

<b>Address:</b>	135 -149 Shaftesbury Avenue London WC2H 8AH		<b>5</b>
<b>Application Number(s):</b>	2025/2567/P	<b>Officer:</b> Laura Dorbeck	
<b>Ward:</b>	Holborn and Covent Garden		
<b>Date Received:</b>	16/06/2025		
<b>Proposal:</b>	Change of use from Cinema (Sui Generis) to mixed Cinema, Immersive Theatre, Live Music Venue use (Sui Generis) for a temporary period between 12 June 2025 and 31 December 2025.		
<b>Background Papers, Supporting Documents and Drawing Numbers:</b>  Existing Drawings:  02-0302 P01, 2111-SPP-ST-B2-DR-A-02-1301 P0.01, 2111-SPP-ST-B1-DR-A-02-1302 P0.01, 2111-SPP-ST-0G-DR-A-02-1303 P0.01, 2111-SPP-ST-01-DR-A-02-1304 P0.01, 2111-SPP-ST-02-DR-A-02-1305 P0.01, 2111-SPP-ST-03-DR-A-02-1306 P0.01, 2111-SPP-ST-04-DR-A-02-1307 P0.01, 2111-SPP-ST-05-DR-A-02-1308 P0.01.  Proposed Drawings:  2111-SPP-ST-B2-DR-A-20-1301 P0.01, 2111-SPP-ST-B1-DR-A-20-1302 P0.02, 2111-SPP-ST-0G-DR-A-20-1303 P0.02, 2111-SPP-ST-01-DR-A-20-1304 P0.01, 2111-SPP-ST-02-DR-A-20-1305 P0.01, 2111-SPP-ST-03-DR-A-20-1306 P0.01, 2111-SPP-ST-04-DR-A-20-1307 P0.01, 2111-SPP-ST-05-DR-A-20-1308 P0.01.  Documents:  Cover letter ref. PD14344/GF/LS/PM dated 18 August 2025, Existing and proposed area schedule ref. 2111-SPP-ST-ZZ-SH-A-XX-6301-PL-S4-P01, Operational Management Plan V2.			
<b>RECOMMENDATION SUMMARY:</b>  <b>Grant conditional Planning Permission</b>			
<b>Applicant:</b>		<b>Agent:</b>	
Magical Mystery Ltd. 303 The Pill Box 115 Coventry Road London E2 6GH		Montagu Evans 70 St Mary Axe London EC3A 8BE	

## ANALYSIS INFORMATION

Land use floorspaces				
Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
Sui Generis	Cinema	3,550	0	-3,550
Sui Generis	Mixed Cinema, Immersive Theatre, Live Music Venue use	0	3,550	+3,550
<b>Total</b>	<b>All uses</b>	<b>3,550</b>	<b>3,550</b>	<b>0</b>

Parking details			
Car Type	Existing spaces	Proposed spaces	Difference
Car - General	0	0	0
Car - Disabled accessible	0	0	0
Cycle Type	Existing spaces	Proposed spaces	Difference
Cycle – long stay	0	4	+4
Cycle – short stay	0	0	0

## EXECUTIVE SUMMARY

- i) The application site is the grade II listed former Saville Theatre. The building was originally constructed as a theatre, designed by architect T.P. Bennett & Son with a highly significant 40m sculptured frieze along the front facade by Gilbert Bayes depicting 'Drama through the Ages'. Most recently, the site was occupied by Odeon as a four-screen cinema, although the Odeon vacated the site in September 2024. The site is not located in a conservation area, but it is sandwiched between the Seven Dials Conservation Area and Denmark Street Conservation.
- ii) Planning permission and listed building consent were recently granted for the change of use from cinema use to theatre and a 220-bedroom hotel, alongside a new roof extension, basement excavation and other works. Prior to the commencement of those works (expected in 2026), temporary permission is sought for a meanwhile use of the building for mixed entertainment use comprising cinema, immersive theatre, and live music uses (Sui Generis). There would be no loss of the existing cinema use as the previous occupier has already vacated, and given the temporary nature of the proposals they would not jeopardise the long-term plans for the site. The proposed entertainment / cultural use is supported in this Central London / West End location.

- iii) The proposed meanwhile use would not harm the historic fabric of the building and would maintain the entertainment / cultural use of the building which is intrinsic to its special interest. As such, there would be no harm to the significance of the listed building, nor to the setting or significance of the adjacent Seven Dials and Denmark Street Conservation Areas and nearby designated and non-designated heritage assets.
- iv) The proposals would not impact neighbouring amenity by way of loss of outlook, daylight / sunlight, or privacy as there would be no external alterations. To ensure the use could be operated without causing undue disturbance to neighbouring residents, permission would be subject to conditions restricting noise, hours of use, maximum capacity and securing compliance with the submitted operational management plan.
- v) There would be limited transport impacts and no car parking is proposed.
- vi) Overall, the proposals are supported as they would bring an otherwise vacant building into use prior to the commencement of works on the long term redevelopment and refurbishment of the building, contributing to the vitality and viability of this part of the West End and Central London Area. It is therefore recommended that planning permission be granted subject to the conditions listed.

