

**Application No: 2016/5202/P**  
**125 Shaftesbury Avenue**  
**London, WC2H 8AD**

**Scale:**  
**1:1250**  
**Date:**  
**2-Jul-24**



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Address:	125 Shaftesbury Avenue London WC2H 8AD		<b>3</b>
Application Number:	2024/1444/P	Officer: David Fowler	
Ward:	Holborn and Covent Garden		
Date Received:	12/04/2024		
<p><b>Proposal:</b> Use of the existing ground floor entrance, first to fourth floors and ninth floor of 125 Shaftesbury Avenue as immersive theatre space, and ancillary events space (sui generis) for a temporary period between 1 September 2024 to 30 September 2025.</p>			
<p><b>Background Papers, Supporting Documents and Drawing Numbers:</b></p> <p><u>Existing plans:</u> P10.000, 231_P10.001, 231_P10.101, 231_P10.103, 231_P10.104, 231_P10.105, 231_P10.106, 231_P10.111.</p> <p><u>Proposed plans:</u> P10.101, P10.102, P10.103, P10.104, P10.105, P10.110.</p> <p><u>Documents:</u> Cover letter (Gerald Eve) 12 April 2024, Operational Statement, You Me Bum Bum Train (April 2024), Fire Strategy (The Fire Surgery) 10/05/2024.</p>			
<b>RECOMMENDATION SUMMARY: Grant temporary conditional planning permission (subject to a Section 106 Legal Agreement)</b>			
<b>Applicant:</b>		<b>Agent:</b>	
c/o agent		Gerald Eve LLP	

## ANALYSIS INFORMATION

Land Use Details:		
	Use	Floorspace (GIA sqm)
Existing	Class E - offices	9,939.6 (total building – 22,862.8)
Proposed	Sui Generis - leisure/entertainment	9,939.6

<b>Parking Details:</b>	
	Parking Spaces
Existing	0
Proposed	0

## **OFFICERS' REPORT**

**Reason for Referral to Committee: Development which involves the change of use of more than 1000 sq. mtrs of non-residential floorspace [clause 3(ii)].**

### **EXECUTIVE SUMMARY**

The building was last used as offices (Class E), but has been vacant since 2023. Planning permission was granted for extension and alteration to the building in 2018. That permission was not implemented, but revised long term development proposals for the site are expecting to be forthcoming shortly. In the interim meanwhile uses are being considered and this application is to use six floors of the building for an immersive theatre production with staggered entry, for a temporary period of 13 months. The operator (You Me Bum Bum Train) previously operated temporarily from the former Foyles book shop building.

There would be no permanent loss of office floorspace as a result of this proposal and the temporary nature of the alternative use is not considered to jeopardise any long terms plans for refurbishment and remodelling of the building. The proposed theatre use is strongly welcomed as a cultural use, which is appropriate in this Central London/West End area. A number of letters of support have been received.

Because of the nature of the production entry for audience members is staggered and avoids large numbers of people entering and leaving the site together which might cause disturbance to neighbouring amenity. A bar is provided, but this would be located on the ninth floor of the building and is only available to those participating in the production. Conditions on noise, capacity, limiting the bar to patrons only and securing the Operational Management Plan would mitigate any potential amenity issues.

The site is highly-accessible and there would be no car parking.

No external alterations are proposed.

The proposals are welcomed in land use terms as they will make better use of this otherwise vacant building whilst long term proposals are pursued, contributing to the vitality and viability of the Central London Area. Subject to the necessary controls to protect neighbouring amenity, it is recommended that planning permission be granted.

## 1 SITE

- 1.1 The application site covers an area of 0.35 hectares. It is occupied by a large vacant office building comprising 22,773sqm over 10 storeys, with some retail at ground floor. The offices have been vacant since 2023. There are aspirations to bring the building forward for development in the near future.
- 1.2 The application site is located within the Central Activities Zone. A Central London Frontage covers the south-western part of the site. The site is within an Archaeological Priority Area. There are no listed buildings on the site and it is not within a conservation area.
- 1.3 The application site is bounded by Shaftesbury Avenue to the southeast, the rear of properties facing Shaftesbury Avenue, Cambridge Circus and Charing Cross Road to the south, Charing Cross Road to the west, Phoenix Street to the north-west, Stacey Street with Phoenix Gardens beyond and also New Compton Street to the north-east and Stacey Street to the east. Charing Cross Road forms the boundary with the City of Westminster.

