

Core objections to planning scheme 2023/2245/P

redevelopment of the office block at 160-161 Drury Lane London WC2B 5PN.

23-Jul-2023

2019 Application for development of the same site.

In 2019 a previous owner of the site successfully applied for planning permission for a significant increase in the size of the building (Application 2019/2095/P). It is local residents' belief that the approval given was flawed. Erroneous information was contained in the application and some data on overshadowing was missing. There was no effective public consultation about the 2019 application so there was no effective challenge to the contents.

The 2019 application expired in late 2022 and so is not the relevant benchmark for assessing the impacts of application 2023/2245/P ("The 2023 Application") on nearby premises and the overall streetscape. Furthermore, the 2023 developer's Application makes repeated and highly selective references and comparisons to the 2019 approval.

Local sensitivities are driven by impacts on the status quo, not a hypothetical scheme which never left the drawing board. Camden Planning is urged to view the application in relation to the existing conditions and not a time-barred, flawed earlier application.

Public consultation on the 2023 Application

After pre-application liaison with The Council the applicant entered a phase of public consultation on the scheme. Public response to the consultation revealed deep concerns from local residents about a range of issues including bulk/height, loss of light, creation of noise and privacy. From the application submitted it is apparent that no heed has been taken to the response of the public and that the 'consultation' was undertaken for appearance's sake with no willingness to adapt the plan.

The local environment

Parker Street is essentially a residential street as are Drury Lane and Great Queen Street above ground floor level. All of the buildings which adjoin 160-161 Drury Lane are occupied by residents for whom studying, working from home, quiet enjoyment of private spaces and quality of sleep are vitally important. The Council must take careful account of the needs of these residents who derive no benefit from the proposed scheme.

The applicant identifies the elimination of antisocial behaviour along its Parker Street frontage as a key community benefit; this antisocial behaviour is a direct consequence of the owner's mismanagement of the premises; its poor condition and air of abandonment is a magnet for antisocial behaviour. This could be overcome by the owner simply managing the premises better.

The proposed design and built form.

The proposed fifth floor is a vertical extension which is more dominant than a mansard roof (as built on many of the nearby buildings); a mansard roof would be set back from the parapet, all around the building, causing less impact to the neighbouring roofscape and to the character and appearance of the conservation area. The

fifth floor would sit as a hard edge block in design terms that would not fit in with the wider character and streetscape. It would be an awkward and abrupt termination of the roofline which would form a hard profile.

In its pre-application response, the Council notes the potential for overbulking though still appears to undervalue its impact. The applicant (presumably acting on the advice from the Council) has scaled back a proposal to extend 2nd and 3rd floors though significant bulking of the rear of the 4th and 5th floors is proposed much to the detriment of adjoining residences.

We strongly object to the 4th floor back extension on several grounds

- Overshadowing of terraces, balconies and gardens survey was not assessed at all in 2019, even though requested at the time by the Council, in their 2019 pre-application advice (point 5.19)
- Some properties are severely affected when it comes to Daylight, Sunlight and Overshadowing of terraces, and the 4th floor extension is a contributing factor.
- A couple of errors were made in the review process in 2019. One relates to the outlook impact on flat 5, 158 Drury Lane and the other misrepresented a key window in Flat 6, Market House.

We object to the 4th floor extension based on the amenity impact on residents. This 4th floor extension contributes to the reduction of daylight/sunlight for residents. Individual severely affected properties will produce expert data to the Council within their own personal objection.

The 4th floor extension also contributes to making the building overbearing upon neighbours. It would result in a loss of outlook and an increased sense of enclosure. The 4th floor extension impacts specifically 2 flats at the 4th floor level (1 at 158 Drury Lane, 1 at Market House, 12 Parker Street)

Based on the arguments above, we argue that the 4th floor footprint needs to remain unchanged.

We also strongly object to the fifth floor back extension.