## OFFICER REPORT

### Reason for Referral to Committee:

Non-residential development involving a change of use resulting in provision of more than 1,000sqm of non-residential floor-space. (3ii)

## 1. SITE AND BACKGROUND

### *Designations*

1.1 The following are the most relevant designations or constraints:

Designation	Details
Listed Building	Grade II
Archaeological Priority Area	Tier I - Lundenwic
Designated Centres	Central London Area
Business Improvement District	
Article 4	Basements require permission
PTAL (Public transport accessibility)	6b (highest)
Underground development constraints and considerations	- Subterranean (groundwater) flow - Slope stability
CMP Priority Area – Cumulative Impact	South of Euston Road

*Table 1 - Site designations and constraints*

### *Description*

- 1.2 The application site comprises the former Saville Theatre, a grade II listed building constructed in 1930-1931. It is part-five / part-six storeys in height, covering an area of approximately 1,300sqm. The building forms an 'island site', bounded by Shaftesbury Avenue to the south, New Compton Street to the north, St Giles Passage to the east and Stacey Street to the west.
- 1.3 The building was originally a theatre, designed by architect T.P. Bennett & Son, and features a 40m sculptured frieze along the front facade by Gilbert Bayes depicting 'Drama through the Ages'. Most recently, the site was occupied by Odeon as a four-screen cinema, although the Odeon vacated the site in September 2024 and the building is currently vacant.



*Figure 1 – The existing site*

- 1.4 The site was first listed as grade II in July 1998, but the list entry was recently updated and enhanced in May 2023 after a request was submitted by the Planning Authority prior to a Public Inquiry in 2020. The site is not located within a conservation area, but is sandwiched between the Seven Dials Conservation Area (covering the southern side of Shaftesbury Avenue) and the Denmark Street Conservation Area (covering the northern side of New Compton Street). The site is also listed within a Tier I Archaeological Priority Area (Lundenwic).
- 1.5 The main entrance to the building is located on Shaftesbury Avenue, although there is also secondary access onto Stacey Street. The rear of the building facing New Compton Street is much quieter and has a back of house, utilitarian feel, which is predominantly used for servicing. The existing open spaces of Phoenix Community Garden and St Giles in the Fields are located to the rear of the site and are accessed via entrances from St Giles Passage and New Compton Street. Phoenix Gardens is designated as a Local Plan public open space and a local Site of Importance for Nature Conservation (SINC). They are also Locally Listed.

- 1.6 The site is located within the Central London Area's Central Activities Zone and is just within the southern boundary of the Tottenham Court Road Opportunity Area. The surrounding area is predominantly mixed in nature, with a range of ground floor retail units and upper floor flats and offices. The site also sits within the heart of London's theatre district, surrounded by a number of world-famous theatres, including the Phoenix Theatre, Palace Theatre, the Ambassadors Theatre, and the Cambridge Theatre.
- 1.7 The application site sits lower than its neighbours, with 151 Shaftesbury Avenue on the opposite site of St Giles Passage at nine storeys in height (with approval recently recommended for an additional storey – see planning history), and 125 Shaftesbury Avenue on the opposite side of Stacey Street rising to 10 storeys (with permission recently granted for a further 2 storeys and increases to its massing over the 6<sup>th</sup> to 10<sup>th</sup> floor levels).
- 1.8 The site is 0.2 miles from Tottenham Court Road, Leicester Square and Covent Garden Underground stations, with a PTAL rating of 6b, (the highest achievable). The site is located centrally in London's West End, with St Giles Street to the north, Soho to the west, Leicester Square and Covent Garden to the south and Holborn to the east.

## **2. BACKGROUND**

- 2.1 Previous applications for planning permission and listed building consent (references 2024/0993/P and 2024/1005/L) were granted on 16/07/2025 subject to a section 106 legal agreement for the following works:
- Part demolition, restoration and refurbishment of the existing Grade II listed building;
  - Erection of a five-storey extension plus setback plant area at roof level;
  - Excavation of additional basement levels;
  - Change of use to a theatre at lower levels, with ancillary restaurant / bar space (Sui Generis) at ground floor level; and hotel (Class C1) at upper levels; and
  - Provision of ancillary cycle parking, servicing and rooftop plant, and other associated works.
- 2.2 Works have not commenced on site as the pre-commencement conditions and obligations remain outstanding. The applicant anticipates development commencing in early 2026.

## **3. THE PROPOSAL**

- 3.1 The current application seeks consent for a meanwhile use of the building following the departure of the Odeon in September 2024 and prior to the commencement of building works for the approved development in 2026.

Temporary permission for the change of use is sought from 12 June 2025 until 31 December 2025. The applicant has confirmed that an event was held at the site over three days in June, but that there have been no further events since then, although further dates were planned in October at the time of writing.

