

## **THE LONDON BOROUGH OF CAMDEN**

At a meeting of the **PLANNING COMMITTEE** held on **MONDAY, 28TH APRIL, 2025** at 7.00 pm in Council Chamber, Town Hall, Judd Street, London WC1H 9JE

### **MEMBERS OF THE COMMITTEE PRESENT**

Councillors Heather Johnson (Chair), Edmund Frondigoun (Vice-Chair), Tommy Gale, Liam Martin-Lane, Adam Harrison, Tom Simon, Robert Thompson and Sue Vincent

### **MEMBERS OF THE COMMITTEE ABSENT**

Councillors Lotis Bautista, Nasrine Djemai, Eddie Hanson and Andrew Parkinson

**The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of the Planning Committee and any corrections approved at that meeting will be recorded in those minutes.**

### **MINUTES**

#### **1. APOLOGIES**

Apologies for absence were received from Councillors Bautista, Djemai and Hanson.

#### **2. DECLARATIONS BY MEMBERS OF STATUTORY DISCLOSABLE PECUNIARY INTERESTS, COMPULSORY REGISTERABLE NON-PECUNIARY INTERESTS AND VOLUNTARY REGISTERABLE NON-PECUNIARY INTERESTS IN MATTERS ON THIS AGENDA**

Councillor Sue Vincent declared for transparency that she worked for Urban Design London and both applications to be considered may involve consultants that work with Urban Design Learning and that BPS (the Council's Viability Consultant) were part of Urban Design Learning's Link Learning Outcomes, but ongoing cases were not discussed.

#### **Agenda Items 7(1&2)**

Councillor Vincent was speaking against the applications as Ward Councillor and would, therefore, step down from the Committee for these items.

#### **3. ANNOUNCEMENTS**

#### **Webcasting**

The Chair announced that the meeting was being broadcast live to the internet and would be capable of repeated viewing and copies of the recording could be made available to those that requested them. Those seated in the Chamber were deemed to be consenting to being filmed. Anyone wishing to avoid appearing on the webcast should move to one of the galleries.

### **Request to vary the order of business**

The Chair informed the Committee that a request to vary the order of business on the agenda had been received, however as there were a large number of people attending for the first planning application, she did not think it was reasonable to change the order of the applications and have all these people waiting round. The Committee agreed with the Chair not to vary the order of business on the agenda.

### **Site Visit**

Members were informed that a site visit took place on Saturday 26<sup>th</sup> April to both 125 Shaftesbury Avenue and the Odeon 135-149 Shaftesbury Avenue. Councillors Harrison and Simon attended both sites, while Councillor Vincent attended the 125 Shaftesbury site and then left.

## **4. REPRESENTATIONS TO THE COMMITTEE**

### **RESOLVED –**

THAT the written submissions and deputation requests contained in the supplementary agenda as well as the Tabled Paper be accepted.

## **5. NOTIFICATION OF ANY ITEMS OF BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT**

There was no such business.

## **6. MINUTES**

Consideration was given to the Minutes of a previous meeting.

### **RESOLVED –**

THAT the Minutes of the meeting held on 27 February 2025 be agreed and signed as an accurate record of the meeting.

## **7. PLANNING APPLICATIONS**

Consideration was given to the report of the Executive Director Supporting Communities.

**7(1) ODEON 135-149 SHAFTESBURY AVENUE LONDON WC2H 8AH**

**7(2) RELATED APPLICATION**

Consideration was also given to the information, written submissions and deputation requests contained within the supplementary agenda as well as the tabled paper.

Councillor Sue Vincent stepped down from the Committee to address the Committee as Ward Councillor.

The Planning Officer introduced the applications, informing the Committee that the supplementary agenda and tabled paper:

- Set out a few minor corrections to the officer report and provided further clarification of the proposals.
- Included a summary of a number of late comments received after the committee report had been published and additional conditions relating to theatre hours, asbestos removal and the requirement for submission of additional details should the original arched window be discovered during strip out works. Officers therefore requested delegated authority to make these changes to the conditions alongside an additional amendment to the approved drawings condition to amend a drawing revision number and add in supporting documents that were missing from it.

The Planning Officer also notified members of a late written submission from a local business owner and resident which raised points similar to those already received and considered in the officer assessment regarding the impact on the host building, Phoenix Gardens, amenity impacts on local residents and disruption from the proposed construction, and a late email from Historic England reconfirming their objection to the proposals.

