

James Kon

From: Whittingham, Gideon <Gideon.Whittingham@camden.gov.uk>
Sent: 17 December 2018 19:36
To: Lewis Westhoff; McDonald, Neil; Cullen, Bethany; Hatton, Colette
Cc: 'Haim cateringuk@btconnect.com'; Sue Wheldon; James Dilley; Laurie Handcock; David van der Lande; Kieron Hodgson
Subject: RE: 135-149 Shaftesbury Avenue - Notes from last week's meeting

Lewis,

Thank you for your email outlining the mixed-use approach for the cinema and for suggesting the framework for future design meetings.

With regard to land uses, we would appreciate input directly from Odeon on the matters you have raised. It is important to get a greater insight and perhaps verification of those findings by the ICO report which we acknowledge outlines, at a macro level, the viability issue of cinemas in the current climate.

It would be useful to get their input regarding the business operations on site, their aspirations for the site (and relationship with the Leicester Square site) and involvement in regards to future occupation. Acknowledging the 'option to surrender' provided, it would be useful to understand the business case directly from Odeon, particularly the signing of the initial declaration prior to agreement to surrender a business tenancy.

This would provide a good base to better understand the information you've put forward.

The input from Odeon would not only inform Camden, but also guide us how best to integrate and secure a viable cinema operated by CNC within this proposal.

CNC have stated in their Business Plan they wish to consult with the LPA to 'ascertain precisely the niche that this cinema is to fill with the special regard to the other proposed developments (Odeon Leicester Square/Ramada Hotel)'.

Understanding the reasons for Odeon vacating would not only inform Camden but also the CNC, as to what is needed to ensure a viable cinema at this site, which I'm sure, both parties are seeking.

Camden would be happy to discuss this directly with Odeon should you so wish with the aim of better understanding their rationale for surrendering the lease and the viability of their operation at this site.

With regard to design, Colette is available to discuss all matters, however, this should be driven by all design considerations and not a fixed quantum as the minimum needed to support the proposal.

I note you request for an early Committee next year, however, given the nature and extent of matters outstanding, it is improbable Camden would be in a position to recommended this scheme for January 2019.

Regards

Gideon Whittingham
Senior Planner

Telephone: 020 7974 5180



From: Lewis Westhoff <lwesthoff@iceniprojects.com>
Sent: 22 November 2018 11:23
To: McDonald, Neil <Neil.McDonald@camden.gov.uk>; Cullen, Bethany <Bethany.Cullen@camden.gov.uk>; Whittingham, Gideon <Gideon.Whittingham@camden.gov.uk>; Hatton, Colette <Colette.Hatton@camden.gov.uk>
Cc: 'Haim cateringuk@btconnect.com' <haim@thaisq.com>; Sue Wheldon <sue@brandarchitectsgroup.com>; James Dilley <James.Dilley@jesticowhiles.com>; Laurie Handcock <LHandcock@iceniprojects.com>; David van der Lande <dlande@iceniprojects.com>; Kieron Hodgson <KHodgson@iceniprojects.com>
Subject: RE: 135-149 Shaftesbury Avenue - Notes from last week's meeting

Dear Neil

Thank you for your email, which raises a number of points. We have discussed your email with the Applicant and their professional team and provide our response below, which we hope is helpful.

Mixed use approach and cinema

As you know, our principal land use objective is to deliver a sustainable and genuinely mixed-use building, in accordance with planning policy and entirely commensurate with the site's heritage and location within the CAZ within the heart of and at the heart of the West End. The application proposals involve an hotel, spa and mixed Class A uses, supported by a new cinema.

As discussed at our meeting, the Applicant shall retain the freehold of the building, shall deliver the new cinema use in parallel with a cinema operator alongside best in class cinema business advice. We enclose with this email details of the Applicant's commercial arrangements with the cinema operator (John Sullivan from Cinema Next and the Light Cinema model), which reinforce the commitment to both the land use and the delivery of the cinema which is key to supporting the wider diversity and viability of the mixed commercial uses proposed with the ground plane.