- 3.2 The proposals comprise the use of the building for flexible entertainment use with a combination of theatre, cinema, live music and performance space, operated by 'Magical Mystery Ltd.' Magical Mystery Ltd is a performing arts business, established by the owners of Future World Limited, who are the creators of Secret Cinema. The concept is the "LOST CITY", which is proposed to deliver an immersive multi-use venue, with a blend of live music, theatre, art and cinema. The LOST CITY is the first of its kind, but the Operator has extensive experience in delivering events, with Secret Cinema featuring over 60 productions
- 3.3 It is proposed to retain screens 2 and 3 as cinema screening rooms, with 269 and 167 seats respectively, and screens 1 and 4 will be transformed into multi-functional entertainment spaces. The use will be operated primarily on an event-led basis, with entry managed by a ticketing system. On some occasions, an event may make use of only one show / screen, whilst on other dates a single experience could take over multiple screens / spaces. The foyer area would act as central hub with bar, with access available to anyone with a ticket.
- 3.4 It is anticipated that the majority of tickets will be sold in advance of the events as Magical Mystery Ltd. operate a subscription-based business model. The events taking place will vary from live music performances, to immersive theatre, to cinema screenings, with each event potentially taking place over several days. There would be a maximum of three shows per day per screen, but due to the flexible nature of the entertainment use, there could also be periods of time where there are no events taking place at the site.
- 3.5 There are no external alterations proposed, and all internal fit out works are minor in nature and have previously been agreed with the Council's Conservation Officer by exchange of emails. Listed Building Consent was not required for these works and there was no impact on historic fabric or the significance of the building.

#### **4. RELEVANT HISTORY**

##### ***The site***

- 4.1 **2024/0993/P and 2024/1005/L** – Part demolition, restoration and refurbishment of the existing Grade II listed building, roof extension, and excavation of basement space, to provide a theatre at lower levels, with ancillary restaurant / bar space (Sui Generis) at ground floor level; and hotel

(Class C1) at upper levels; provision of ancillary cycle parking, servicing and rooftop plant, and other associated works. **Granted subject to s106 legal agreement 16/07/2025.**

- 4.2 **2017/7051/P & 2018/0037/L** – 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. **Refused 05/07/2019 and appeal dismissed 10/03/2021.**
- 4.3 **LSX0005257**: Alterations to form four screen cinema. **Granted 20/02/2001.**
- 4.4 **LS9904804**: Internal alterations for refurbishment, including creation of new partitions and alterations to internal surfaces of walls including the provision of acoustic fabric to auditoria wall. **Granted 26/10/1999.**
- 4.5 **9157**: The alteration to the elevations of Saville Theatre, 135 Shaftesbury Avenue, Camden, in connection with use as twin cinemas. **Granted 07/10/1970.**

#### ***The area***

##### 125 Shaftesbury Avenue

- 4.6 **2024/5408/P** – Remodelling, refurbishment and extension of the existing building to provide Use Class E commercial and retail space, amenity terraces, a new public route, relocated entrances, cycle parking, servicing and rooftop plant along with associated highway, landscaping and public realm improvements and other associated works. **Granted subject to s106 legal agreement 31/07/2025.**

##### 151 Shaftesbury Avenue

- 4.7 **2024/2450/P** - Refurbishment of existing building; demolition of existing rooftop plant level and replacement with two new setback floors at levels 8-9 (Class E(g)(i)); partial infill extensions to rear of building at levels 5-8; partial change of use at ground and lower ground floor level for use as either bar/drinking establishment (Sui Generis) and/or Commercial, Business & Service uses (Class E); retention of existing Commercial, Business & Service (Class E) floorspace elsewhere in the building; replacement of existing facades and provision of cycle parking and associated end of trip facilities at lower ground floor level. **Recommended for approval at Planning Committee on 27<sup>th</sup> February 2025, pending completion of S106 legal agreement.**



## 5. CONSULTATION

### ***Statutory consultees***

#### Historic England

- 5.1 Confirmed that on the basis of the information provided, they do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

### ***Local groups***

#### Seven Dials Conservation Area Advisory Committee (CAAC)

- 5.2 No response

#### Denmark Street Conservation Area Advisory Committee (CAAC)

- 5.3 No response

#### Covent Garden Community Association

- 5.4 No response

### ***Adjoining occupiers***

- 5.5 Four site notice were displayed surrounding the site on Shaftesbury Avenue, New Compton Street, St Giles Passage and Stacey Street. The notices were displayed on 21<sup>st</sup> August 2025 and the application was advertised in the local paper on 28<sup>th</sup> August 2025 (expiring 21<sup>st</sup> September 2025).
- 5.6 No responses were received.

## 6. POLICY

### ***National and regional policy and guidance***

[National Planning Policy Framework 2024 \(NPPF\)](#)

[National Planning Practice Guidance \(NPPG\)](#)

[London Plan 2021 \(LP\)](#)

[GG1 Building strong and inclusive communities](#)

[GG2 Making the best use of land](#)

[GG3 Creating a healthy city](#)

[GG5 Growing a good economy](#)

[SD1 Opportunity Areas](#)

[SD4 The Central Activities Zone \(CAZ\)](#)

[SD6 Town centres and high streets](#)

[SD7 Town centres: development principles and Development Plan](#)

[Documents](#)

[D11 Safety, security and resilience to emergency](#)

[D12 Fire safety](#)

[D14 Noise](#)

[HC1 Heritage conservation and growth](#)