After the officer presentation, the Committee considered two models. The first model showed the proposed building in the area context while the other model detailed the proposed roof extension. The Head of Development Management reported that while viewing the model, the following points were noted:

- The location of New Compton Street, 125 Shaftesbury Avenue without the proposed roof extension, 151 Shaftesbury Avenue with the committee approved roof extension and Pendrell House which was the residential property opposite the site as well as the adjacent open space of Phoenix Gardens.

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- A number of the residential properties in the area including Pendrell House and 1A Phoenix Gardens.
- The model showed an earlier version of the roof extension design with the overhang on St Giles Passage which had been omitted.
- The swell to the front and rear over the flytower and the location of the pleated glazing.
- Members raised questions around the impact on light on the nearby properties, the cumulative impact of multiple applications and the status of the plans for changing the public realm. Officers advised that these questions could be considered in more detail during the discussion on the item.
- In addition to identifying the loading bay on New Compton Street, officers advised in response to a question about the size of the gap between the curtain wall system and the veil, that there was a minimal gap. The veil was there to address privacy and deal with issues around solar gain whilst adding architectural interest.
- It was also identified that the windows were part of curtain walling system and were closed for customers but could be opened inwards for cleaning purposes.

Responding to questions, Planning Officers provided the following information:

- Early proposals by Cirque du Soleil indicated a seating capacity of 294, which was a preliminary estimate.
- However, the theatre space and supporting infrastructure had been designed to accommodate a maximum of 622 seats, depending on configuration. The design included all necessary facilities, such as access, circulation, and back-of-house areas for a 622-seat capacity.
- The theatre in the round layout shown currently was configured for 622 seats, which had been manually counted to confirm.
- If planning permission was granted, Cirque du Soleil would further refine their plans and the current proposed figure of 294 seats could potentially increase.
- The applicant's design team estimated that a theatre within the existing building footprint, without extensions, could allow for 270 to 300 seats.
- It was reiterated that Cirque du Soleil's current plan for 294 seats was tailored to their specific performance concept, including dining at seats, but the theatre infrastructure allowed flexibility for up to 622 seats.
- While it might be physically possible to achieve a 600 plus capacity within the existing structure, such a scheme would not be financially deliverable without incorporating additional uses.
- If an additional use such as a hotel was included to ensure viability, the maximum feasible theatre capacity within the current building would be reduced to around 300 seats.
- The current proposal was not a like-for-like theatre replacement, as the previous use of the building had been as a cinema. The proposed scheme reintroduced a historical theatre use, but the building's constraints and modern requirements created challenges.

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- Officers were supportive of the proposal because it offered a well-considered cultural facility, unlike the previously rejected cinema-based scheme.
- The design had been informed by Cirque du Soleil's needs but was also intended to accommodate future operators due to its flexibility.

Invited to comment on the maximum capacity of the current building the applicant provided the following information:

- The theatre had been designed with flexibility to accommodate various operators and show types over time, not solely Cirque du Soleil.
- All core infrastructure, such as staircases, ventilation, toilets, and stage access were designed for the 622-seat capacity.
- Design agility was crucial to ensure long-term viability for different future uses and operators.

The Head of Development Management advised that the question about whether a theatre of the same capacity could fit into the existing building envelope put into question a different issue. The Planning Officer in her presentation had highlighted a lot of issues which overlapped and which were open to members to conclude whether or not the scheme was the right one for this building. However, if the theatre were put into the existing building, there was a limitation on space to support the theatre. Officers had challenged and considered the applicant's argument that without another use on site it was hard to make the theatre work. The hotel effectively brought another use onto the site that made the theatre a viable proposition and officers were supportive of putting the theatre below ground rather than in the existing building in order to make that possible.

The deputies invited to comment on why they thought a theatre could be viable in the current building remarked that:

- Reputable operators had expressed interest in running a large-scale theatre at the site, with a capacity of 600 to 1,000 seats.
- The Soho Theatre in Walthamstow had been restored with 960 seats under similar circumstances and viability should be even stronger in the West End location.