With regard to the Odeon, we discussed at our meeting the principal points in relation to their departure, which we summarise below:

- The Odeon cinema never envisaged staying within the building over the long term.
- It was always the intention of Odeon to relocate to the new purpose-built Odeon cinema in Leicester Square.
- Based on the above planned relocation to Leicester Square, the Odeon (or ABC as it was at that time) articulated their intention to depart in December 2012. We enclose again for officers the Option to Surrender, which would be effective with six months' notice. We understand from Odeon that the Leicester Square development shall be ready for occupation in Q4 2019.
- The new Leicester Square Odeon has taken a lot longer than to deliver than Odeon originally anticipated, resulting in a continued run down of the Shaftesbury Avenue Odeon cinema business. Officers are aware of the poor financial performance of this cinema and other relevant financial considerations in the context of our submitted and externally validated financial viability assessment.

As such, we have a cinema operator who expressed an interest to leave in 2012, continues to wish to leave and relocated to Leicester Square, a new cinema operator and freehold owner seeking to re-provide a cinema use as a significant planning benefit, all in the context of an open D2 permission and established set of lease arrangements where a cinema use could cease at any time without further recourse to planning. There is no planning policy requiring the Applicant to demonstrate need.

We therefore trust the above is helpful in reaffirming the Applicant's commitment to both a cinema use and the delivery of a complimentary mixed-use development overall.

Design

Thank you for your offer in seeking to continue negotiations with regard to the design. As you know, the many professional reports commissioned and assessments undertaken all agree that a) a roof extension is required and appropriate, and b) the roof extension must accommodate a specific and minimum quantum of floor area to enable a viable scheme.

In this context, we are keen to ensure that any further design discussions are clear on their scope – i.e. the shape and form of the roof extension and its materiality. In addition, and given the extensive time already incurred in engaging with regard to design matters, we would respectfully request that Bethany Cullen, Ed Jarvis and yourself be directly and closely involved going forwards.

Lastly, we would wish any future design discussion to have a defined duration. In this respect, we would propose that officers proceed on the basis that the application is reported to the Planning Committee on 17 January 2019 with a recommendation for approval, with the design negotiations taking place in November and December 2018. We feel that this programme is entirely achievable given the Applicant's commitment to resolving this last outstanding issue and the limited scope design matters requiring resolution as we set out above.

We hope the above and enclosed is helpful and look forward to officers' comments.

We would then propose to amend the PPA and to enable to progress.

Kind regards

Lewis

Lewis Westhoff
Senior Planner, Planning

telephone: 020 3640 1024

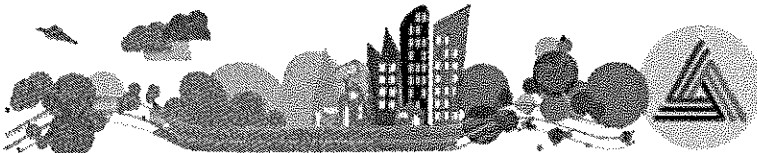
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From: McDonald, Neil <Neil.McDonald@camden.gov.uk>

Sent: 13 November 2018 19:22

To: Lewis Westhoff <lwesthoff@iceniprojects.com>; Cullen, Bethany <Bethany.Cullen@camden.gov.uk>;
Whittingham, Gideon <Gideon.Whittingham@camden.gov.uk>; Hatton, Colette <Colette.Hatton@camden.gov.uk>

Cc: 'Haim cateringuk@btconnect.com' <haim@thaisg.com>; Sue Wheldon <sue@brandarchitectsgroup.com>; James Dilley <James.Dilley@jesticowhiles.com>; Laurie Handcock <LHandcock@iceniprojects.com>; David van der Lande <dlande@iceniprojects.com>; Kieron Hodgson <KHodgson@iceniprojects.com>

Subject: RE: 135-149 Shaftesbury Avenue - Notes from last week's meeting

Dear Lewis,

Apologies for not getting back to you sooner as we had said. I think it emerged from what we discussed at the meeting that our main concerns focus on the harm to the building from the significantly scaled extension on top of the building which is in no way subordinate to it and not befitting in its design. In fact the design seems unrelated to the host building and this may be due in part to it's a-symmetrical nature. Although we had advised in pre-app that an a-symmetrical

approach might be appropriate this does not appear to have been successfully conceived – particularly given the height/bulk of the structure which as you know is of particular concern.

However from the various reports commissioned by both yourselves and the Council it is appreciated that there is an argument for some form of extension which is more substantial than we would ideally like for the building. It may be that a scheme of similar floorspace to that argued by yourselves could be achieved in more sympathetic form by redistributing the bulk in a different perhaps lower form thus mitigating the harm.