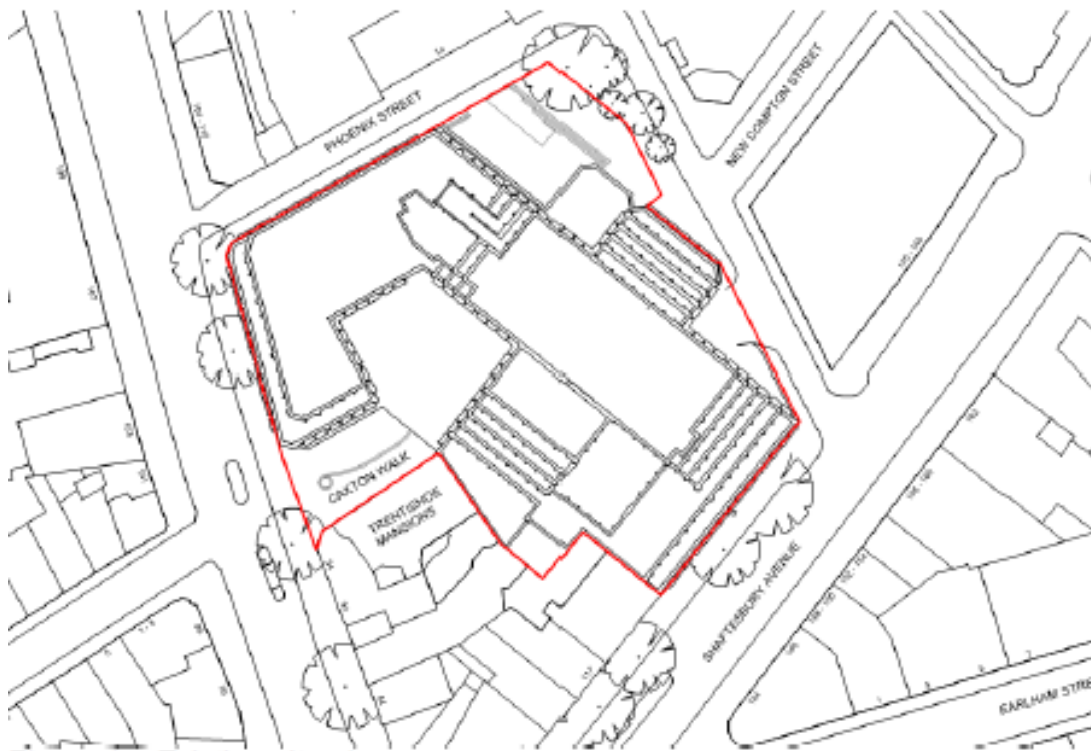


Figure 1 – The site

- 1.4 The site is not within a conservation area. The Seven Dials Conservation Area adjoins the site to the south-east (on the other side of Shaftesbury Avenue). The Denmark Street Conservation Area is located to the north of the site (on the other side of Phoenix Street). The Soho Conservation Area is located to the west (on the other side of Charing Cross Road), within the City of Westminster. Phoenix Community Garden is located to the north-east and is designated as Public Open Space and is Locally Listed.

- 1.5 The site has a Public Transport Accessibility Level (PTAL) of 6b (Excellent), which is the highest. The site is close to Tottenham Court Road, Leicester Square and Covent Garden Underground Stations and is also served by numerous bus services.

## 2 THE PROPOSAL

- 2.1 The proposals are to temporarily use parts of the building for an ‘immersive theatre experience’ (Sui Generis). The theatre company are ‘You Me Bum Bum Train’ (YMBBT) who have operated on a temporary basis from a number of vacant properties in London, including the old Foyles book shop on Charing Cross Road (on the Westminster side) and the former Royal Mail sorting office in Holborn.
- 2.2 YMBBT are a not-for-profit arts organisation who use vacant properties, bringing them into use for a temporary period as a meanwhile use. Volunteers would be used to staff the project. YMBBT seeks to engage non-traditional theatre audiences with innovative not-for-profit immersive theatre.
- 2.3 YMBBT would operate on the ground, first, second, third, fourth and ninth floors, using 9,939.6sqm (GIA) of the building (which has a total floor area of 22,862.8sqm). The ground floor would be used for access and egress, with stage sets on the first, second, third and fourth floors. The final scene of the production would take place on the ninth floor. There would also be a bar on the ninth floor. The other floors would remain vacant.

Floor	Existing (GIA sqm)	Proposed (GIA sqm)
Lobby at ground floor	126	126
First	2276	2276
Second	2273.5	2273.5
Third	2316.4	2316.4
Fourth	2138	2138
Ninth	809.7	809.7
<b>Total</b>	<b>9,939.6</b>	<b>9,939.6</b>

*Figure 2 – Proposed floor areas*

- 2.4 No external alterations are proposed.

## 3 RELEVANT HISTORY

- 3.1 The following planning history is relevant to this site:

Application site

P13/36X/A/26208 - Permission granted 03/05/1978 for existing building; “The area shown on the site plan submitted, including 125-133 Shaftesbury Avenue and land at rear, 6 and 7 New Compton Street, 96-102 Charing Cross Road, the existing car park site to the north of New Compton Street and on either side of Stacey Street and part of the playground in the curtilage of St Giles in the Fields.”

2016/5202/P - Permission granted on 22/05/2018 for “Remodelling, refurbishment and extension of existing office building (Class B1) at upper floor levels, roof level and within lightwells to provide 9,682sqm additional floorspace, including terraces, a new public route, a relocated office entrance (Charing Cross Road), rooftop plant and flexible retail uses (Classes A1/A3), along with associated highway, landscaping and public realm improvements”. This permission was not implemented and has now expired.

#### Relevant YMMBBT application site in the vicinity

15/02554/FULL (City of Westminster) - Permission granted 23/06/2105 for use of 113-119 Charing Cross Road, 1-5 Manette Street and the ground, first and second floors of 6-12 Manette Street (former Foyles book shop) as a theatre (sui generis) for a temporary period until 31 December 2015. | 113 - 119 Charing Cross Road.

