

The Planning Inspectorate

QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/X5210/Y/19/3243782

Appeal By

CAPITALSTART LIMITED

Site Address

Odeon Cinemas
135-149 Shaftesbury Avenue
LONDON
WC2H 8AH

PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

1.b. Do you wish to be heard by an Inspector at; Inquiry Hearing

1.c. How long do you expect an inquiry would last? 6 day(s)

1.d. How many witnesses do you intend to call? 4

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes No

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes No

Please explain

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

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes No

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes No

Please give our reference number(s) and if necessary attach details

3243781

3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes No

Please give our reference number(s)

3225168, 3231421

PART 2

4. Does the appeal relate to an application for approval of reserved matters? Yes No

5. Was a site ownership certificate submitted with the application? Yes No

6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990? Yes No

6.a. If a press advert notice was published, please upload a copy

see 'Questionnaire Documents' section

6.b. If any representations were received as a result of the notice, please upload copies

see 'Questionnaire Documents' section

7. Does the appeal relate to a county matter? Yes No

8. Please indicate the development type for the application to which the appeal relates.

Major Developments

Minor Developments

Other Developments

8.b. Minor Developments

Dwellings

Offices/R and D/light industry

General industry/storage/warehousing

Retail and services

Traveller caravan pitches

All other minor developments

Is the appeal site within:

9.a. A Green Belt? Yes No

9.b. An Area of Outstanding Natural Beauty? Yes No

10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? Yes No

PART 3

11. Would the development require the stopping up or diverting of a public right of way? Yes No

12.a. Is the site in a Conservation Area? Yes No

12.b. Is the site adjacent to a Conservation Area? Please attach a plan of the Conservation Area. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? <input type="checkbox"/> Grade I <input type="checkbox"/> Grade II* <input checked="" type="checkbox"/> Grade II	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Date of the listing	01/07/1998		
Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
13.b. Would the proposed development affect the setting of a listed building? Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
13.c. If YES to 13.a or 13.b, was Historic England consulted? Please attach a copy of any comments <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
16. Is any part of the site subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.b. Are any protected species likely to be affected by the proposals?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

PART 4

Environmental Impact Assessment - Schedule 1

20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
--	-----	-----------------------------	-------------------------------------

Environmental Impact Assessment - Schedule 2

20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
20.c.i. Have you issued a screening opinion (SO)	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Environmental Statement (ES)			
20.d. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Environmental Impact Assessment - Publicity			
20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development.	Applies	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>
21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place? Please attach copies of any comments that you have received in response. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
PART 5			
22. Do you wish to attach your statement of case?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
For appeals dealt with by written representations only			
23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Copies of the following documents must, if appropriate, be attached to this questionnaire			
24.a. a copy of the letter with which you notified people about the appeal; <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			<input checked="" type="checkbox"/>
24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us; <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			<input checked="" type="checkbox"/>
Deadline	<input type="text" value="18/02/2020"/>		
24.c. all representations received from interested parties about the original application; <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			<input checked="" type="checkbox"/>
24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes; <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			<input checked="" type="checkbox"/>
24.e. any representations received as a result of a service of a site ownership notification;			<input type="checkbox"/>
24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan); <i>You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.</i> <input checked="" type="checkbox"/> see 'Questionnaire Documents' section <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			<input checked="" type="checkbox"/>

List of policies

A1-A5, C1-C3, CC1-CC5, D1-D3, DM1, E3, G1, H1, H2, H4, H6, T1-T4, TC1, TC2, TC4

- 24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;
- 24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;
- see 'Questionnaire Documents' section
- 24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;
- In the case of emerging documents, please state what stage they have reached.*
- 24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;
- Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.*
- 24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;
- 24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;
- 24.m. your Authority's CIL charging schedule is being/has been examined;
- 24.n. your Authority's CIL charging schedule has been/is likely to be adopted;
- 24.o. any other relevant information or correspondence you consider we should know about.

