

PD9860

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30 January 2017

David Glasgow  
Principal Planning Officer  
Regeneration and Planning + Culture and  
Environment  
London Borough of Camden  
5 Pancras Square

Dear David

**Additional information arising from consultation responses  
Planning application reference 2016/4869/P**

Thank you for the various comments that you have provided in relation to the above application in the last couple of weeks. The comments have been considered comprehensively by the applicant and the design team, and in this letter I set out our response, with additional information enclosed where appropriate.

The issues addressed in this letter relate to:

1. Drainage and flood risk issues;
2. Energy, sustainability and M&E issues
3. The suitability of alternative sites as a location for the Sondheim Theatre.

**Drainage and Flood Risk**

You have asked us to consider the possibility of including a green roof on the rehearsal space roof. It has come to our attention that the roof drawing that was submitted with the application does not show the proposed photovoltaic (PV) array which covers nearly the whole of this roof space.

Please find enclosed the corrected drawing reference 11455-A-05-06 Rev G.

The corrected drawing shows the proposed layout of rooftop PV panels. The same drawing shows a green roof to the maximum extent that is feasible, in order to allow for the operation of the PV panels. The proposed green roof will be of a bio-diverse/wildflower type green roof (as opposed to a sedum roof), and I suggest that a condition be imposed requiring details of the green roof to be submitted and approved by the planning authority prior to the commencement of development.

This addresses your point in relation to the requirement for a green roof.

You have asked us to provide greenfield, existing and proposed run off rates for the 1 in 1 year, 1 in 20 years and 1 in 100 year events. This has been prepared by Conisbee and is enclosed with this letter. Conisbee have also completed the Camden SUDS proforma which is enclosed with this letter.

You have commented on the possible feasibility of rain water harvesting (RWH) as part of the proposed development. We agree that the investigation into the feasibility of RWH can be reserved by an appropriately worded planning condition.

I believe that the above paragraphs and enclosures will address your comments relating to drainage and flood risk and that there should be no outstanding objections in this regard.

## **Energy and Sustainability**

I set out the main comments raised and our response below:

*Please confirm if the development will be future-proofed to enable a connection to a de-centralised energy network should one become available in future.*

Riser space and spare connections to the boiler header and spare incoming electrical main switch for supply from local CHP and district heating schemes can be incorporated into the design during detailed design stage. If you require us to do so, we can provide details of this by way of a planning condition prior to the commencement of development.

*Please confirm the COP of the ASHPs and confirm if this has been included in the Be Green stage carbon reductions.*

The scheme is not at detail design stage and we cannot therefore confirm the exact equipment selections. PPS have made preliminary selections for this equipment which include ASHP's with nominal COP's of 4.03 and 4.05. The detailed design can incorporate this requirement into the tender specification so that the equipment installed by the contractor complies.

*Please provide details of the % of credits scored out of available credits for Energy, Water and Materials BREEAM categories.*

The development achieves a total of 75.09% credits, with a rating of Excellent. In each category, the development targets the following:

- Energy – 17 credits targeted out of 21 (81%)
- Water – 7 credits targeted out of 8 (87.5%)
- Materials – 9 out of 14 credits targeted (64.3%)

*Please confirm if all of the recommended cooling measures proposed by XCO2 Energy will be incorporated into proposals (further energy efficient lighting, solar control glazing with a g-value of 0.4, and increased MV capacity).*

The lighting will be designed to be as efficient as possible given the proposed use of the building as a theatre.

Solar glazing will be provided with a g-value of 0.4.

The ventilation scheme is designed to maximise overall efficiency and includes heat recovery and 100% fresh air modes. Under the right atmospheric conditions the HVAC systems can satisfy the Auditorium heat load via the ventilation airflow alone. (i.e. with no additional space cooling or heating energy demand).

*Please confirm if green/brown roofs are proposed – all new developments should incorporate green/brown roofs and green walls where feasible. Green roofs can be proposed in conjunction with solar PV.*

See comments above – a green roof is now proposed.

You propose several measures relating to a sustainability plan to be secured by a S106 agreement. These are satisfactory to our client.

You propose conditions relating to PV panels and the feasibility of RWH which are acceptable to the applicant.

## **The suitability of other sites as an alternative location for the Sondheim Theatre**

In your email of 15<sup>th</sup> December you asked us to clarify the availability of the other sites that have been considered over the past twenty years, at the time that they were considered. I believe that this is with a view to understanding the degree to which those sites were purely speculative or whether there was a genuinely realistic chance that they may have come forward and to help you understand in greater detail the reasons why they have not.