In addition, the need for such development could be more clearly understood if a letter can be provided from the Odeon confirming their intentions regarding the move from the building and their reasons for this and we have requested this countless times. Also as discussed at the meeting we would require written confirmation from the cinema operator which you said you were working with, in regard to the commitment to the project they are making and its financial nature to give needed confidence in the viability of the proposed basement cinema screens and likelihood of this part of the project being successfully realised.

On condition that you are able to provide us the necessary information in the above regards, and in the spirit of the PPA we are prepared to keep this application running for the time being to continue discussion on the design. I would be grateful if you can forward the information to Gideon to receive on his return from leave next Wednesday in order for us to reconsider issuing a refusal at this stage.

Regards,

Neil McDonald
Team Manager (South), Development Management

Telephone: 020 7974 2061

From: Lewis Westhoff <lwesthoff@iceniprojects.com>

Sent: 13 November 2018 15:39

To: Cullen, Bethany <Bethany.Cullen@camden.gov.uk>; McDonald, Neil <Neil.McDonald@camden.gov.uk>; Whittingham, Gideon <Gideon.Whittingham@camden.gov.uk>; Hatton, Colette <Colette.Hatton@camden.gov.uk>

Cc: 'Haim cateringuk@btconnect.com' <haim@thaisq.com>; Sue Wheldon <sue@brandarchitectsgroup.com>; James Dilley <James.Dilley@jesticowhiles.com>; Laurie Handcock <LHandcock@iceniprojects.com>; David van der Lande <dlande@iceniprojects.com>; Kieron Hodgson <KHodgson@iceniprojects.com>

Subject: RE: 135-149 Shaftesbury Avenue - Notes from last week's meeting

Bethany / Neil / Gideon / Collette

Could you please provide us with an update as to when we can expect to receive your final view on the applications?

We were expecting to receive your final view last week.

Kind regards

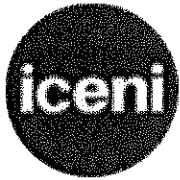
Lewis

Lewis Westhoff
Senior Planner, Planning

telephone: 020 3640 1024

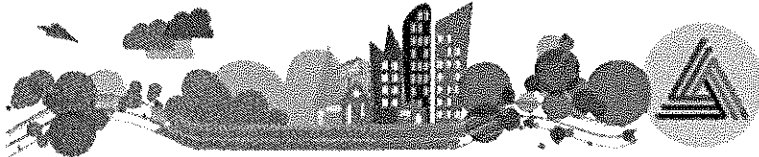
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We have recently moved our London office. Our new address is Da Vinci House, 44 Saffron Hill, London, EC1N 8FH



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From: Lewis Westhoff

Sent: 08 November 2018 16:35

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Subject: RE: 135-149 Shaftesbury Avenue - Notes from last week's meeting

Bethany / Neil / Gideon / Collette

We hope you are well.

We would be grateful if you could please provide us with a timeframe that we can expect to receive your final views on the applications.

Kind regards

Lewis

From: Lewis Westhoff

Sent: 05 November 2018 10:35

To: Cullen, Bethany <[Bethany.Cullen@camden.gov.uk](mailto: Bethany.Cullen@camden.gov.uk)>; McDonald, Neil <[Neil.McDonald@camden.gov.uk](mailto: Neil.McDonald@camden.gov.uk)>; Whittingham, Gideon <[Gideon.Whittingham@camden.gov.uk](mailto: Gideon.Whittingham@camden.gov.uk)>; Hatton, Colette <[Colette.Hatton@camden.gov.uk](mailto: Colette.Hatton@camden.gov.uk)>
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Subject: 135-149 Shaftesbury Avenue - Notes from last week's meeting

Bethany / Neil / Gideon / Collette

Thanks again for your time last week to discuss the applications at 135-149 Shaftesbury Avenue.

We have prepared the enclosed Draft Meeting Notes. We would be grateful if you could please review and confirm that these are an accurate reflection of our discussions.

We also look forward to receiving your final view on the applications soon.

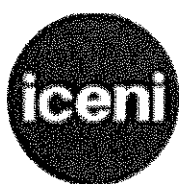
Kind regards

Lewis

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Please be aware that from the 29th October our new London office address will be Da Vinci House, 44 Saffron Hill, London, EC1N 8FH



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