[HC5 Supporting London's culture and creative industries](#)  
[HC6 Supporting the night-time economy](#)  
[T2 Healthy Streets](#)  
[T4 Assessing and mitigating transport impacts](#)  
[T5 Cycling](#)  
[T6 Car parking](#)  
[T7 Deliveries, servicing and construction](#)

[London Plan Guidance \(LPG\)](#)

[Social Infrastructure SPG](#)

[Sustainable Transport, Walking and Cycling](#)

### ***Local policy and guidance***

[Camden Local Plan \(2017\) \(CLP\)](#)

[Policy G1 Delivery and location of growth](#)

[Policy C3 Cultural and leisure facilities](#)

[Policy C5 Safety and security](#)

[Policy C6 Access for all](#)

[Policy E3 Tourism](#)

[Policy A1 Managing the impact of development](#)

[Policy A4 Noise and vibration](#)

[Policy D2 Heritage](#)

[Policy CC5 Waste](#)

[Policy TC2 Camden's centres and other shopping areas](#)

[Policy TC4 Town centre uses](#)

[Policy T1 Prioritising walking, cycling and public transport](#)

[Policy T2 Parking and car-free development](#)

[Supplementary Planning Documents and Guidance](#)

*Most relevant Camden Planning Guidance (CPGs):*

[Access for All CPG - March 2019](#)

[Amenity - January 2021](#)

[Community uses, leisure and pubs - January 2021](#)

[Design - January 2021](#)

[Transport - January 2021](#)

### **Draft Camden Local Plan**

The council published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation in January 2024. Responses to the consultation and a Submission Draft Camden Local Plan (updated to take account of the responses) was reported to Cabinet on 2 April 2025 and the Council on 7 April 2025. The Council resolved to agree the Submission Draft Local Plan for publication and submission to the government for examination (following a further period of consultation), and the Submission Draft has now been

submitted to the Secretary of State for Housing, Communities and Local Government on the 3 October 2025 for independent examination.

The Submission Draft is a significant material consideration in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

*DCLP Draft Site Allocation – (Allocation S18 (HCG4))*

The DCLP identifies the site as a draft site allocation. It is allocated for theatre / cinema and cultural use. A contribution to delivery of housing off site will be expected, having regard to relevant Local Plan policies.

## **7. ASSESSMENT**

- 7.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

<b>8</b>	<b>Land use</b>
<b>9</b>	<b>Design and Heritage</b>
<b>10</b>	<b>Impact on neighbouring amenity</b>
<b>11</b>	<b>Transport</b>
<b>12</b>	<b>Refuse and recycling</b>
<b>13</b>	<b>Biodiversity Net Gain</b>
<b>14</b>	<b>Community Infrastructure Levy (CIL)</b>
<b>15</b>	<b>Conclusion</b>
<b>16</b>	<b>Recommendations</b>
<b>17</b>	<b>Legal comments</b>
<b>18</b>	<b>Planning Conditions</b>
<b>19</b>	<b>Planning Informatives</b>

## **8. LAND USE**

***Proposed use (flexible entertainment use comprising cinema, theatre and live music)***

- 8.1 The existing building has most recently been in use as a cinema occupied by the Odeon, and comprises c.3,550sqm of cinema and ancillary floorspace (sui generis); however, Odeon vacated the building towards the end of 2024. Furthermore, planning permission has recently been granted for the loss of the existing cinema use under reference 2024/0993/P, and as such, this element of the proposals is considered acceptable and will not be re-

assessed as part of this assessment. Although the proposals include cinema use, this would only be an element of the overall flexible meanwhile entertainment use, with the purpose of meanwhile uses being to activate and keep a building in use rather than securing a long-term use.

- 8.2 Policy C3 of the Local Plan supports the temporary use of vacant buildings for cultural and leisure activities. Policy SD7.7 of the London Plan supports flexibility for temporary/meanwhile uses of vacant properties, with Policy HC5 also encouraging meanwhile uses for cultural and creative activities.
- 8.3 Likewise, objective GG5 of the London Plan aims to promote and support London's rich heritage and cultural assets, and its role as a 24-hour city. Policy E10 states that the special characteristics of major clusters of visitor attractions and heritage assets and the diversity of cultural infrastructure in all parts of London should be conserved, enhanced and promoted.
- 8.4 Policy HC5 of the London Plan also seeks to protect existing cultural venues, facilities and uses where appropriate (including cinemas and theatres). The policy supports the development of new cultural venues and encourages boroughs to evaluate what is unique or important to residents, workers and visitors. The policy also aims to identify, protect and enhance strategic clusters of cultural attractions like the theatres and cinemas of the West End, while Policy HC6 looks to protect and support evening and night-time cultural venues such as theatres and cinemas.
- 8.5 The proposed meanwhile use would comprise a flexible entertainment space with live music, performance, cinema and theatre space. Within this use, screens 2 and 3 will remain as cinema screening rooms with 269 seats and 167 seats respectively, and screens 1 and 4 will be transformed into multi-functional entertainment spaces. In terms of the events taking place, these will vary, and could involve live music performances, immersive theatre, cinema screenings, exhibitions, light and sound installations and electronic arts events. There will be a maximum of 3 shows per day per screen until the end of the year. The timings of the shows will vary but there is likely to be one in the afternoon, an early evening showing commencing between 17:00 and 18:00 and then a second show commencing between 20:00 and 21:00. To prevent overcrowding Magical Mystery will sell tickets which are time-entry sensitive and encourage early / staggered entry.
- 8.6 An Operation Management Plan has been submitted by the proposed operator, Magical Mystery Ltd., which describes their subscription-based business model. Subscribers must pay a monthly fee and give their personal details before subscription is granted and they are able to access the venue and use the facilities. In the Summary of Proposals document submitted with their Licensing application, it is noted that there will be no evening and nighttime access to general members of the public arriving on the night. It states:

*Audience members will be subscribers to the applicant's Magical Mystery community. Subscription will be affordable, inclusive and accessible, albeit with an understanding that audience members share the applicant's principles of community, responsible stewardship, creativity and the promotion of arts and culture.*

*The applicant's team have a proven track record in founding Secret Cinema, film festivals, national radio stations, exhibitions, fundraising events, producing film and music concerts. Operational experience includes groundbreaking immersive entertainment concepts and cultural music venues.*

- 8.7 Although permission is sought for up to three shows per day, per screen, due to the flexible nature of the proposals, there will also be periods of time where no events are taking place at the site.
- 8.8 Overall, the proposed flexible entertainment use is considered an appropriate use of the vacant building and is supported in land use terms. The development would incorporate a range of entertainment uses and cultural activities and bring a vacant building back into use temporarily. The proposed use is appropriate in this highly-accessible location within the Central London Area, with a number of theatre and culture venues in the proximity. The proposals are therefore acceptable in land use terms and comply with policy C3 of the Local Plan and policies SD7.7, E10, HC5 and HC6 of the London Plan.

## **9. DESIGN AND HERITAGE**

### ***Designated and non-designated heritage assets***

- 9.1 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out that special regard must be given to the preservation of a listed building, its setting or its features of special architectural or historic interest.
- 9.2 The effect of these sections of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of Listed Buildings and their settings. Considerable importance and weight must be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. Local Plan Policy D2 also resists development outside of a conservation area that causes harm to the character or appearance of that conservation area.
- 9.3 Paragraphs 205-208 set out an approach to the determination of the significance of a heritage asset which must be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the

proposal. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified (paragraphs 212 to 215).

### ***Designations***

- 9.4 The application site, the former Saville Theatre, was first listed as Grade II in 1998. There are no listed buildings immediately adjoining the site, although there are a number of listed buildings in the nearby area.
- 9.5 To the north of the site, is the public open space of Phoenix Garden. The gardens are locally listed and a designated Local Site of Nature Conservation Importance.
- 9.6 An assessment of the significance of the site is set out below, before an assessment of how the proposals would impact the significance of the building. As the proposals involve only minor internal alterations and maintain a similar entertainment use of the building, they are not considered to impact the setting or significance of any of the nearby designated and non-designated heritage assets.

### **The former Saville Theatre**

#### ***Historic England Listing***

- 9.7 The Historic England listing was recently updated in May 2023 to provide a more detailed listing description. The principal reasons given for its listing were detailed as the following:

#### **Architectural interest:**

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

#### **Historic interest:**

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

- 9.8 The building's long-standing and historic cultural use is also considered to make a significant contribution to the historic interest of the listed building -

its use as a theatre for around 40 years and the involvement of notable architects and artists from the 1930s onwards. Its association with key music figures and bands from the mid to late 1960s is also an important component of its historic interest. The conversion to a cinema has less association with specific figures or events but it has maintained the building's role as a cultural and performance venue within Theatreland and as such, it's most recent cinema use contributes markedly to the special interest and significance.

### **Assessment**

9.9 No external alterations are proposed, and the proposals require only minor internal alterations which do not require listed building consent. These have previously been agreed through an exchange of emails with the Council's Conservation Officer as the works did not impact the historic fabric of the building. The works involved the following:

- Removal of seats and carpet within screens 1 & 4
- Removal of screens and curtains within screens 1 & 4
- Removal of the suspended ceiling in the current foyer
- Repairs to existing toilets
- Removal of Odeon's F&B equipment in the lobby
- Maintenance and adaptation of the building's fire safety systems
- Painting and non-intrusive decorative works throughout

9.10 Overall, the proposed meanwhile use would not harm the historic fabric of the building and would maintain the entertainment / cultural use of the building which is intrinsic to its special interest. As such, there would be no harm to the significance of the listed building, nor to the setting or significance of the adjacent Seven Dials and Denmark Street Conservation Areas and nearby designated and non-designated heritage assets.

## **10. IMPACT ON NEIGHBOURING AMENITY**

10.1 Local Plan Policies A1 and A4 and the Amenity CPG are all relevant with regards to the impact on the amenity of residential properties in the area, requiring careful consideration of the impacts of development on light, outlook, privacy and noise. Impact from construction works are also relevant but dealt with in the 'Transport' section. The thrust of the policies is that the quality of life of current and future occupiers should be protected and development which causes an unacceptable level of harm to amenity should be refused.