You have also asked for this clarification in the context of the potential availability of the Odeon Cinema on Shaftesbury Avenue as a site for the Sondheim Theatre. I set out further comments on the suitability of that site below. As we have discussed, the site is not as far as we are aware available. It is not been made available on the open market and no party has approached the applicant to discuss whether it might be suitable to accommodate the Sondheim Theatre. The site is currently in use as a cinema, which we understand to be a viable use in this location, and we are not aware of any proposals to convert that building to any alternative use. No planning applications or applications for listed building consent have been submitted which might suggest that the site is available.

As you will see from the paragraphs below, this is in stark contrast to the availability of the other sites from the past twenty years at the time they were considered.

In other words, the sites presented and discounted in the Design and Access Statement were all realistically available at the time that they were considered, whereas the Odeon manifestly is not.

Prior to the paragraphs that follow, we make the general comment that both Historic England and the Theatres Trust accept the principle of the proposals and that the benefits outweigh the harm to the theatre. Both parties have come to this view on the basis of the package of information before them. In other words they have assessed the benefits of the proposals against that harm and consider that the former outweighs the latter. Both parties support of the proposals is on that basis alone.

### Rialto Cinema

This site was available on the open market at the time of its consideration. Ultimately, the site was purchased and used for a period of time as the London Fashion Café and other subsequent restaurant uses before its current use as a casino.

### Queen's / Gielgud Theatres

This site was available at the time of its consideration, being in the applicant's ownership. As you know, planning permission and listed building consent was secured for a new theatre above the existing spaces. However, due to the continued successful run of *Les Misérables* at the Queen's Theatre, the urgent upgrade works required to the Gielgud, alongside the structural, programming and logistical complexity, the delivery of the Sondheim in this incarnation became unfeasible.

### Former Theatre Museum

This site was available on the open market at the time of its consideration. However, the project didn't require the large amount of the available basement area. This remaining space became much less commercially attractive without the ground floor and street presence onto Wellington Street. Consequently, the theatre diminished the commercial value of the remaining accommodation. This is aside from the technical and engineering issues that the project raised in terms of supporting the residential accommodation above.

### London Hippodrome

This site was a viable option at the time of its consideration. Feasibility study work was undertaken during the period of the planning approval and listed building consent applications to turn the building into a casino –as a

potential alternative use. The ultimate success of the Casino application, alongside the granting of a casino licence, meant the Sondheim project could not be taken forward.

#### Bow Street / former Magistrates Court

This site was available on the open market at the time of its consideration. The size of the urban block meant that the Sondheim project would have to integrate a complementary development to utilise the available building volume. In many ways the Sondheim venue required little of the available accommodation within the main component of the listed building. As such the building did not provide a good fit with the core project. This meant that the site was not considered further.

#### Centre Stage Site / former Astoria Theatre

DMT were approached by the developer (Derwent) as a potential tenant for this then 300 seat venue. This site was a viable option at the time of its consideration. The DMT feasibility study showed how the theatre could be made to work if additional accommodation were made available. This was not acceptable to the developer at that time. The reasoning behind the need for 500 seats is as set out in the Statement of Need that accompanies the planning application.

#### Haymarket Cinema

This site was available on the open market at the time of its consideration. Feasibility work demonstrated that the footprint too small, and the building was too large and it was thus not a commercially viable opportunity.

#### Duchess Theatre

This site was a viable option at the time of its consideration. Prior to the successful use of the theatre for The Play That Goes Wrong, we had been advised that there had been problems with programming the theatre. DMT were invited to conduct a review by owners NIMAX to see if the site could be used for the Sondheim project but feasibility work demonstrated that the building was too small.

#### Odeon Cinema Shaftesbury Avenue

You have asked us to provide additional details as to why the existing Shaftesbury Theatre is not suitable for use as the proposed Sondheim Theatre. I set out the details below, although this exercise has been undertaken for information purposes only, with the suitability and availability of other sites not a policy consideration relevant to the acceptability of a proposal to amend a listed building.

As set out above there is no indication that the Odeon Theatre is available:

- No approach has been made to the applicant regarding the availability of the building;
- The building is not being openly marketed;
- The building is in use, and is apparently in a viable use as a cinema;
- No applications for planning permission or listed building consent have been submitted suggesting that the building might be refurbished for an alternative use.

