

The Planning Inspectorate

LISTED BUILDING CONSENT APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/X5210/Y/19/3243782

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

- - -

Company/Group Name

Capitalstart Limited

Address

c/o Asserson Law Offices, 38 Wigmore Street
london
london
Select...
W1U 2RU

Preferred contact method

Email



Post



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mr James Kon

Company/Group Name

Asserson Law Offices

Address

38 Wigmore Street
London
Greater London
W1U 2RU

Phone number

+442036914797

Email

james.kon@asserson.co.uk

Preferred contact method

Email



Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

London Borough of Camden

LPA reference number

2018/0037/L

Date of the application

27/12/2017

Did the LPA validate and register your application?

Yes



No



Did the LPA issue a decision?

Yes



No



Date of LPA's decision

05/07/2018

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes



No



Does the appeal relate to an existing property?

Yes



No



Address

Odeon Cinemas
135-149 Shaftesbury Avenue
LONDON
WC2H 8AH

Is the appeal site within a Green Belt?

Yes



No



Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes



No



E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?

Yes



No



Please enter details of the proposed development. This should normally be taken from the planning application form.

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

F. BUILDING INFORMATION

Please indicate the grade of the building

Grade I



Grade II*



Grade II



Has a grant been made under section 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

Yes



No



G. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused listed building consent.



2. Granted listed building consent for the development subject to conditions to which you object.



3. Refused to vary a condition(s) in a previous grant of listed building consent.



4. Refused to remove a condition(s) in a previous grant of listed building consent. ☐
5. Failed to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

H. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☐
2. Hearing ☐
3. Inquiry ☒

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

☒ the box below

The Appellant formally requests that this appeal is heard by way of a public inquiry.

PINS procedural guidance states at Annex K that:

"Inquiry - an inquiry would be appropriate if:

- there is a clearly explained need for the evidence to be tested through formal questioning by an advocate; or
- the issues are complex; or
- the appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing".

In this case all three of the above criteria are met.

In view of the number of issues outstanding between the parties (which are unlikely to be agreed through a Statement of Common Ground), representations and evidence will need to be given at a public inquiry and tested through cross-examination. The parties disagree over the correct categorisation of the impact on the listed building and nearby conservation areas (and indeed whether the plans act as an enhancement to the listed building), on the viability of the proposed use and a number of alternative uses, and on the requirement and method of any marketing for community uses. There is also debate about the robustness of the Council's analysis of the application and its pre-application procedures.

In terms of public engagement, there has been ongoing substantial local interest, in particular from statutory consultees such as the Theatres Trust and local amenity groups.

(a) How many witnesses do you intend to call?

4

(b) How long do they need to give their evidence?

3 days

(c) How long do you estimate the inquiry will last?

6 day(s)

I. FULL STATEMENT OF CASE

☒ see 'Appeal Documents' section

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available)

Yes ☒ No ☐

(b) Have you made a costs application with this appeal?

Yes ☐ No ☒

J. SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see 'How To' guidance for a definition) of any part of the building to which the appeal relates;



CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see 'How To' guidance for a definition) of any part of the building to which the appeal relates, as listed below:



Owner's Name:

London Borough of Camden - Highways

Address at which notice was served:

J Saunders, Judd Street, Camden

Date the notice was served:

22/12/2019

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.



K. SUPPORTING DOCUMENTS

01. A copy of the application form sent to the LPA.



02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).



03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.



04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.



05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.



05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.



05. (c) A list of all plans, drawings and documents upon which the LPA made their decision.



06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.



06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.



07. A copy of the design and access statement sent to the LPA.



08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.



09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.



09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.



10. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.



11. Any relevant correspondence with the LPA.

☐

L. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes



No

☐

Please give details, including our reference number(s), if known.

Planning appeal for the same development - the Appellant requests that the appeals are linked

M. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature

Mr James Kon

Date

22/12/2019 08:43:52

Name

Mr James Kon

On behalf of

- - -

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

N. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

O. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	Appendix 1 - Decision Notice - Listed Building Consent.pdf
File name:	Appendix 5.1 Original Pre-App Advice Dec 2016.pdf
File name:	Appendix 5.5 Design Review Panel 1 Written Response.pdf
File name:	Appendix 1 - Decision Notice - Planning Application.pdf
File name:	Appendix 5.7 Design Review Panel 2 Written Response.pdf
File name:	Appendix 5.35.pdf
File name:	Appendix 2 - Delegated Report.pdf
File name:	Appendix 5.4 Council Pre-App Response September 2017.pdf
File name:	Appendix 5.18.pdf
File name:	Appendix 5.8.pdf
File name:	Appendix 5.3 Applicant Notes from June 2017 Pre-App Meeting.pdf
File name:	Appendix 9 - Rossmoregate group of companies - RSM UK Audit LLP 16.12.19.pdf
File name:	Appendix 5.2 Signed PPA - April 2017.pdf
File name:	Appendix 5.19 Meeting Notes (DRAFT).pdf
File name:	Appendix 5.20.pdf
File name:	Appendix 5.13.pdf
File name:	Appendix 10 - ICO Report - Final (1).pdf
File name:	Appendix 5.30.pdf
File name:	Appendix 5.26.pdf
File name:	Appendix 5.6 BPS Viability Review March 2018.pdf
File name:	Appendix 5.15.pdf
File name:	Appendix 5.27.pdf
File name:	Appendix 5.9.pdf
File name:	Appendix 5.32.pdf
File name:	Appendix 5.22.pdf
File name:	Appendix 5.11 Agreed Heritage Brief.pdf
File name:	Appendix 6 - Access for All CPG March 2019.pdf
File name:	Appendix 5.25.pdf
File name:	Appendix 6 - Planning for health and wellbeing CPG March 2018.pdf
File name:	Appendix 6 - Water and Flooding CPG - March 2019.pdf
File name:	Appendix 5.23.pdf
File name:	Appendix 8 - TBP Letter 01.12.2019.pdf
File name:	Appendix 6 - Community uses, leisure and pubs CPG March 2018.pdf
File name:	Appendix 5.34.pdf
File name:	Appendix 5.24.pdf
File name:	Appendix 5.28-5.29.pdf
File name:	Appendix 6 - CPG2 Housing 2016 - as amended March 2019.pdf
File name:	Appendix 6 - Developer contributions CPG March 2019.pdf
File name:	Appendix 6 - Amenity CPG Adopted March 2018.pdf
File name:	Appendix 5.10.pdf
File name:	Appendix 8 - Letter of Support Odeon Cinema.pdf
File name:	Appendix 7 - rossmoregate listed buildings history.pdf
File name:	Appendix 6 - Energy Efficiency and Adaptation CPG - March 2019.pdf

