



## DRAFT MEETING NOTE

**Project:** 135-149 Shaftesbury Avenue, London  
**Time/Date:** 11:00, 30 October 2018  
**Venue:** London Borough of Camden  
**Present:** Bethany Cullen (Camden Council)  
Neil McDonald (Camden Council)  
Collette Hatton (Camden Council)  
Gideon Whittingham (Camden Council)  
Haim Danous (Capital Start Limited – Applicant)  
Sue Wheldon (Application Representative)  
James Dilley (Jestico + Whiles)  
Kieron Hodgson (Iceni Projects)  
Laurie Handcock (Iceni Projects)  
David van der Lande (Iceni Projects)  
Lewis Westhoff (Iceni Projects)

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- The meeting commenced with a round of introductions.
  - Officers then outlined their current position on the applications. Officers acknowledged the extensive pre-application process and the PPA. Officers noted that pre-application advice was provided in 2017 that raised concerns over the design of the proposals and that despite these concerns, the application was still submitted. Officers also stated their view that they could have refused the application immediately, however chose to accept the application and work with the applicant to resolve the design issues to reach a positive outcome.
  - Officers noted that the application has been discussed in numerous internal meetings including Major Case Review and Major Sites Review. The view that was reached was that the application was not going to be brought to a conclusion as it wasn't going in the right direction. Officers confirmed that they have three concerns with the proposals and have indicated that they will be refusing the applications.
  - These three were associated with design and scale of the proposed extension, harm to the listed building and land use.
  - The Applicant stated that the design, scale and land use mix of the proposed development was developed following initial pre-application advice in 2016, which noted support for a two to three storey extension and the potential for even greater height. This

advice formed the basis for Applicant assembling a full team and initial proposals for a larger roof extension.

- The Applicant further noted that they had followed the guidance from officers throughout the entirety of the pre-application and assessment process, including making a number of concessions in the overall height of the extension to a position that was on the edge of viability when it was submitted. It was also noted that officer advice was following during the assessment of the application, including sending the application to the DRP and commissioning additional heritage advice which provided clarity and confirmation that design and heritage matters were resolved. The expectation of the Applicant was that by following officers advice throughout the process, this would have lead to a positive recommendation for the proposals.
- Officers stated a differing interpretation of how this process had proceeded, stating their view that the apparent position in relation to the height of the proposed extension was qualified, and should be understood in the context of the scheme before officers at the time.

## Design

- Officers acknowledged that the Design Review Process (DRP) was followed. The Applicant noted that the DRP's final advice was supportive of the proposals, however officers stated that they interpreted the advice differently, believing that the final DRP comments showed unresolved concerns.
- The Applicant noted that officers stated via email that the scheme no longer had to be referred back to the DRP, which appeared that officers concluded that they were comfortable with the design.
- Officers noted their main concern was with the scale and materiality of the proposed roof extension, considering that this would cause harm to the special interest of the listed building. Officers noted that they were concerned that the extension would appear as a 'solid glazed box' would not be subservient, would not be lightweight and it 'appears solid'. In addition to materiality and form, the use of the floorspace in the extensions were inappropriate as the glazed box would allow direct views into hotel rooms. This, in officers' view, would not be a sympathetic addition to the listed building and would be harmful.
- The Applicant noted that the overall scale and design of the proposed roof extension has been developed through an iterative design process and through working with the DRP. The initial proposals for a significantly larger roof extension were based on the pre-application advice received in December 2016 which noted that a two to three storey full width roof extension would be acceptable and that even greater height may be acceptable subject to an appropriate asymmetric design. The design has been reduced in scale from an initial 9 storey extension down to the current 3 storey extension, which is a scale that was considered acceptable in initial pre-application advice.
- The Applicant noted that a range of alternative options for the materials and cladding of the roof extension were considered during design development. This included the use of stone and metal

cladding, with each of these options considered to be too heavy and inappropriate for the solid and stout existing building. It was also noted that the use of lightweight glazing, as proposed by the development, has been an architectural approach that has been used successfully in a number of buildings in London and internationally. These options were all discussed during the first DRP meeting.

- The Applicant also noted that the final response from the DRP was in relation to specific details of the proposed glazed extension, including the provision of detailed drawings and sections showing how the proposed hotel rooms would fix to the glazing, as well as provide further details on the proposed frit, indicating overall comfort with the principle of the scale and materiality of the extension. It was noted that these were the final details of the scheme that the panel noted that officers could form a view on, rather than the overall design and acceptability of the use of fritted glazing as a material. The Applicant noted that officers confirmed that the scheme did not need to go back to the DRP for a final review.
- Officers further stated their view that the issues that arose from the use of glazing (such as the need to include fritting, which created a sense of 'solidity' in the view of officers), indicated that the height was unacceptable. Officers stated that removing one storey from the proposals would improve the overall acceptability of such an extension, and would allow greater flexibility in design and materiality. This reduction in height to two storeys (from the current 3 storey extension) would, it was argued, be naturally subservient and that the opportunity for a different palette of materials would increase. It was also noted that the proposed development is 'not a particularly interesting extension'.
- It was noted by the Applicant that the overall height of the roof extension was the minimum amount of floorspace needed in order for the scheme to be viable. Reducing the height of the extension would not be viable.

