb attention to detail, but clearly shows the structural elements noted as lacking within the applicant's drawings.