Responding to further questions about viability and affordable housing, officers provided the following information:

- The Council's role was to assess the planning application as submitted, while also considering heritage impacts and the need to mitigate harm.
- Officers had tested hypothetical alternatives, including a light-touch refurbishment option focused solely on the theatre, excluding excavation or a roof extension.
- Evidence provided indicated that both the submitted mixed-use scheme and the standalone theatre option would result in financial deficits, with the theatre-only scheme generating a larger deficit.

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- Officers acknowledged that neither option was financially self-sustaining, and that any developer would assess the risk differently, potentially finding a mixed-use scheme involving a hotel more appealing due to perceived reduced risk.
- BPS, the Council's independent viability consultants, had reviewed and interrogated the applicant's financial assessments. Officers noted a difference in valuation regarding the hotel element between BPS and the applicant, with the applicant projecting higher values based on committed operators.

BPS, the Council's independent viability consultants commenting on the viability, informed the Committee that:

- Both the theatre and hotel operators had expressed confidence in the mixed-use proposal's viability, despite recognising that it would return a lower-than-target profit margin.
- They had reviewed scenarios including the application scheme and the standalone theatre scheme, concluding that both options had similar levels of deficit.
- Whilst the theatre element had been substantiated with a lease agreement with Cirque du Soleil, the valuation of the hotel element remained disputed.
- The applicant's valuation assumed higher hotel revenues based on a premium boutique offering from Citizen M in a prime location.

Responding to further members' questions, officers commented that:

- The Council's Independent consultant had found the applicant's income projections to be overly optimistic, noting only a few comparable hotels in London achieving such levels.
- Viability was not initially presented by the applicant to support the application, but was relevant to the decision making when considering policy compliance, such as affordable housing contributions.
- In this case, the viability analysis was requested by officers to explore whether less harmful development options were feasible.
- The Council's position was that all tested scenarios showed deficits, with differences in assumptions and values altering the scale of loss rather than negating it.
- Whilst the applicant's figures could be considered, more weight could reasonably be given to BPS's independent assessment.

The applicant responded to viability questions by setting out their views as follows:

- Confidence in the scheme was based on long-term experience and the resurgence of live entertainment in London, despite recent disruptions caused by COVID-19.
- The business model supported mixed-use developments combining theatres, restaurants, and hotels to create viable cultural venues.

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- The theatre design included a structural “soft spot” allowing reconfiguration of lifts and stairs without any further structural work, ensuring adaptability for various production requirements.

Officers responded to questions on affordable housing by providing the following information:

- The Section 106 agreement would not specify where the affordable housing contribution would be spent, giving flexibility to ensure it supported local housing when opportunities arose.
- It was intended that the Payment in Lieu would be spent within the vicinity of the development site to benefit local people but reiterated that no location had been confirmed yet.
- Officers agreed to bring a general report to a future Policy & Performance Committee meeting, outlining where affordable housing contributions without specified sites had been or could be spent.

#### **Action By: Head of Development Management**

Invited to comment on how the Phoenix Community Garden operated, the deputies and Ward Councillor provided the following information:

- Phoenix Gardens financial model relied on commercial rentals for weddings and corporate events, alongside community activities and occasional Community Infrastructure Levy funding.
- Events took place year-round, including winter months, and included activities for young people during school holidays and older residents through activities such as chair yoga.
- The building on site, a single-storey structure with a green roof, was central to the garden's income through event hire. Guests typically used both the indoor and adjacent garden space.
- This outdoor area would be overshadowed during construction, affecting its attractiveness for hire and therefore its income.
- Furthermore, the disruption from heavy construction during the five-year build period would severely affect high-earning events and the garden's viability.

Responding to daylight and overshadowing questions officers provided the following information:

- On 21st March, 91.8% of Phoenix Gardens received at least 2 hours of sunlight, which would reduce to 56.6% under the new development, and to 33.9% when considering cumulative impacts.
- But by April, light levels would recover to 94.3% (individual impact) or 89.8% (cumulative), with summer months showing minimal further reduction.
- The most significant impact would be from September to March, when most plants are dormant, but some with earlier flowering seasons could still be affected.

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- A £50,000 contribution was secured by S106 agreement to mitigate these effects, primarily through redesign and replanting with shade-tolerant species.