#### **Harm to the listed building**

- Officers were of the view that the scheme has not 'minimised the harm' as much as possible and were not satisfied that the public benefits of the scheme would outweigh this harm. Officers confirmed that the harm was associated with the scale of the extension rather than the 'scooping out' of the listed building; in relation to this latter point, it was noted that officers had not raised objections in relation to this approach.
- The Applicant outlined the numerous public benefits of the scheme, including improvements to the safety and security surrounding the site, the significant number of jobs through the construction and operation of the development, the benefits of providing greater life and activity and the development's contribution to the night time economy and, most importantly, the heritage benefits of providing a commercially viable lease of life to the listed building (the optimum viable use, in the view of the applicant), and enhancement works to the listed building, including work to the Gilbert Bayes frieze.

- Officers accepted that these were all benefits, but questioned how much weight could be attributed to the safety and security surrounding the site.
- Officers did not accept that the building was at risk of being added to the buildings at risk register should planning permission not be granted.

## Land use

- Officers raised concerns regarding the proposed use of the building, including questioning whether a hotel use was the right use for the building given their concerns over the visibility of the roof extension, as well as questioning whether the proposed cinema would be viable.
- Officers also questioned why the current occupier, Odeon, was leaving the building. Officers noted that they wanted further clarification on why the Odeon was leaving, including via a letter or other correspondence. It was explained by the Applicant that the Odeon are relocating to Leicester Square and in 2012 reached an agreement with the freeholder to surrender their lease with 6 months' notice. The only reason why the Odeon have not yet left the building is because of the delays in the completion of the development in Leicester Square.
- It was also noted that the current Odeon operation was not viable and they have not been trading viably for some time. This has resulted in the Odeon unable to meet the requirements of their repairing lease agreement.
- Officers noted that the current cinema use of the building might demonstrate that the cinema would not be viable on site.
- The viability of re-providing the cinema use as a standalone use on site would not be a viable development option, with a £22 million conservation deficit identified due to the scale of repair work needed for the building.
- It was also noted that the Council's independent viability assessors, BPS, confirmed that the proposed quantum of development was the minimum amount of enabling development needed.
- It was noted that the proposed cinema would be a viable use as part of the wider mix of uses within the building that were all complementary. It cannot be considered a standalone use. Alongside this, it was explained that the current Odeon use would, in the context of a 'perfect' building, requiring no upkeep, would be viable, demonstrating in turn that the proposed cinema use would be viable as part of this wider group of complementary uses.
- It was explained by the Applicant that the proposed cinema offer is different to the current cinema on site. The proposed cinema is provided as part of a complementary, symbiotic mix of uses. It was also explained that the proposed cinema operation would occur as a partnership with Cinema Nex (Light Cinemas). The background and reputation of the Cinema Nex was explained and the proposed s106 planning obligations (named cinema operator) and draft commercial agreement that have been provided to officers were reiterated. The Applicant also noted his vast success in operating a

range of businesses, including hotels and spas, where he commissioned help from specialist operators to teach him how to run the business. This has enabled the Applicant to develop a series of successful businesses and is the intent for the cinema within the building.

- The proposed development also sought to ensure it would read as a cinema as much as possible, including the restoration of the existing canopy and bronze armature, the use of the existing poster boxes and through the use of openings at ground floor level. These were all issues that were discussed and agreed with the DRP.
- It was noted that the re-provision of the cinema was not a policy requirement, and that a variety of other leisure uses could be provided instead of the cinema to be policy compliant.
- The Applicant noted that the requirement to re-provide the cinema within the development came at the specific request of officers during pre-application consultation, with the applicant initially proposing a theatre to reference the building's historical use.

### **Decision making**

- It was queried whether the application could be referred to the Council's Planning Committee with a recommendation for refusal given the scale of the proposed development.
- Officers noted that they have the authority to refuse this application under delegated powers and noted it is rare for applications to be referred to Planning Committee with a recommendation for refusal.

### **Next steps**

- Officers noted that they would meet internally and provide their final view on the applications within a week of the meeting (6 November). Should this view be to refuse the application, the decision notice would be issued within a week.
- The Applicant confirmed that should the application be refused, then they would be proceeding with an appeal and would seek to have the application considered at a full public inquiry. It was also noted that the appeal would be accompanied with an application for costs.
- Officers noted that they felt they had a strong and robust case and were not concerned by the Applicant's intention to appeal.