For the Mayor of London cases only

- 25.a. Was it necessary to notify the Mayor of London about the application? Yes No
- 25.b. Did the Mayor of London issue a direction to refuse planning permission? Yes No

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

0207 974 2047

Email

planningappeals@camden.gov.uk

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/X5210/Y/19/3243782

Appeal By CAPITALSTART LIMITED

Site Address
Odeon Cinemas
135-149 Shaftesbury Avenue
LONDON
WC2H 8AH

The documents listed below were uploaded with this form:

Relates to Section: PART 2
Document Description: 6.a. A copy of the notice published.
File name: Site Notice (LB).JPG

Relates to Section: PART 2
Document Description: 6.b. Any representations received as a result of that notice.
File name: Consultation response (Theatres Trust).pdf
File name: Historic England response (Redacted).pdf
File name: Historic England (GLAAS) response (Redacted).pdf
File name: 1 x response.pdf

Relates to Section: PART 3
Document Description: 12.b. A plan of the Conservation Area.
File name: Denmark Street Conservation Area Map.doc
File name: Seven Dials Estate CA Map.pdf
File name: Denmark Street CA Appraisal.pdf
File name: Seven Dials Estate CA Appraisal.pdf

Relates to Section: PART 3
Document Description: 13.a. A copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest.
File name: LISTING - FORMER SAVILLE THEATRE.docx

Relates to Section: PART 3
Document Description: 13.b. A copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest.
File name: LISTING - PHOENIX THEATRE.docx

Relates to Section: PART 3
Document Description: 13.c. A copy of comments from Historic England.
File name: Historic England response (Redacted).pdf
File name: Historic England (GLAAS) response (Redacted).pdf

Relates to Section: PART 4
Document Description: 21. Copies of any comments that you have received in response.
File name: 1 x response.pdf
File name: Historic England (GLAAS) response (Redacted).pdf
File name: Historic England response (Redacted).pdf
File name: Consultation response (Theatres Trust).pdf

Relates to Section: PART 5
Document Description: 24.a. A copy of the letter with which you notified people about the appeal.

File name:	Notification of an appeal letter (LB).pdf
Relates to Section:	PART 5
Document Description:	24.b. A document containing a list of the people you notified of the appeal.
File name:	appeal correspondence list (lb).pdf
Relates to Section:	PART 5
Document Description:	24.c. Copies of all representations received from interested parties about the original application.
File name:	1 x response.pdf
File name:	Historic England (GLAAS) response (Redacted).pdf
File name:	Consultation response (Theatres Trust).pdf
File name:	Historic England response (Redacted).pdf
Relates to Section:	PART 5
Document Description:	24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.
File name:	135 - 149 Shaftesbury Avenue - refusal report.PDF
Relates to Section:	PART 5
Document Description:	24.f. Copies of extracts from any relevant statutory development plan policies.
File name:	C6 - Access for all.pdf
File name:	C1 - Health and Wellbeing.pdf
File name:	A5 - Basements.pdf
File name:	H1 - Maximising Housing Supply.pdf
File name:	TC4 - Town Centre Uses.pdf
File name:	A4 - Noise and vibration.pdf
File name:	C2 - Community Facilities.pdf
File name:	E3 - Tourism.pdf
File name:	C3 - Cultural and Leisure Facilities.pdf
File name:	T3 - Transport Infrastructure.pdf
File name:	CC5 - Waste.pdf
File name:	C5 - Safety and Security.pdf
File name:	D1 - Design - Copy.pdf
File name:	H2 - Maximising the Supply of Self-Contained Housing from Mixed-Use Schemes.pdf
File name:	T4 - Sustainable Movement of Goods and Materials - Copy.pdf
File name:	T2 - Parking and Car Free Development.pdf
File name:	A2 - Open Space.pdf
File name:	TC2 - Camden's centres and other shopping.pdf
File name:	D3 - Shopfronts - Copy.pdf
File name:	CC4 - Air Quality.pdf
File name:	CC2 - Adapting to Climate Change.pdf
File name:	TC1 - Quantity and Location of Retail Development.pdf
File name:	CC3 - Water and Flooding.pdf
File name:	T1 - Prioritising Walking, Cycling and Public Transport.pdf
File name:	A3 - Biodiversity.pdf
File name:	A1- Managing the Impact of Development.pdf
File name:	CC1 - Climate Change Mitigation.pdf
File name:	DM1 - Delivering and Monitoring.pdf
File name:	D2 - Heritage - Copy.pdf
File name:	H6 - Housing Choice and Mix.pdf
File name:	GI - Delivery and Location of GrowthPart-2.pdf
File name:	H4 - Maximising the Supply of Affordable Housing.pdf
File name:	GI - Delivery and Location of GrowthPart-1.pdf
Relates to Section:	PART 5
Document Description:	24.f. Copies of extracts from any relevant statutory development plan

