

**135-149 Shaftesbury Avenue, London WC2H 8AH**  
**PLANNING PERFORMANCE AGREEMENT**

## **1. Introduction**

- 1.1 This Planning Performance Agreement (PPA) covers the planning process through to the determination of the planning application for a proposed development at 135-149 Shaftesbury Avenue, London WC2H 8AH.
- 1.2 The PPA aims to provide a project management framework and timetable within which to carry out the various stages of progressing the scheme to the submission of a valid application and the potential completion of a Section 106 Agreement and issuing of planning permission. It will ensure that the resources are in place to enable all necessary consultations and contacts throughout the planning process, to inform negotiations and to achieve a clear path towards enabling a fully informed decision in the most efficient way possible.
- 1.3 The PPA does not guarantee a grant of planning permission and officers' recommendation for approval would be dependent upon the resolution of the issues identified in the sections below. However the PPA identifies a collaborative approach to achieving a positive outcome and aims to improve the quality of the decision making process, as opposed to the speed of decision.
- 1.4 The proposals entail the retention of the existing building envelope, a new basement level and the erection of an 8 storey roof extension to deliver a Sui Generis use (performance/cultural space) at ground floor and basement level with a 128 room hotel above.
- 1.5 A PPA is considered appropriate in this instance due to the complex nature of the development proposals and the need for a number of issues to be resolved in pre-application discussions prior to formal submission.
- 1.6 This agreement will apply from the date the PPA is signed and shall remain in force until the decision date (being the date a planning decision is issued by the Council on the Planning Application) and upon the expiry of such period this PPA shall cease.

## **2. The Parties**

- 2.1 The parties signing up to the PPA comprise Capital Start Ltd as the “Developer” and Camden planning officers as the Local Planning Authority (LPA). A schedule of key contacts in the project teams for each party can be found at Appendix 1.

### **3. Vision and Objectives**

- 3.1 The project visioning can be approached from 2 main perspectives which are inter-related: the, objectives of the development itself, and the objectives of the local authority in meeting relevant planning policies and other priorities for the site that may be material to consider.

#### Development objectives:

- 3.2 The developer’s objective is to promote a full planning application to enable the development at 135-149 Shaftesbury Avenue, London WC2H 8AH to deliver a new basement level and the erection of an 8 storey roof extension to deliver a Sui Generis use (performance/cultural space) at ground floor and basement level with a 128 room hotel above.

#### Local authority objectives

- 3.3 The local authority’s objectives are based on the relevant development plan policies contained within the London Borough of Camden Local Development Framework (LDF) and the London Plan. National planning policy guidance should also be considered, which comes in the form of the National Planning Policy Framework (NPPF). The relevant policies together with any other priorities to be considered as material are detailed in the Council’s initial pre-application advice letter dated 2<sup>nd</sup> December 2016.
- 3.4 In summary, the main objectives of the local authority in relation to the development are to achieve the following:
- A high quality and sympathetically designed building for the site which improves upon the appearance of the area.
  - A reuse of the site which is able to play a positive role in contributing to the local economy and providing job opportunities for local residents.
  - Provision of active ground floor uses that support and contribute to the on-going process of regeneration of the area and its public realm.
  - Any other priorities that may be identified through pre-application discussions with the applicant and consultation with the community.

### **4. Tasks Plan**

- 4.1 Leading on from the above visions and objectives a number of key issues and tasks need further discussion/examination with the aim of achieving their effective resolution prior to submission of an application. The principal planning considerations have already begun to be discussed at the pre-application meeting held with the Council to date (see PPA Diary at Appendix 2). Following on from this the main issues requiring more detailed attention relate to the following:
- 4.2 **Design and Heritage:** To be addressed through a series of design workshops (on-going) involving the scheme architects, local authority planning and conservation officers and representative(s) of the developer.
- 4.3 **Housing and affordable housing:** Meetings required to identify whether the scheme can deliver housing and affordable housing.
- 4.4 **Scheme Viability:** A full financial viability assessment should be submitted to justify the preferred option; to include a financial assessment of other options that have been considered and dismissed as non-viable (such alternative options to be identified through discussions with the local authority). The local authority will instruct independent viability consultants at the expense of the Developer to advise the local authority in these discussions. Two or more meetings are likely to be required dependent upon the issues or questions arising.
- 4.5 **Employment package:** A package to provide apprenticeships and other job opportunities during both the construction and end-use stages requires discussion through meeting(s) and correspondence.
- 4.6 **Transport and public realm:** Meetings to discuss the planning benefits associated with the proposed development in terms of the surrounding built environment.
- 4.7 **Sustainability/energy strategy:** Meeting and/or correspondence to help determine the site energy strategy and sustainable building design approaches to ensure the scheme meets required targets for combatting climate change, water management, biodiversity and other environmental objectives.
- 4.8 **Community and Member Engagement:** A development management Forum (with the local community) should be arranged at a timely stage to allow flexibility for changes in the design if appropriate. The developer will keep the LPA updated on any other public meetings and exhibitions which are held in addition to the above. The LPA will keep the developer updated on arrangements to brief Members of the Development Control Committee.
- 4.9 **Summary of meetings/events** (excluding any meetings prior to signing of this PPA unless indicated):