Answering further Committee members questions, officers provided the following information

- In terms of Historic England's objection, their recommendation was to refuse the proposals, they made it clear that on the revised provisions they were still concerned about the level of harm, but ultimately set out that it was for the local planning authority to decide whether to grant consent.
- Although each application should be judged on its own merits, the existence of the adjacent application was a factor to consider. The Odeon scheme alone had a notable impact on Phoenix Gardens, but this impact was considered acceptable and included mitigation. The cumulative effect with the second scheme would have a greater impact overall, but the Odeon contributed more significantly to the negative effects. Therefore, the Odeon application included specific mitigation measures, while the 125 Shaftesbury Avenue application did not.
- The scheme was carbon-heavy, particularly due to the listed building constraints and the use of masonry rather than fully glazed facades. They stated the applicant had not fully met the on-site carbon targets but a carbon offset contribution was sought by S106 agreement, which brought the proposal in line with planning policy.
- The carbon offset carried low positive weight in their assessment and advised that committee members were entitled to assign different weightings in their own evaluation if they wished.

Members of the Committee made the following comments:

- The Shaftesbury Avenue elevation was the most significant heritage feature maintaining its retention likely restricted alternative uses for the building.
- The revised design was much improved and appropriate within the context, as it was less imposing than the earlier, refused version of the scheme. The proposed extension was a reasonable balance between respecting the heritage and enabling a viable cultural use.
- The £4 million affordable housing contribution was an important public benefit of the scheme, but it was regrettable that no donor site had been identified.
- There was a balance between public benefit and potential harm to the heritage asset, and the financial contribution was a significant benefit for the provision of affordable housing south of Euston Road.

The Head of Development Management advised that delegated authority was required to amend the approved drawing condition. It was noted that the Committee had requested further information to be provided to a future meeting on where the affordable housing payment in lieu was spent.



On being put to the vote, with five in favour of the officer recommendation, one against and one abstention, it was

**RESOLVED –**

- i) THAT Planning Permission be granted subject to conditions and Section 106 obligations as set out in the agenda and following referral to Mayor of London for his direction and finalisation of detailed wording for conditions following consultation with the Mayor;
- ii) THAT authority be delegated to officers to amend the approved drawing condition; and
- iii) THAT Listed Building Consent be granted

**ACTION BY: Director of Economy, Regeneration & Investment  
Borough Solicitor**

**7(3) 125 SHAFTESBURY AVENUE LONDON WC2H 8AD**

Consideration was also given to the information contained within the supplementary agenda and tabled paper.

The Planning Officer introduced the application, informing the Committee that the supplementary agenda and tabled paper set out additional representations, provided further clarification of the proposals, amended some conditions and provided an updated BPS viability assessment.

Responding to questions regarding viability the Council's independent viability consultant (BPS) explained that two viability reports had been produced, and the main differences had been the estimated value of the completed development and the existing building's current value. Agreement was reached on the value of the proposed development, but the current building's value had not been agreed upon.

The viability consultant reported that there had been difficulties when estimating the cost of bringing the existing building up to a lettable standard due to a lack of detailed survey data, especially concerning mechanical and electrical systems. BPS had revised assumptions and accepted a lower refurbishment cost and adopted a more appropriate profit metric based on cost rather than value. As a result, the benchmark land value increased by £40 million, shifting the scheme from a marginal surplus of £20 million to a deficit of £48 million.

In response to a follow up question, the viability consultant clarified the scheme still made a profit but fell short of the expected market profit rate, thus categorised as being in "technical deficit".

Responding to further questions, Planning Officers provided the following information:

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- Although no specific condition required CCTV, the scheme had been designed with crime prevention in mind, including natural surveillance and active frontages.
- Officers confirmed the route would be overlooked by staff in the reception area of the building and would be actively monitored for safety.
- The Caxton Walk passage would be 5.5 to 6 metres wide with a minimum height of 3.7 metres. It was larger than as proposed by the previously approved design, which was considered an improvement.

Responding to a question the applicant confirmed that no specific management company had been appointed yet, but any future management company would be expected to work with the police and local teams, if needed.

On being put to the vote, with 6 unanimously in favour of the officer recommendation, it was

**RESOLVED –**

THAT Planning Permission be granted subject to conditions and Section 106 obligations, as set out in the agenda.

**ACTION BY: Director of Economy, Regeneration & Investment  
Borough Solicitor**

**8. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was none.

Having adjourned between 9.14pm and 9.20pm for a break, the meeting ended at 9.50pm.

**CHAIR**

**Contact Officer: Sola Odusina**

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**MINUTES END**