File name:	Appendix 5.12.pdf
File name:	Appendix 5.33 Updated BPS Viability Review.pdf
File name:	Appendix 6 - Biodiversity CPG March 2018.pdf
File name:	Appendix 6 - Transport CPG March 2019.pdf
File name:	Appendix 6 - Basements CPG March 2018.pdf
File name:	Appendix 5.21.pdf
File name:	Appendix 5.31.pdf
File name:	Appendix 6 - Interim Housing CPG as amended 2019.pdf
File name:	Appendix 6 - CPG Town Centres - 2019 version part 1.pdf
File name:	Appendix 5.16 Final Heritage Review.pdf
File name:	Appendix 6 - Relevant Policy Extracts - Camden Local Plan.pdf
File name:	Appendix 5.17.pdf
File name:	Appendix 5.14 Original Heritage Review.pdf
File name:	Appendix 6 - CPG Town Centres - 2019 version part 2.pdf
File name:	Appendix 6 - Design CPG March 2019.pdf
File name:	Statement of Case.pdf
File name:	Appendix 11.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application form sent to the LPA.
File name:	Application Form (No Personal Data).PDF
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued), or in the event of the failure of the LPA to give a decision, a copy of the LPA's letter in which they acknowledged the application.
File name:	Decision Notice (1).PDF
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	Site Location Plan.PDF
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	Proposed Highways Upgrade Plans.PDF
File name:	Letter payment confirmation enclosed with cheque.PDF
File name:	Areas Schedule.PDF
File name:	Need For Renewal Report.PDF
File name:	Covering Letter.pdf.PDF
File name:	Sustainability Statement.PDF
File name:	Planning Statement.PDF
File name:	Preliminary Ecological Appraisal.PDF
File name:	Environmental Noise Survey Report.PDF
File name:	Building Condition Report.PDF
File name:	Construction Method Statement and BIA part 4.pdf
File name:	Statement of Community Involvement.PDF
File name:	Draft Delivery and Service Management Plan.PDF
File name:	Framework Travel Plan.PDF
File name:	Visuals.PDF
File name:	Archaeological Desk Based Assessment.PDF
File name:	Demolition Plans.PDF
File name:	Drainage and SuDS Strategy Report.PDF

File name:	HTVIA part 2.pdf
File name:	Construction Method Statement and BIA part1.pdf
File name:	Construction Method Statement and BIA part 5.pdf
File name:	Construction Method Statement and BIA part 1b.pdf
File name:	Air Quality Assessment.PDF
File name:	Daylight and Sunlight Assessment part 1.pdf
File name:	Transport Assessment.PDF
File name:	HTVIA part 1.pdf
File name:	Construction Method Statement and BIA part 3.pdf
File name:	Existing Plans.PDF
File name:	Daylight and Sunlight Assessment part 2.pdf
File name:	Daylight and Sunlight Assessment part 4.pdf
File name:	Energy Statement.PDF
File name:	Draft Construction Traffic Management Plan.PDF
File name:	Daylight and Sunlight Assessment part 3.pdf
File name:	Construction Method Statement and BIA part 2_compressed.pdf
File name:	Proposed Plans-compressed_compressed (1).pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	Shaftesbury- planning appeal documents.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
File name:	180313 - Operational Management Plan.PDF
File name:	180314 - Summary Letter of Design Amendments.PDF
File name:	135-149 Shaftesbury Avenue Overheating Risk Analysis.PDF
File name:	25916 PM SUDS Pro-forma_1.PDF
File name:	Viability review.pdf
File name:	Heritage review.pdf
File name:	18.04.19 Energy Statement.PDF
File name:	Drainage and SuDS Strategy Report (1).PDF
File name:	Revised drawing pack 2.PDF
File name:	Revised drawing pack 1.PDF
File name:	Revised drawing pack 4.PDF
File name:	Revised drawing pack 3.PDF
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA. (Note: this does not apply to applications for conservation area consent).
File name:	135-149 Shaftesbury Avenue P03 (PART 2).pdf
File name:	135-149 Shaftesbury Avenue P03 (PART 1).pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	08. A copy of a draft statement of common ground.
File name:	SOCG Shaftesbury rev 1.docx
Completed by	MR JAMES KON
Date	22/12/2019 08:43:52