## 4 CONSULTATION SUMMARY

### Statutory Consultees

- 4.1 **Metropolitan Police (Design Out Crime)** – No objections. Soft measures on training and a lockdown plan recommended for when site is operational (see informative).

### Adjoining occupiers

- 4.2 Site notices were displayed on 17/04/24. A press advert was placed in the local press on 18/04/24. The formal consultation period ended on 12/05/24.

### Representations summary

- 4.3 No objections have been received. Seven letters of **support** were received from a variety of local groups, local people, the Arts Council and the Theatres Trust, raising the following:

- High professional standards, produce world-class impactful work, will be a cultural highlight in London, unique interactive theatre, critically acclaimed, entertaining and engaging, exciting and innovative company.
- Use will contribute to the strength and diversity of the theatre and cultural offer in this part of London which attracts many visitors to the city.
- Exemplary safety record, well managed spaces.
- Years of experience.

- Will bring something of real value to the borough, will contribute to the area.
- Huge outreach to local community.
- Occupied a building of ours on Charing Cross Road (the old Foyles Bookshop) in 2015 and 2016 (Soho Estates).
- Keeps a redundant building vibrant and safe.
- Building is in a highly accessible location.
- Building is accessible internally as are proposed operations.
- Employ up and coming actors, provides opportunities to young people, people learn skills from working in the shows, fantastic opportunities.

## 5 **POLICIES & GUIDANCE**

### 5.1 **National Planning Policy Framework 2023**

### 5.2 **NPPG**

### 5.3 **The London Plan 2021**

### 5.4 **Mayor's Supplementary Planning Guidance**

### 5.5 **Camden Local Plan (2017)**

G1 Delivery and location of growth  
 E1 Economic development  
 E2 Employment premises and sites  
 C3 Cultural and leisure facilities  
 C5 Safety and security  
 C6 Access for all  
 A1 Managing the impact of development  
 A4 Noise and vibration  
 CC5 Waste  
 T1 Prioritising walking, cycling and car-free development  
 T2 Parking and car-free development  
 T3 Transport infrastructure  
 T4 Sustainable movement of goods and materials  
 DM1 Delivery and monitoring

### 5.6 **Draft Camden Local Plan**

The Council published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) (DCLP) which is consulted on from 17/01/24 to 13/03/24. The DCLP is a material consideration and can be taken into account 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).

### 5.7 **Camden Planning Guidance**

Access for all



Amenity  
Transport

## ASSESSMENT

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

6	<b>Land Use</b>
7	<b>Amenity</b>
8	<b>Transport</b>
9	<b>Safety and security</b>
10	<b>Fire safety</b>
11	<b>Refuse and recycling</b>
12	<b>Temporary permission considerations</b>
13	<b>Conclusion</b>
14	<b>Recommendations</b>
15	<b>Legal comments</b>
16	<b>Conditions</b>
17	<b>Informatives</b>

## **6 Proposed theatre use**

- 6.1 Policy C3 of the Camden Local Plan (2017) supports the temporary use of vacant buildings for cultural and leisure activities. Policy SD7.7 of the London Plan (2021) supports flexibility for temporary/meanwhile uses of vacant properties, with Policy HC5 also encouraging meanwhile uses for cultural and creative activities.
- 6.2 The proposals are strongly supported in land use terms, bringing cultural activities to the area and bringing a vacant building into use temporarily. A temporary theatre use is appropriate in this highly-accessible location within the Central London Area, with a number of theatre and culture venues in the proximity. A number of letters of support for the use have been received, including from the Arts Council and the Theatres Trust.
- 6.3 Policies E1 and E2 of the Camden Local Plan protect existing employment premises. The premises are currently vacant and the owner proposes to extend and refurbish the building in the near future. The current application is a meanwhile use whilst the building is vacant. The premises would return to office use (Class E) upon the expiration of the temporary planning permission and there is therefore no permanent loss of office floorspace and no displaced businesses. A condition limits the proposed use for 13 months, ensuring that it could not continue indefinitely.

## **7 Amenity of neighbouring properties**

- 7.1 Policies A1 and A4 of Camden Local Plan (2017) and the Amenity CPG are relevant with regards to consideration of the impact on the amenity of residential properties in the area, including matters such as the impact 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 residents should be protected and development which causes an unacceptable level of harm to amenity should be refused.
- 7.2 In this case the key amenity issues are the potential impact on noise and privacy, the proposal which is for change of use of part of the existing office building would not result in any impact on light and outlook.
- 7.3 Each show night would have a maximum of 75 audience members. Audience members would have a staggered entry with entry slots so there would be 20 people arriving over each hour. They would be guided through the experience by staff. Each show would last between one and two hours. Given the above, there would not be significant amounts of people arriving and leaving at the same time as with traditional theatre, and there would not be the same potential for noise and disturbance. The entrance would be from Shaftesbury Avenue. Furthermore, all sales would be done over the internet so there would be no box office or queueing for tickets on site.