policies.

File name: C6 - Access for all.pdf
File name: TC4 - Town Centre Uses.pdf
File name: C3 - Cultural and Leisure Facilities.pdf
File name: TC2 - Camden's centres and other shopping.pdf
File name: CC5 - Waste.pdf
File name: D1 - Design - Copy.pdf
File name: T3 - Transport Infrastructure.pdf
File name: A5 - Basements.pdf
File name: H1 - Maximising Housing Supply.pdf
File name: C1 - Health and Wellbeing.pdf
File name: T2 - Parking and Car Free Development.pdf
File name: T4 - Sustainable Movement of Goods and Materials - Copy.pdf
File name: E3 - Tourism.pdf
File name: TC1 - Quantity and Location of Retail Development.pdf
File name: C5 - Safety and Security.pdf
File name: CC4 - Air Quality.pdf
File name: CC2 - Adapting to Climate Change.pdf
File name: T1 - Prioritising Walking, Cycling and Public Transport.pdf
File name: A2 - Open Space.pdf
File name: C2 - Community Facilities.pdf
File name: H2 - Maximising the Supply of Self-Contained Housing from Mixed-Use Schemes.pdf
File name: DM1 - Delivering and Monitoring.pdf
File name: A4 - Noise and vibration.pdf
File name: D3 - Shopfronts - Copy.pdf
File name: A1- Managing the Impact of Development.pdf
File name: D2 - Heritage - Copy.pdf
File name: CC3 - Water and Flooding.pdf
File name: GI - Delivery and Location of GrowthPart-2.pdf
File name: CC1 - Climate Change Mitigation.pdf
File name: H4 - Maximising the Supply of Affordable Housing.pdf
File name: H6 - Housing Choice and Mix.pdf
File name: GI - Delivery and Location of GrowthPart-1.pdf
File name: A3 - Biodiversity.pdf

Relates to Section: PART 5

Document Description: 24.h. Copies of extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when.

File name: CPG Community uses, leisure and pubs March 2018.pdf
File name: CPG Planning for health and wellbeing March 2018.pdf
File name: Access for All CPG.pdf
File name: CPG2 Housing 2016 - amended March 2019.pdf
File name: Developer contributions CPG (Planning Obligations).pdf
File name: Transport CPG PDF.pdf
File name: CPG Water and Flooding.pdf
File name: CPG Basement March 2018.pdf
File name: Energy Efficiency and Adaptation CPG.pdf
File name: CPG Amenity March 2018.pdf
File name: Interim Housing CPG as amended 2019.pdf
File name: CPG Biodiversity_UPDATED MAY2018.pdf
File name: CPG Design 2019.pdf
File name: Town Centres and Retail (Part 2).pdf
File name: Town Centres and Retail (Part 1).pdf

Completed by

Not Set

Date

22/01/2020 10:10:40

LPA

London Borough of Camden