

**APPENDIX B to Proof of Evidence for Covent Garden Community Association
re various points raised in its Statement of Case, in particular Harmful design**

Document ref. no. 1.1b

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**THE ODEON CINEMA (FORMER SAVILLE THEATRE), 139-140, SHAFTESBURY
AVENUE, LONDON, W.C.2**

PROPOSED WORKS OF PARTIAL DEMOLITION, ALTERATION AND EXTENSION AND
PROPOSED DEVELOPMENT

**CAMDEN COUNCIL APPLICATIONS 2017/7051/P AND 2018/0037/L
APPEAL REFERENCES: APP/X5210/W/19/3243781 AND APP/X5210/Y/19/ 3243782**

As an architect long familiar with the application-site and this part of Central London, I write in support of the Covent Garden Community Association, The Theatres Trust and other groups and local residents from this part of Camden in urging the dismissal of the present Appeals.

PERSONAL PROFESSIONAL BACKGROUND

By way of background, I have worked for some forty years in both private practice and the public sector specialising in building conservation and development in historic areas, including serving as Principal Urban and Design and Conservation Officer in Westminster City Council's Department of Planning and Transportation (formerly Department of Architecture and Planning) between 1976 and 1991; as Regional Architect and Assistant Regional Director, English Heritage London Region between 1991 and 2004; and as Senior Associate, Conservation and Planning, with the major Central London commercial practice HOK Architects between 2005 and 2011.

Since 2012, I have worked as independent consultant specialising in the provision of professional and technical advice to property owners, prospective developers and other planning and building professionals on projects involving new development in historic areas and the conservation, alteration and extension of historic buildings, particularly at the critical pre-planning and planning stages. In addition to private and commercial clients, recent and current clients include: Imperial College; Bath City Council; The City of London Corporation; the Royal Borough of Kensington and Chelsea Council; Westminster City Council; the Honourable Society of Gray's Inn; the Bedford Estate; the Grosvenor Estate; the Covent Garden Area Trust; the Hampstead Garden Suburb Trust; the Seven Dials Trust; the Environment Trust for Richmond-upon-Thames; the Brompton Association; and the Knightsbridge Association.

In addition to being a Corporate Member of the Royal Institute of British Architects since 1975, I have been a full member of the Institute of Historic Building Conservation since 1998.

In my work as an architect I have been responsible as a project architect for schemes that have been awarded a *European Architectural Heritage Year (Civic Trust) Award* and an *R.I.B.A. Awards Commendation*. I have also exhibited in the Royal Academy Summer Exhibitions. Over past years I have served on the Executive Committee of the Society of Architectural Historians of Great Britain, the RIBA's National Awards and Planning Groups, the Thames Landscape Strategy Panel of the Royal Fine Art Commission, the Cathedrals Fabric Commission for England, the Cathedrals Fabric Commission's Technical Group and as an assessor for the RIBA/Crown Estate's Annual Conservation Awards. Currently, I serve on the Trustee Board of the Garrick's Temple Trust; the RIBA's South-East London Regional Awards Jury; the Trustee Board of the Covent Garden Area Trust; the Archdiocese of Westminster Historic Churches Committee; the Guildford Cathedral Fabric Advisory Committee (as Chair from 2019 to the present), and the Guildford Cathedral Development Advisory Board.

Finally, I have been a contributor to various publications, journals and guidance including: *The Buildings of England, London 2: South* (Penguin Books, 1983); *Context: New buildings in historic settings* (The Architectural Press, 1998); *The Buildings of London, London 6: Westminster* (Yale University Press, 2003); *The RIBA National Award Winners, 2018* (RIBA Architecture and Artifice, 2018); and *100 Churches - 100 Years* (The Twentieth Century Society – Batsford, 2019); *The Architects' Journal*, *Building Design*, *Planning in London*, *Urban Design Quarterly*, *English Heritage's Conservation Bulletin*, *Church Building and Heritage Review*, *The Victorian – The magazine of the Victorian Society*; and *Ecclesiology Today*; and diverse policy and guidance documents for Westminster City Council and English Heritage.

MY CONCERNS ABOUT THE URBAN DESIGN AND CONSERVATION ASPECTS OF THE PROPOSALS

Having looked closely at the documentation submitted in support of the original applications and the present Appeals, including Iceni's forty-two-page *Planning Statement*, Jestico and Whiles' ninety-nine-page *Design and Access Statement*, Iceni's sixty-page *Heritage Statement and Townscape and Visual assessment*, Price and Myers' two hundred and eighty-six-page *Construction Method and Basement Impact Statement* and Hallas and Company's twenty-page *Building Condition Report*, I believe that Camden Council were justified in refusing the original applications for Planning Permission and Listed Building Consent in July, 2019 for the proposed 'comprehensive refurbishment' (sic) and upward extension of T.P. Bennett and Son's former Saville Theatre – most recently and since works of internal alteration undertaken in 1970 and 2001- the Odeon Covent Garden.

Furthermore, for the reasons set out below, I believe that the Appeals against those decisions should be dismissed.

- The submitted drawings are insufficient in detail - in terms of showing their full nature and extent of the proposed works - with which to determine that the proposed extensive works of partial demolition, alteration and extension can be carried out without putting at serious risk the survival and incorporation of remaining parts of the original building.
- The proposals involve the wholly unjustified gutting of the entire listed building behind the retained external walls fronting Shaftesbury Avenue, Stacey Street, New Compton Street and St Giles' Passage, destroying the residual special architectural and historic interest and features of interest within the building, thereby causing substantial harm to the overall significance of the building as a designated heritage asset.