- 7.4 An ancillary bar would be located on the ninth floor of the building. This bar would serve a selection of drinks and snacks only to audience members and performers with no right of admission to members of the general public. The bar would be open until 1am (secured via condition) – one hour less than was the case with the operation at the former Foyle’s book shop (see planning history) and not dissimilar to other late night bars in the West End. The bar would be located on the Stacey Street side of the building, facing the Odeon Cinema building and therefore would not be adjacent to any residential use minimising the potential for loss of privacy or noise. With regards the food provision, a menu of hot and cold bar snacks would be served.
- 7.5 Whilst there would be a maximum of 75 audience members at any one time, customers are able to remain on the premises at the bar afterwards and the numbers here could increase above 75. It is proposed that a condition is attached limiting the capacity of the bar to 250. The capacity was limited to 150 at the former Foyles building, however this site was much smaller; 5,653sqm (GIA as opposed to 9,939.6sqm (GIA) on this site. This figure is considered appropriate to the size of the premises and their location. It is considered that this number of people could be managed on the ninth floor of the building and dispersed without harm to residential amenity subject to conditions outlined below.
- 7.6 A condition is also attached restricting noise from the premises, to ensure there is no impact on residents in the area.
- 7.7 An Operational Management Plan has been submitted as part of the application, which details how amenity issues will be dealt with, including the provision of a dedicated email address and phone number for residents to contact YMMBBT in case of complaints. A condition is attached ensuring compliance with this plan.
- 7.8 No objections have been received to the proposals.

## **8 Transport**

- 8.1 Camden Local Plan policies T1, T2, A1 and the Transport CPG are relevant with regards to transport issues.
- 8.2 The site has a PTAL rating of 6B (excellent) given its Central London, highly-accessible location. No private car parking is available for either audience members or staff. Staff would be able to use the cycle parking that exists on site. 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 limited number of audience members and that they would be arriving in a staggered fashion, this is considered adequate.
- 8.3 The proposed operation would require some limited servicing for the bar and for props, but much less than the offices that occupied the site previously. The existing on-site servicing and delivery arrangements for the building would be used – entering the building from Stacey Street. Goods lifts exist within the

building for transporting goods. Westminster didn't attach any conditions to the application at the former Foyle's building regarding servicing. Whilst the operation here was smaller, the site did not benefit from on-site servicing facilities as per this site. Given the above and the scale of the proposals, no conditions on servicing are necessary.

- 8.4 In terms of accessibility, the building has fully-accessible entrances, toilets and lifts.

## **9 Safety and security**

- 9.1 Camden Local Plan policy C5 requires that development incorporate design principles which contribute to community safety and security. London Plan policy D8 requires public realm to be well-designed, safe, accessible and inclusive and policy D11 requires schemes to work with Designing Out Crime Officers (DOCOs) to design and maintain a safe and secure environment that reduces fear of crime.

- 9.2 The Designing Out Crime officer (Met Police) was consulted prior to the application being submitted and was involved in the design process and have raised no objection to the proposals subject to an informative.

- 9.3 YMBBT works with 'Safety Geeks' – a specialised safety company to ensure health and safety within the building.

## **10 Fire safety**

- 10.1 Policy D12 of the London Plan also requires the application to be accompanied by a fire statement, prepared by a suitably qualified third-party assessor. London Plan Policy D5 seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users.

- 10.2 The existing building has a fire strategy. This strategy has been updated for the proposals and a Fire Strategy has been submitted as part of the application. Audience members would be guided through the show by staff members. Given the above, the proposed operation would comply with the above fire safety policies.

## **11 Refuse and recycling**

- 11.1 Policy CC5 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.

- 11.2 The existing building has waste and recycling storage facilities, which would easily suffice for the proposed temporary use.

## **12 Temporary permission considerations**

12.1 The change of use is sought for a temporary period of 13 months from the 1<sup>st</sup> of September 2024 to the 30<sup>th</sup> September 2025. After this period, the lawful use of the premises would revert back to Class E offices.

12.2 Insofar as the aim of the temporary permissions is to ensure that the floorspace reverts to their former lawful use as offices in the future (in line with the aims of Policies E1 and E2 of the Local Plan, which seek to protect employment floorspace), and taking into consideration the fact that offices are currently vacant, with development proposals likely to come forward in the near future, the proposed temporary permission is acceptable.

~~42.2~~12.3 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 that no physical alterations are proposed. As such this application is exempt from the requirement of a 10% uplift in Biodiversity Net Gain on site.

### 13 **CONCLUSION**

13.1 There would be no permanent loss of office floorspace. The proposed theatre use is welcomed as a cultural use, which is appropriate in this Central London/West End area.

13.2 Entry for audience members would be staggered and there would therefore not be large numbers of people entering and leaving the site together. A bar would be located on the ninth floor. Conditions on noise, capacity, limiting the bar to patrons only, hours and securing the Operational Management Plan would mitigate potential amenity issues.

13.3 The site is highly-accessible and there would be no car parking.

13.4 No external alterations are proposed.

13.5 The proposals are welcomed in land use terms as a temporary/meanwhile use for this site while proposals for its refurbishment and permanent reuse are prepared and it is therefore recommended that planning permission be granted.

## 14 RECOMMENDATIONS

14.1 Planning Permission is recommended subject to conditions.

## 15 LEGAL COMMENTS

15. 1 Members are referred to the note from the Legal Division at the start of the Agenda.