On this basis, the site is not available and should be discounted from further consideration on these grounds alone. It is not likely to become available at any time in the short or medium term.

The Odeon building itself is nearly twice the size of the footprint required for the Sondheim Theatre Project. This is illustrated on drawing 11455\_2016/10/28\_AAT SK/06 which was submitted with the application. This factor itself would make the project uneconomic in this location; as set out in the Planning and Heritage Statement submitted with the application, the project will not make a capital return on the investment required to deliver it. The delivery of the project is down to the ability of the proprietor to fund and run the completed building. It is only because of Cameron Mackintosh's success as a producer over the last fifty years and a

theatre owner over the past twenty that the proprietor is able to provide this new theatre for the use of the industry.

The size of the Odeon represents significant practical implications which undermine its suitability for a location for the Sondheim Theatre. The building was formerly the Saville Theatre. Prior to subdivision for use as a cinema, it could accommodate 1250 patrons. This illustrates the magnitude of the building compared to what is required by Sondheim project. The Sondheim will accommodate an auditorium of 450-475 seats. This is comparable to the size of the theatres from which subsidised productions will originate. As set out in the Planning and Heritage Statement, the Sondheim project requires a flexible auditorium of this particular size to ensure that the intimacy of the originating productions is not lost (a cornerstone of the auditorium design).

Aside from all of the above comments, the acceptability of the Sondheim project is not contingent upon demonstrating that the Odeon is not suitable for use. This is clear from the consultation responses from Historic England and the Theatres Trust who have both indicated their strong support for the project. This support is on the merits of the proposal in its own terms, without reference to the possibility that other sites may or may not be suitable. In both cases, the statutory consultees have judged that the public benefits that arise from the proposals in their own right outweigh the harm to the listed building. The Theatres Trust response is particularly relevant. It states:

*“The Trust acknowledges the Ambassadors Theatre has many operational constraints as a result of its compact site and layout and would inevitably require substantial alterations in the foreseeable future to sustain it as a viable performance venue... These limitations have a direct impact on the programming and management of the theatre and therefore its viability and it is unlikely the theatre would be able to continue operating commercially in the long term without subsidy or some form of physical intervention. Due to the compact layout, it would be impossible to address these issues without significant internal and external alterations to bring it up to modern building, access and safety standards.*

*...the proposals provide a real opportunity to remodel the theatre to provide a new type of theatre venue in the West End to meet the demands of modern producers and contemporary audiences and secure its future as a live performance venue.”*

You will be familiar with the operational constraints referred to, as they are set out in detail in the Design and Access Statement.

Thus, the existing building has serious deficiencies and has a serious need for investment and likely needs significant alterations in order to ensure the viability of the venue into the future. If the Sondheim Theatre project is not delivered in this venue, then these site specific benefits are lost, and the Ambassadors Theatre would remain as ‘unlikely [to be able to] continue operating...in the long term’. The Odeon on the other hand does not suffer from such issues, apparently already in a viable use, or with the possibility for conversion to a theatre with a larger auditorium to that proposed. If the Odeon were to be reconverted to a theatrical use, it would be most appropriate to reinstate the original auditorium interior (with the aforementioned 1,250 capacity).

You suggested that the Odeon could be converted to a theatre at some point in the future. If this were to occur, it would necessarily be for a larger theatre (which would naturally serve a different purpose to that proposed at the Sondheim). No doubt, this would be of benefit to Theatreland. However it would be a proscenium arch theatre (as originally built), and therefore unsuitable for the Sondheim project, as it would not provide the flexible space required to accommodate a range of production types.

Arising from the discussion above, there are two main opportunity costs to locating the Sondheim at the Odeon. The first is that the opportunity for a historic reinstatement of the interior of the former Saville Theatre would be lost. There would also be a significant missed opportunity to address the deficient Ambassadors Theatre which, as corroborated by the Theatres Trust, requires critical investment in its fabric to make it viable and at the same time, providing a much needed facility that is currently lacking.

In summary, the Odeon not available. It is unsuitable by virtue of its size and would be uneconomic. Furthermore, the use of the Odeon for the Sondheim would result in the loss of the opportunity to provide critical investment at the Ambassadors and lose the opportunity for the most appropriate historic reinstatement in the Odeon itself.

I hope the above addresses all your queries. If there is anything further you wish to discuss regarding this project, we will look forward to doing so. In the meantime I would be grateful if you could provide your views on the likely committee date to consider the application.

Yours sincerely



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**Montagu Evans LLP**