### **Assessment**

10.2 As the proposals do not involve any external alterations and would re-provide a similar entertainment-style use, the proposals are not considered to cause harm to neighbouring amenity by way of loss of outlook, daylight/sunlight or

privacy. The key amenity consideration is potential noise and disturbance that could arise from the proposed use.

- 10.3 An Operational Management Plan has been submitted with the application which details how the site will be managed and operated so as to ensure there are no harmful impacts on neighbouring residents or their amenity. These measures include a subscription-based model, whereby a monthly fee and personal details are required before subscription is granted, after which details are provided of access and egress to the venue and expected conduct within and outside the venue. Access to the venue will be via existing entrances on Shaftesbury Avenue, Stacey Street and New Compton Street, but access via Stacey Street and New Compton Street will be time restricted and all egress will be via the busier Shaftesbury Avenue. The vast majority of tickets are expected to be sold prior to an event which will limit box office queues, and the number of tickets sold will be informed by a risk assessment for each event. To prevent overcrowding, tickets will be time-entry sensitive, and will encourage early / staggered entry.
- 10.4 Maximum occupancy figures have been determined by a fire risk assessment, which identifies a maximum front of house capacity of 1,103 people and shall be secured by condition. The following are the maximum capacities per screen:
- Screen 1: 250 standing
  - Screen 2: 240 seated
  - Screen 3: 163 seated
  - Screen 4: 300 standing
  - Foyer and bar: 150
- 10.5 Any queues will be directed along the Shaftesbury Avenue elevation behind a temporary barrier, and will be supervised by security, managers, and front of house staff who will be trained to detect and intervene if any anti-social behaviour occurs. Contact details for a dedicated member of staff will also be provided for residents in the event of complaints.
- 10.6 A dedicated 'departure lounge' will be provided, serving as a general welfare area and providing a space for subscribers to gather, relax, and seek assistance or respite. This will also assist in staggering egress to ensure that the audience does not all vacate at one time.
- 10.7 A condition is attached to ensure compliance with this plan. A separate condition is also attached to restrict noise outbreak to ensure there is no impact on residents in the area, as well as conditions restricting hours of use and maximum capacity. Subject to these controls, the proposed use is not considered to unduly impact neighbouring amenity, in accordance with policies A1 and A4 of the Local Plan.



10.8 No objections have been received in response to the proposals.

## **11. TRANSPORT**

11.1 Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 seeks to limit the availability of car parking and requires all new developments in the borough to be car-free. Policy T4 addresses how the Council will promote the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road.

11.2 The site is located in the Central London area, bounded by Shaftesbury Avenue, Stacey Street, New Compton Street, and St Giles Passage. The site is easily accessible by public transport with a Public Transport Accessibility Level (PTAL) rating of 6b (excellent).

11.3 The closest London Underground stations in the borough are Tottenham Court Road and Holborn, located approximately 400m north and 700m north east of the site, respectively. Tottenham Court Road station also provides Elizabeth Line services. Numerous bus stops serve the site from Cambridge Circus, Charing Cross Road, St Giles High Street and Tottenham Court Road.

11.4 The site is easily accessible from the Strategic Cycle Network with Cycleway C10 to the east at Endell Street and C52 at Great Queen Street. The nearest Santander cycle hire docking station is located on Moor Street approximately 200m southwest of the site. There are dedicated parking bays for dockless rental e-bikes and rental e-scooters in the area, namely on St Giles High Street, Earlham Street and Tower Street.

11.5 No private car parking is available for either audience members or staff. Staff would be able to use a new cycle parking store at ground floor level with access onto New Compton Street. There are also numerous locations to park cycles around the building. It is also likely that most audience members will arrive via public transport and on foot. Given the number of audience members and the fact that they would be arriving and departing in a staggered fashion, this is considered adequate.

11.6 Given the proposals involve only minor internal fit-out works, the Council's Transport Planner has confirmed a Construction Management Plan is not required.

11.7 Deliveries and servicing will be the same as the existing arrangement, carried out primarily on Stacey Street within a double yellow line area adjacent to the site where loading is allowed. This would be in line with Camden guidance on loading and unloading, which states "loading or unloading can take place on single or double yellow lines without kerb

markings, for an unlimited time before 11am and after the end of controlled hours, or 6.30pm (whichever is earlier).”

- 11.8 They will be scheduled via a booking system and the drivers will be notified of the agreed route to take to enter and egress Stacey Street, to avoid any congestion on the quieter roads. The venue will require 7 consumable deliveries per week alongside other deliveries, which will be within the hours of 08:00 - 11:00. Given the scale of the use and the utilisation of the existing servicing arrangements, the Council’s Transport Planner has confirmed that no conditions on servicing are necessary.
- 11.9 In terms of accessibility, existing arrangements will be maintained, with level access provided via the Stacey Street entrance.
- 11.10 Given that this is a meanwhile use intended only for a three-month period and will not require any highways changes or orders, it is not considered necessary for any financial contributions to be secured.