## 16 Conditions

1	<p>Temporary permission</p> <p>The immersive theatre use hereby approved shall cease on or before 30 September 2025 at which point the premises shall revert back to office use.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended) and to retain employment floorspace in line with Camden Local Plan policies E1 and E2.</p>
2	<p>Approved drawings</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p><u>Existing plans:</u> P10.000, 231_P10.001, 231_P10.101, 231_P10.103, 231_P10.104, 231_P10.105, 231_P10.106, 231_P10.111.</p> <p><u>Proposed plans:</u> P10.101, P10.102, P10.103, P10.104, P10.105, P10.110.</p> <p><u>Documents:</u> Cover letter (Gerald Eve) 12 April 2024, Operational Statement, You Me Bum Bum Train (April 2024), Fire Strategy (The Fire Surgery) 10/05/2024.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Hours of use</p> <p>Customers shall not be allowed within the premises, including the bar, before 10am or after 1am.</p> <p>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.</p>
4	<p>Maximum capacity</p>

	<p>No more than 250 customers shall be in the ancillary bar area of the premises at any one time.</p> <p>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.</p>
5	<p>Bar area for audience/cast</p> <p>The ancillary bar shall only be used by audience members and cast members and shall not be open to the general public.</p> <p>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.</p>
6	<p>Music</p> <p>No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.</p> <p>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.</p>
7	<p>Operational Management Plan</p> <p>The immersive theatre use hereby approved shall be operated in full accordance with the submitted Operational Management Plan at all times.</p> <p>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.</p>
8	<p>Fire Strategy</p> <p>The immersive theatre use hereby approved shall be operated in full accordance with the submitted Operational Management Plan at all times.</p> <p>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.</p>



## 17 Informatives

1	<p>Met Police recommended security measures</p> <p>It is recommended that staff should complete the ACT E – learning before they open to the public. The SIA staff should have completed the ACT Security.</p> <p>A lockdown plan should be created and practiced (available on the ProtectUK website), given the central London location, a short distance from Leicester Square and Covent Garden.</p>
2	<p>Biodiversity Net Gain – ‘de minimis’</p> <p>The proposals are exempt from BNG given the application impacts less than 25sqm of onsite habitat that has biodiversity value greater than zero and less than five (i.e. the proposals are temporary and no physical changes are proposed).</p>