- The proposals involve the unjustified and excessive upward extension of the existing building. Together with its insensitive external design, the proposed extension will seriously damage the original external design, architectural integrity and proportions of the building and its special architectural and historic interest, thereby causing **substantial** harm to the overall significance of the building as a designated heritage asset.

And

- The proposals involve the unjustified and excessive upward extension of the existing building. Together with its insensitive external design, the proposed extension will seriously damage the original external design, architectural integrity and proportions of the building and its special architectural and historic interest, thereby causing serious harm to the settings of the adjacent Seven Dials and Denmark Street Conservation Areas, thereby harming their significance as designated heritage assets.

For these reasons the proposals are contrary to:

The following policies in the Camden Local Plan of July, 2017:

Policy D.1 in relation to securing high quality design in development and development which respects context and character; Policy D.2 in relation to the protection of heritage assets and resisting the total or substantial loss of listed buildings, resisting developments which cause harm to the significance of listed buildings through affecting their settings; and Policy C3 in relation to the protection of cultural and leisure facilities.

The following policies in the *London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011 of March, 2016*:

Policy 7.4.B.a, c, d and e in relation to local character: the need for buildings, streets and open spaces to provide a high quality response that ‘has regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass’; that ‘is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings’; that ‘allows existing buildings and structures that make a positive contribution to the character of the place to influence the future character of the area’; and that ‘is informed by the surrounding historic environment’.

Policy 7.6.B. in relation to architecture: the need for buildings and structures to ‘be of the highest architectural quality; ‘be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm’; that comprise details and materials that complement, not necessarily replicate, the local architectural character’; and that ‘not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate’, and that ‘this is particularly important for tall buildings’.

Policy 7.8.C. and D. in relation to heritage assets: the need for ‘development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate’; and for ‘development affecting heritage assets and their settings’ to ‘conserve their significance, by being sympathetic to their form, scale, materials and architectural detail’; and

Policy 7.9.B. in relation to heritage-led regeneration and the need for heritage assets to be ‘repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality’.

The following policies from the *Draft London Plan, 2019, Intend to publish version of December, 2019*:

Policy GG2 in relation to making the best use of land; Policy D3 in relation to optimising site capacity through a design-led approach; Policy D4 in relation to delivering good design; Policy D8 in relation to the public realm; and Policy HCI in relation to heritage conservation and growth. And

The following policies from the *National Planning Policy Framework of February, 2019*:

Paragraph 124. in relation to the desirability of creating high quality buildings and places and of effective engagement with communities throughout the planning process;

Paragraph 127.c) and d) in relation to ensuring that developments are 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change' and that developments 'establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials' in order 'to create attractive, welcoming and distinctive places to live, work and visit';

Paragraph 128. in relation to the importance of early discussion about the design and style of emerging schemes with the local community – clarifying expectations and reconciling local and commercial interests, and working closely 'with those affected by proposals' in order 'to evolve designs that take account of the views of the community';

Paragraph 190. in relation to the need to take account of the particular significance of heritage assets affected by proposals in order 'to avoid or minimise any conflict' between the conservation of heritage assets and any aspects of the proposals;

Paragraph 192. a), b) and c) in relation to the need 'to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic activity; and the desirability of new development making a positive contribution to local character and distinctiveness';

Paragraph 193. in relation to the need to give great weight to the conservation of a designated heritage asset in considering the potential impact of proposed development on the significance of that asset, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance;

Paragraph 194. in relation to the need to ensure that 'any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification', and that 'Substantial harm to or loss of grade II buildings..... should be exceptional';

Paragraph 195. in relation to the need to demonstrate that substantial harm to, or total loss of significance of a designated heritage asset can only be approved if necessary to achieve substantial public benefits that outweigh that harm or loss;

Paragraph 196. in relation to the need to weigh a proposal leading to less than harm to the significance of a designated heritage asset against the potential public benefits of the proposal, including, where appropriate, securing its optimum viable use; and

Paragraph 197. in relation to the need to take account of the potential effect a proposal on the significance of a non-designated heritage asset, and to apply a balanced judgement in weighing

proposals that directly or indirectly affect non-designated heritage assets having regard to the scale of any harm or loss and the significance of the heritage asset; and

Paragraph 201. in relation to the need to treat the loss of a building which makes a contribution to the significance of a conservation area either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the building affected and its contribution to the significance of the conservation area as a whole.

In reaching my views, I have had regard to the relevant guidance contained *National Planning Practice Guidance – Historic Environment of July, 2019*:

Paragraph 006: in relation to ‘significance’:

Paragraph 007 in relation to the importance of ‘significance’ in decision-making;

Paragraph 008 in relation to the means of avoiding or minimising harm to the significance of a heritage asset;

Paragraph 013 in relation to the setting of a heritage asset; and how it can be taken into account;

Paragraph 015 in relation to the optimum viable use for a heritage asset and how it is to be taken into account;

Paragraph 016 in relation to securing a heritage asset’s optimum viable use in planning terms;

Paragraph 017 in relation to the evidence needed to demonstrate that there is no viable use;

Paragraph 018 in relation to assessing harm to a heritage asset;

Paragraph 019 in relation to assessing harm to conservation areas;

Paragraph 020 in relation to the term ‘public benefits’; and

Paragraph 039 in relation to the definition of ‘non-designated heritage assets’.

In addition, I have had regard to the following guidance published by Historic England:

From Historic England’s published guidance: of Historic England contained in *Historic Environment Good Practice Advice in Planning: 2 – Managing significance in decision-taking in the historic environment* of July, 2015, and *Historic Environment Good Practice Advice in Planning Note 3 (Second edition) – The setting of heritage assets* of December, 2017.

For the above reasons, I urge the dismissal of the Appeals.

Paul Velluet

2nd November, 2020.