## **12. REFUSE AND RECYCLING**

- 12.1 Camden Local Plan policy CC5 (Waste) and Camden Planning Guidance (Design) are relevant with regards to waste and recycling storage and seek to ensure that appropriate storage for waste and recyclables is provided in all developments.
- 12.2 Deliveries and servicing currently take place via Stacey Street, which will be maintained by the meanwhile use. There is an existing designated bin room at ground level which will be utilised, with a weekly collection of general waste, recycling and food waste bins.
- 12.3 The existing waste and recycling storage facilities are considered sufficient and would suffice for the proposed temporary use.

## **13. BIODIVERSITY NET GAIN (BNG)**

- 13.1 The Biodiversity Gain Requirements (Exemptions) Regulations 2024 sets out a list of application types that are exempt or temporarily exempt from needing to create a biodiversity net gain. This application is exempt from biodiversity net gain specifically because it is ‘de minimis’ with regards biodiversity, given its temporary nature and because no physical alterations are proposed. As such this application is exempt from the requirement of a 10% uplift in Biodiversity Net Gain on site.

## **14. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 14.1 The CIL applies to all proposals which add 100m<sup>2</sup> of new floorspace or an extra dwelling. The amount to pay is the increase in floorspace (m<sup>2</sup>) multiplied by the rate in the CIL charging schedule.

- 14.2 As the proposals do not involve any uplift in floorspace, they are not liable to pay the Camden CIL or the mayoral CIL.

## **15. CONCLUSION**

- 15.1 The proposed temporary flexible entertainment use is considered an appropriate cultural use of the building, within this Central London/West End location.
- 15.2 There would be no external alterations, and as such, no impact on the character and appearance or significance of the building, nor the setting of nearby designated and non-designated heritage assets.
- 15.3 Likewise, there would be no impact on neighbouring amenity in terms of daylight/sunlight, outlook or privacy. Subject to the suggested conditions and controls, namely, compliance with the submitted operational management plan and conditions on noise and maximum capacity, the proposed use is not considered to cause undue noise disturbance to neighbouring residents.
- 15.4 The site is highly-accessible and there would be no car parking.
- 15.5 Overall, the proposals are welcomed in land use terms as a temporary/meanwhile use for this site prior to the commencement of works of the recent approval at the site, and it is therefore recommended that planning permission be granted.

## **16. RECOMMENDATION**

- 16.1 Planning Permission is recommended subject to conditions

## **17. LEGAL COMMENTS**

- 17.1 Members are referred to the note from the Legal Division at the start of the Agenda.

## **18. CONDITIONS**

### **1 Temporary permission**

The entertainment use hereby approved shall cease on or before 31 December 2025.

Reason: To allow a temporary use of the site that supports local activity and vitality in the interim period before the implementation of the approved development, in accordance with the objectives of policy C3 of the Local Plan and policies SD7.7 and HC5 of the London Plan.

### **2 Approved drawings**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Existing Drawings: 02-0302 P01, 2111-SPP-ST-B2-DR-A-02-1301 P0.01, 2111-SPP-ST-B1-DR-A-02-1302 P0.01, 2111-SPP-ST-0G-DR-A-02-1303 P0.01, 2111-SPP-ST-01-DR-A-02-1304 P0.01, 2111-SPP-ST-02-DR-A-02-1305 P0.01, 2111-SPP-ST-03-DR-A-02-1306 P0.01, 2111-SPP-ST-04-DR-A-02-1307 P0.01, 2111-SPP-ST-05-DR-A-02-1308 P0.01.

Proposed Drawings: 2111-SPP-ST-B2-DR-A-20-1301 P0.01, 2111-SPP-ST-B1-DR-A-20-1302 P0.02, 2111-SPP-ST-0G-DR-A-20-1303 P0.02, 2111-SPP-ST-01-DR-A-20-1304 P0.01, 2111-SPP-ST-02-DR-A-20-1305 P0.01, 2111-SPP-ST-03-DR-A-20-1306 P0.01, 2111-SPP-ST-04-DR-A-20-1307 P0.01, 2111-SPP-ST-05-DR-A-20-1308 P0.01.

Documents: Cover letter ref. PD14344/GF/LS/PM dated 18 August 2025, Existing and proposed area schedule ref. 2111-SPP-ST-ZZ-SH-A-XX-6301-PL-S4-P01, Operational Management Plan V2.

Reason: For the avoidance of doubt and in the interest of proper planning.

### **3 Hours of use**

The use hereby permitted shall not be carried out outside of the following times:

Monday to Wednesday 09:00 to 01:30  
Thursday – Saturday 09:00 to 03:00  
Sunday 09:00 - 00:00.

Reason: To ensure that the amenity of occupiers of residential properties in the area is not adversely affected by noise and disturbance in accordance with the requirements of policy A1 (Managing the impact of development) of the Camden Local Plan 2017.

### **4 Maximum capacity**

Customer numbers shall not exceed 1,103 in total.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4, of the London Borough of Camden Local Plan 2017.

### **5 Operational Management Plan**

The flexible entertainment use hereby approved shall be operated in full accordance with the submitted Operational Management Plan at all plans.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC2 of the London Borough of Camden Local Plan 2017.

### **6 Noise outbreak**

No music or other amplified sound shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4, of the London Borough of Camden Local Plan 2017.