# Planning Committee

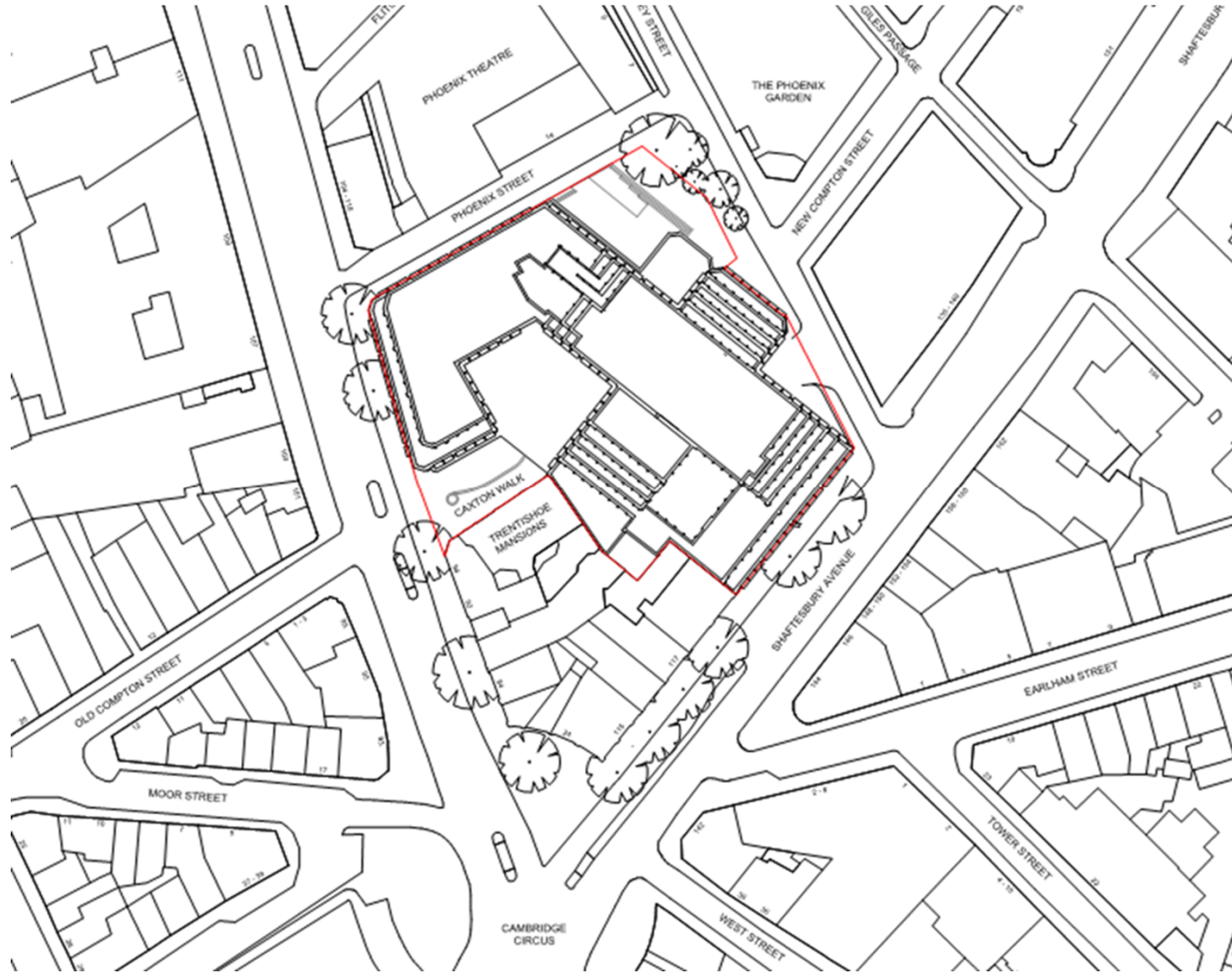
4<sup>th</sup> July 2024

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**2024/1444/P**

**125 Shaftesbury  
Avenue**

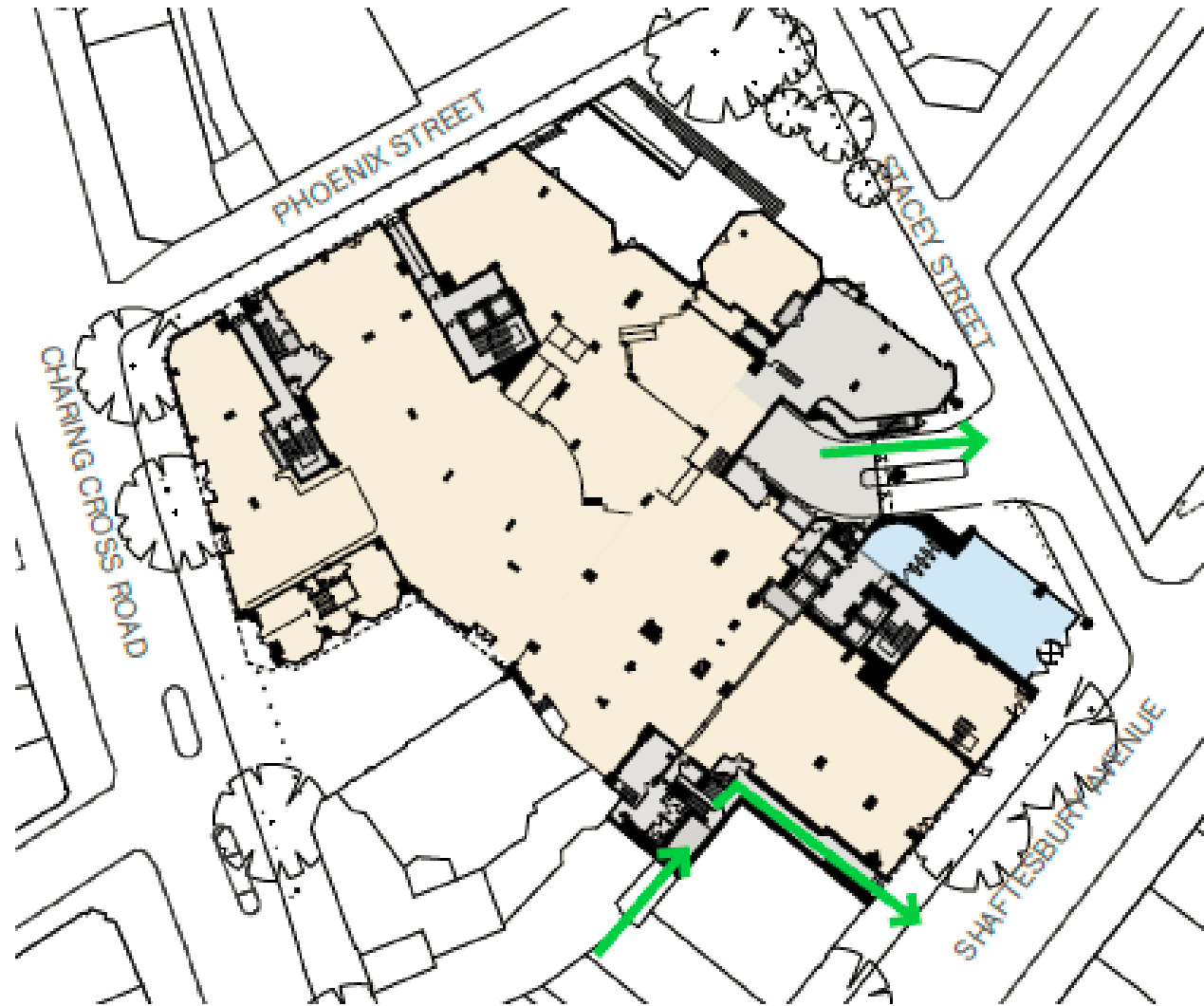
# Site plan - existing



# Bird's eye view – existing



# Existing ground floor plan





# View from New Compton Street

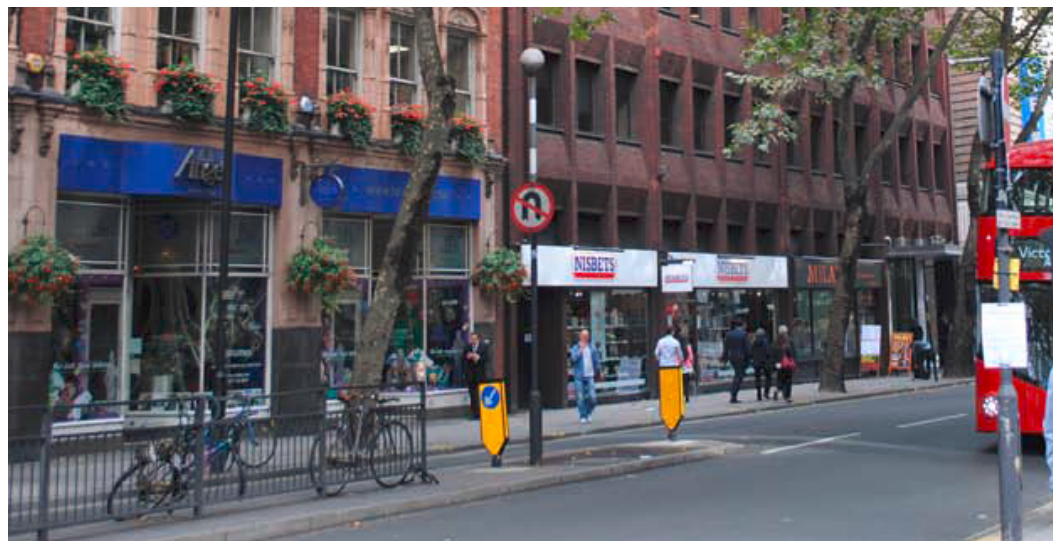