- First main pre-app meeting and PPA scoping
- Breakout meetings design and heritage
- Breakout meetings housing and viability
- Breakout meeting change of use/employment policy
- Breakout meetings public realm and transport
- Breakout meeting on servicing, construction and amenity
- Development Management forum
- DM Forum feedback meeting
- Developers' Briefing
- Breakout meeting on planning obligations
- Informal review meeting (pre submission)
- Consultation and programme round-up pre-submission

## **5. PPA Diary**

- 5.1 A programme timetabling the above meetings is attached at Appendix 2 below. It is the responsibility of both parties to make reasonable efforts to adhere to the programme. The PPA Diary will be reviewed from time to time between the parties to take account of the comments and outcomes of the meetings and any relevant unforeseen matters that might arise.

## **6. Procedural Arrangements**

- 6.1 The Developer will meet with the Local Planning Authority throughout the application phase in order to address issues that might arise as may be agreed appropriate between the parties.
- 6.2 The meetings will be primarily structured as breakout meetings and periodic informal review meetings and will be programmed according to the PPA Diary.
- 6.3 The LPA will provide appropriate officers to attend these meetings.
- 6.4 The parties will seek to have agreed Heads of Terms and full draft detailed wording of a S106 in advance of the DC Committee to enable final signing and sealing of the S106 in a timely fashion. The applicant will be required to cover the Council's legal and other professional costs in preparing and completing the agreement, which will fall outside the scope of this PPA.
- 6.5 The Council's viability consultant will enter into a confidentiality agreement with the Applicant in respect of viability results, which are commercially confidential.

- 6.6 In the event that officers support the application and are minded to make a recommendation to approve the application, the council will take the application to committee in accordance with the agreed timetable (refer to the 'PPA diary'). In the event that officers are unable to support the application and are minded to refuse the application, the Council will refuse the application within 13 weeks of submission unless otherwise agreed with the applicant.
- 6.7 **Third Party Consultation:** As necessary meetings may be held with various third parties or organisations (e.g. GLA, Historic England). As part of the PPA the developer will provide the LPA with full details of such meetings being held with third parties and the LPA will be invited to attend as an observer. This will fall outside of the PPA charging mechanism.
- 6.8 **Planning application:** The planning application will be a detailed application in line with that which has evolved through the pre-application process having regard to the advice and discussions between officers and the developer.
- 6.9 **Key issues *to be agreed in advance of the application*:**
- **Application Documentation:** The parties to this Agreement agree that the Planning Application shall be accompanied by various supporting documents details of which will have been agreed with the LPA during the pre-application process.
  - The LPA will also agree with the applicant at least 2-weeks in advance of the application about any printed copies of the submission documents required for consultation purposes
  - Site red line boundary
  - Level of detail to be included in the plans.

## **7. Community engagement/Member involvement**

- 7.1 The Developer will provide the LPA with a copy of its Community Engagement Programme and any subsequent updates thereto. It will also provide copies of any correspondence sent to community groups or Members and publicity mail-outs to residents.
- 7.2 The Developer will present their proposals to local residents at a Development Management Forum in accordance with the Council's standard procedure.
- 7.3 Officers will facilitate a presentation(s) by the Developer to Members in accordance with the Council's 'Developers' Briefings Procedures and Protocols' (downloadable from the Camden website).

## **8. Resources**

- 8.1 The Developer will be responsible for resourcing surveys and/or other research that will be identified as necessary in the course of undertaking activities set out in the PPA. Such surveys must be identified in terms of cost and scope to the Developer in advance of them being undertaken.

## 9. Financial Contribution

- 9.1 The developer will contribute to the Council's costs in respect of this service by payment of a flat rate fee to cover the period of the PPA, this being currently set at £12,000. An additional supplement to this fee is calculated as relevant on the basis of the Council's current published pre-application charging rates and other relevant fees, e.g. for a Development Management Forum.
- 9.2 The financial contribution will be in addition to the normal planning application fee and will be exclusive of the Council's legal costs involved in association with drafting and advising upon the S106 Agreement.
- 9.3 In the event that additional meetings are requested over and above those scoped in the tasks plan, these may be charged for separately.
- 9.1 The total due is £68,400 +cost of DM Forum venue (Please note these fees are inclusive of VAT). This is calculated as follows:

£12,000	Flat rate PPA fee
£7,200	Per smaller meeting (x 6)
£2,400 + £xxxx*	Development Management Forum
£1,800	Developers' Briefing
£4500	Design Review Panel (x 2)

\*cost of the venue will also be added if applicable

## 10 Performance Standards

- 10.1 **The Developer agrees** to use its reasonable endeavours to achieve the following performance standards at all times:
- To provide to the LPA at least 5 working days prior to any meeting all substantive and relevant documents which are relevant to that meeting and which relate to any relevant action points or agenda item identified.
  - To provide the LPA with such additional information as may be requested within 10 working days of such written request from the LPA (or such other time period as may be agreed).