**7 Servicing noise**

No removal of refuse or bottles/ cans to external bins or areas at the development site shall be carried out other than between the hours of 08:00 to 20:00.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

**8 Delivery and refuse items**

All refuse and recycling bins, delivery cages, trolleys and any other items linked to deliveries and collection in association with the development hereby permitted are to be stored within the buildings and only brought out onto the public highway when deliveries are being made or refuse collected and returned to within the building immediately thereafter.

Reason: In the interests of visual amenity and to prevent obstruction and inconvenience to users of the public highways, in accordance with policies A1, CC5 and T1 of the Camden Local Plan 2017.

**19. INFORMATIVES**

1. Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
2. This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
3. All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours

4. This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Biodiversity Net Gain (BNG) Informative (1/3):

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because the proposals constitute de minimis development.

6. Biodiversity Net Gain (BNG) Informative (2/3):

+ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.

2. The planning permission is retrospective.

3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.

4. The permission is exempt because of one or more of the reasons below:

- It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.

- It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

- The application is a Householder Application.

- It is for development of a "Biodiversity Gain Site".

- It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
- It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

7. Biodiversity Net Gain (BNG) Informative (3/3):

+ Irreplaceable habitat:

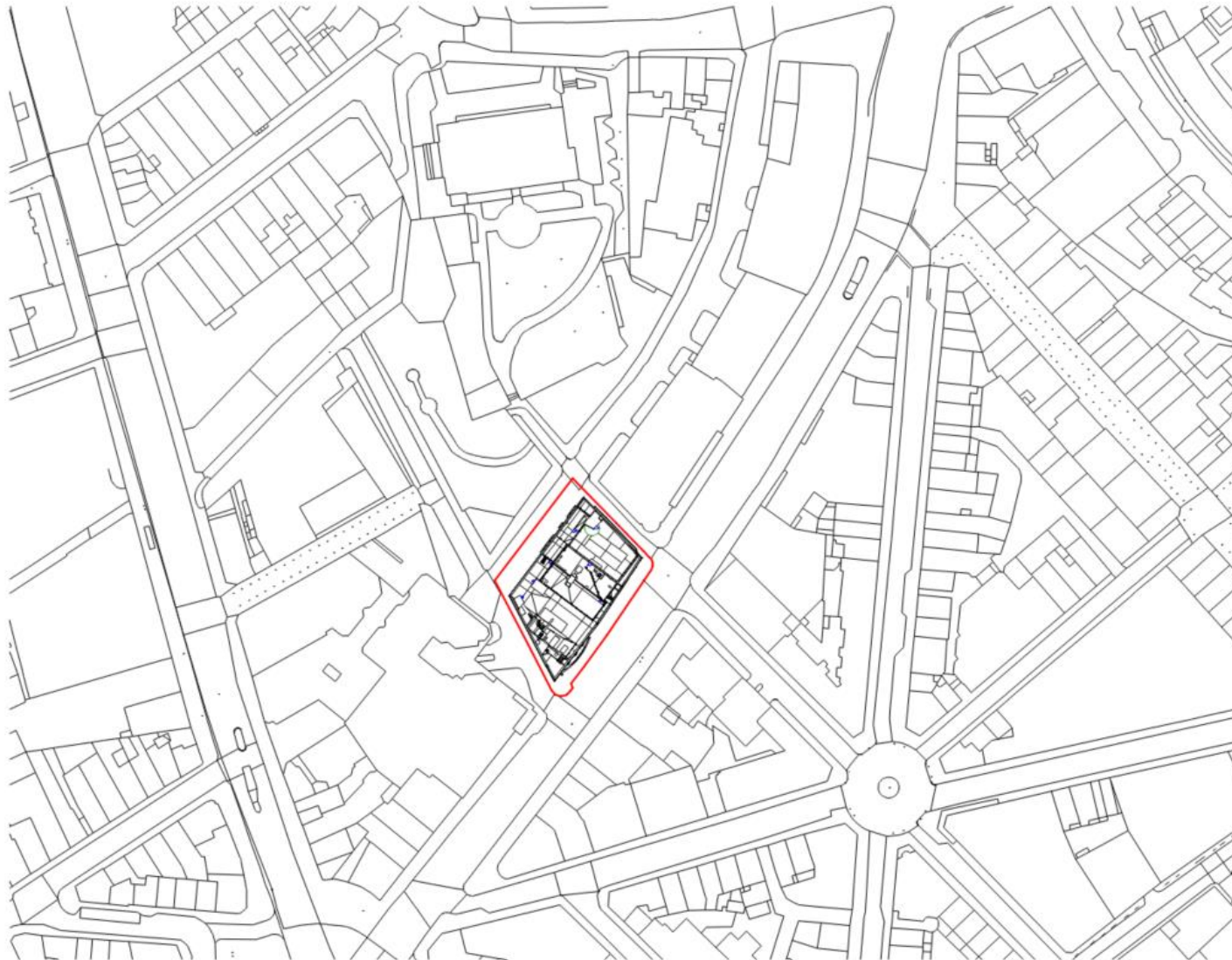
If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.



**Location Plan**  
1 : 1250