# View from Charing Cross Road of Caxton Walk

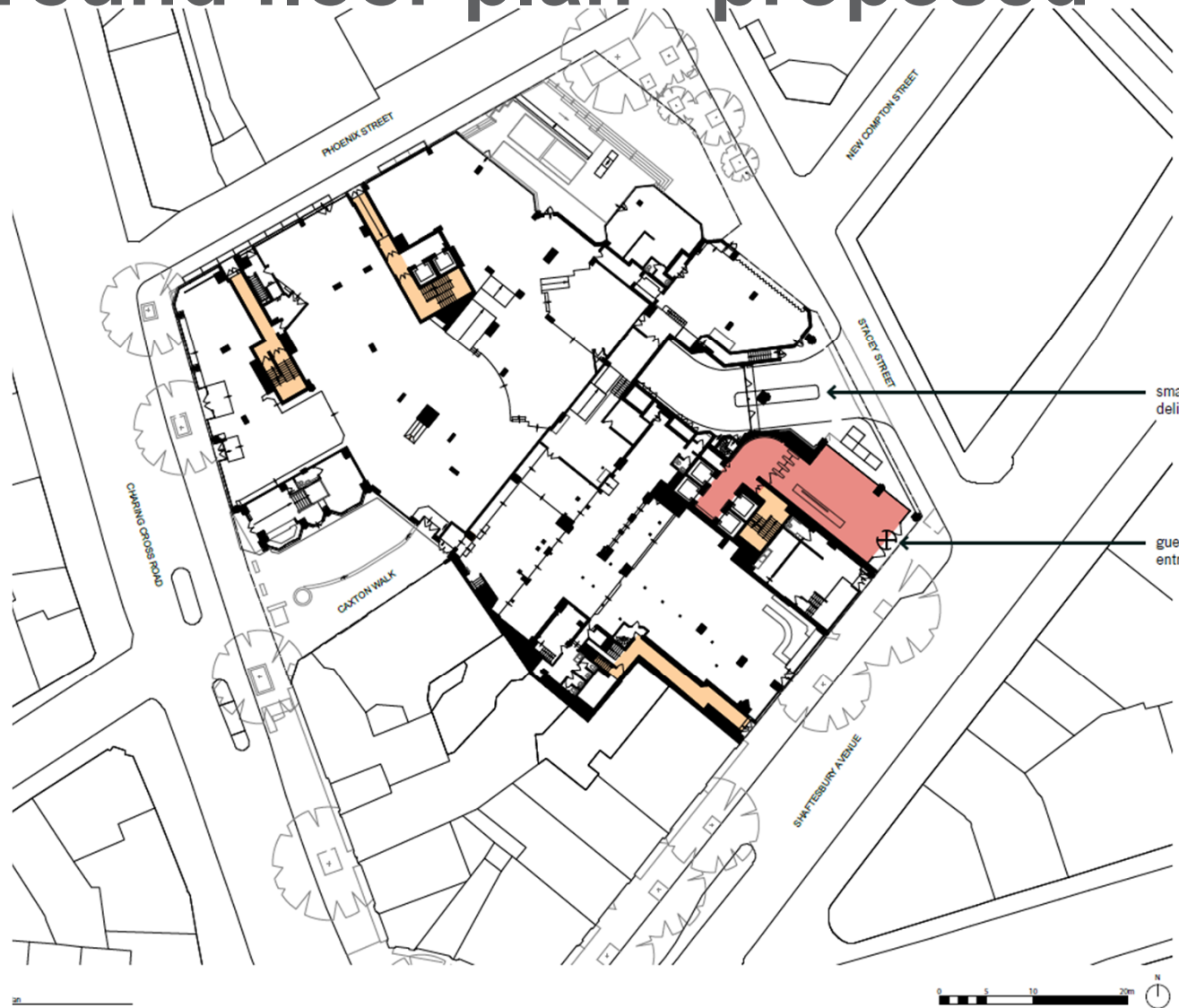




# View from Shaftesbury Avenue



# Ground floor plan - proposed



- key:
- indicative location of set build
  - doors
  - fire escape

small vehicle deliveries

guest & staff entrance and exit

11.04.24 MR 1000 for planning

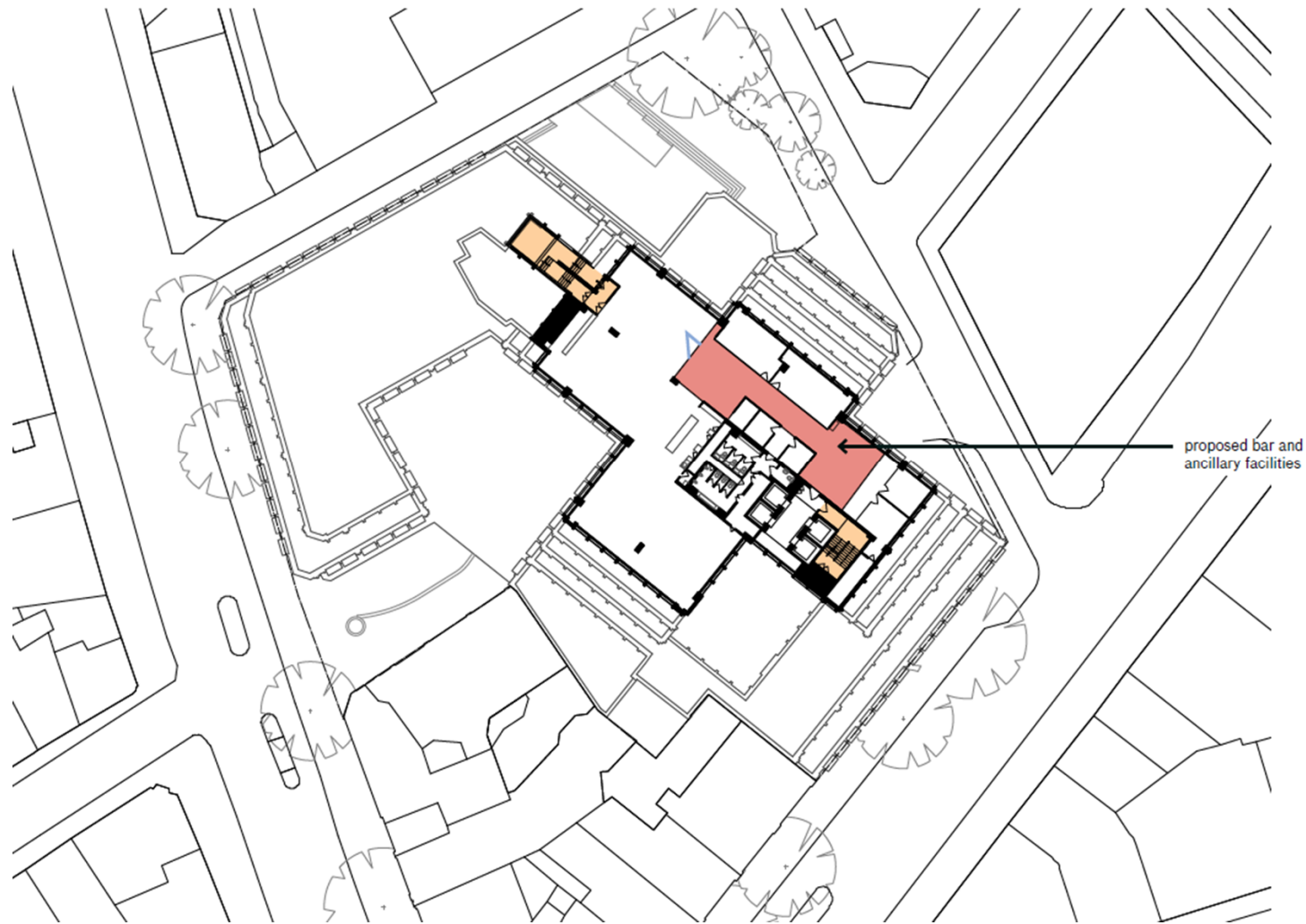
## PLANNING

no	date	check	approved
<b>DSDHA</b>			
257 Amersham Lane, Watford, WD11 3QY			
T	020 7705 3555		
F	020 7703 3800		
E	info@dsha.co.uk		
W	www.dsha.co.uk		
project			
YMS&T Ltd.			
125 Shaftesbury Avenue			
London, WC2H			
drawing title			
Proposed Ground Floor Entrances & Exits			
drawn	by	date	scale
MB	A1	11.04.24	1:200
drawing number			69053
P10.101			-

# 1<sup>st</sup> floor plan - proposed



# 9<sup>th</sup> floor plan - proposed



END