- c. To carry out such further public consultation as may be reasonably requested by the LPA as soon as reasonably practicable.
- d. To make all reasonable endeavours to work jointly with the LPA and to respond to requests for further information, points of clarification, or presentational material to assist with the understanding of the proposals and their communication to Members and/or the public at meetings or briefing sessions as might be appropriate.
- e. To work with the LPA to ensure adherence to the PPA Diary and Procedural Arrangements.

**10.2 The Local Planning Authority agrees** to use its reasonable endeavours to achieve the following performance standards at all times:

- a. Respond substantively to all emails, letters and telephone calls within 5 working days of receipt. Where circumstances beyond the reasonable control of the Council prevent compliance, the Developer shall be notified of such circumstances.
- b. To provide the Developer with written feedback following formal pre-application meetings within 10 working days from the date of that meeting.
- c. To provide the Developer within 10 working days of any other meeting, the action points arising from that meeting.
- d. To make all reasonable endeavours to work jointly with the Developer and to respond to requests for further information, points of clarification, or presentational material to assist with the understanding of the proposals and their communication to Members and/or the public at meetings or briefing sessions as might be appropriate.
- e. To provide the Developer with a full copy of the draft and final due diligence reports on financial viability within five working days of receipt.
- f. To provide the Developer with an advance copy of draft conditions to review and comment upon prior to finalising the report to committee.
- g. To work with the Developer to ensure adherence to the PPA Diary and Procedural Arrangements.

**Agreed on behalf of the London Borough of Camden**



Bethany Cullen

**Date: 22/05/17**

**Agreed on behalf of the Developer**



**Date: 19/04/2017**



## Appendix 1

### Developer Planning Project Team:

Name	Position and role	Contact details
Anna Snow	Director, Planning Consultant	<a href="mailto:asnow@iceniprojects.com">asnow@iceniprojects.com</a> 07972 563579
Freya Turtle	Associate, Planning Consultant	<a href="mailto:fturtle@iceniprojects.com">fturtle@iceniprojects.com</a> 020 3640
Laurie Handcock	Director, Heritage and Townscape	<a href="mailto:lhandcock@iceniprojects.com">lhandcock@iceniprojects.com</a> 020 3725 3853
Anna Shelley	Heritage Consultant	<a href="mailto:ashelley@iceniprojects.com">ashelley@iceniprojects.com</a>
Jennifer De Vere Hopkins	Lead Architect	<a href="mailto:Jennifer.Hopkins@jesticowhiles.com">Jennifer.Hopkins@jesticowhiles.com</a> 020 7380 0382
Carlos Gonzalez	Architect	<a href="mailto:Carlos.gonzalez@jesticwhile.com">Carlos.gonzalez@jesticwhile.com</a>
Mike England	Director, Transport	<a href="mailto:mengland@iceniprojects.com">mengland@iceniprojects.com</a> 020 3435 4223

### Local Planning Authority Team (LPA)

Name	Position and role	Contact details
<a href="#">Gideon Whittingham</a>	<a href="#">Senior Planning Officer</a>	<a href="mailto:Gideon.Whittingham@Camden.gov.uk">Gideon.Whittingham@Camden.gov.uk</a>  <a href="tel:02079745180">020 7974 5180</a>
<a href="#">Alfie Stroud</a>	<a href="#">Senior Planning Officer - Design &amp; Conservation</a>	<a href="mailto:Alfie.Stroud@camden.gov.uk">Alfie.Stroud@camden.gov.uk</a>  <a href="tel:02079742784">020 7974 2784</a>
<a href="#">Neil McDonald</a>	<a href="#">Planning Solutions Team Manager</a>	<a href="mailto:Neil.McDonald@camden.gov.uk">Neil.McDonald@camden.gov.uk</a>  <a href="tel:02079742061">020 7974 2061</a>

## Appendix 2

### PPA Diary

	DATE	ACTION	COMMENTS
1	26 <sup>th</sup> April 2017	Pre-application meeting	Held
2.		Design workshop 1 of 4	Held
3.			
4.		Design Review Panel 1 of 2	Held
8.		Design workshop 2 of 4	
9.			
10.		Sustainability and BREEAM	
11.		Development Management Forum	
12.		Design workshop 3 of 4	
13.		Developers briefing to members	
14.		Design workshop 4 of 4	
15.		Servicing, construction and amenity meeting	
16.		Design Review Panel 2 of 2	
17.		Housing and viability meeting & Planning Obligations	
19.		Informal reviewing meeting	
20.		Submit planning application	
21.		Validation	
22.		GLA Stage 1 referral within 5 days of registration	
23.		Final response on viability	
24.		Target Planning Committee	
25.		Fall back Committee	
26.		GLA Stage II referral within 5 days of Committee resolution	
27.		Completion of S106 Agreements/s and issue of decision notices	