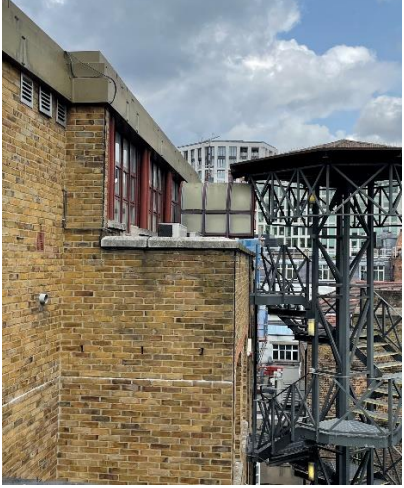


We note in the preapplication response (reference 2021/5640/PRE dated 2nd June 2023) that the Council raised concerns with a proposed 2nd to 4th floor rear extension and the impact it would have on the occupiers of the flats immediately adjoining sites 158/159 Drury lane and 8 – 10 Parker Street, which would add a sense of enclosure.

The preapplication response stated ‘... it is considered that the proposal to add approximately 2m to the 2nd, 3rd and 4th floor flank wall abutting 8 Parker Street and to extend the approved fifth floor / roof out by 1.5m would be overbearing and over-enclosing upon all the rooms and the terraces at the rear of this site. For these reasons, it is recommended that the proposed 2nd to 4th floor rear extensions and the proposed rear extension to the proposed fifth floor / rooftop extension should be omitted from your proposals.’

Whilst it appears that the proposed plans have omitted the 2nd to 4th floor extension, the 1.5m deep extension to the fifth-floor extension remains.

The additional extension will introduce additional bulk and mass to an already substantial building. It would have an adverse overbearing effect that would result in an unduly oppressive living environment for existing residents within Flat 6, 12 Parker Street and residential properties in Drury Lane as shown in the photographs below. It will create a sense of enclosure and adversely affect the outlook from habitable room windows.

This 5th floor element should be deleted from the application.

		
<p>View from 4th floor flat, 158 Drury Lane</p>	<p>View from 5th floor studio, 12 Parker Street</p>	<p>View from 4th floor flat, 12 Parker Street</p>

It is our belief that any heightening of the building should require stepped-back upper storeys with a mansard roof, like many in the neighbourhood, and not a brutal extended vertical face.

The proposed 1st floor rear extension

The proposed 1st floor extension at the rear of the building will create a very large vertical cliff-face which will dominate the courtyard behind 8-18 Parker Street and reduce its natural light. For residents in 158,159 Drury Lane windows which presently look onto the open quadrangle of the 'light well' will be looking onto a vertical wall. This is unacceptable.

The plans do not make clear the future status of the short steel stairway from the existing 1st floor to the Parker Street back yard.

The proposed terrace at 2nd floor level.

The scheme proposes the creation of an open terrace at 2nd floor level at the rear of the building. The applicant has made a spurious claim that the existing flat roof at 1st floor level has been in historic use as a terrace. This is a direct misrepresentation. The existing roof is not an amenity area and is used only as part of the fire evacuation route and for maintenance of air conditioning plant.

The planning officer's report on the 2019 application and the sales prospectus for the building when it was acquired by the applicant made it clear that the "areas to the rear are not included as amenity areas.....access should be restricted for emergencies only. The opinion stated by the Council in 2019 was that the application "provides an opportunity for a condition to prohibit access to these areas other than for maintenance or escape purposes"

It led to the 2019 decision Notice stating as Condition(s) and Reason(s) number 10:

“A) Access to the north-eastern 6th floor roof terrace adjacent to no.8 Parker Street, 5th floor rear flat roof and 2nd floor rear flat roof shall be restricted for escape or maintenance purposes only and shall not be used for amenity purposes at any time”.

“Reason: To safeguard the amenities of the adjoining occupiers at 158-159 Drury Lane, 8-16 Parker Street and the area generally in accordance with the requirements of policies G1, A1 and A4 of the London Borough of Camden Local Plan 2017”

Residents’ objection to this terrace revolves around privacy and noise; The proposed terrace would be one storey higher than the view in the photograph below and will allow direct views into habitable windows in Parker Street, Drury Lane and Parker Street, resulting in a material loss of privacy.

		
<p>View from 2nd floor flat, 158 Drury Lane</p>	<p>View from 2nd floor flat, 12 Parker Street</p>	<p>View from 1st floor flat, 39 Great Queen Street</p>

Any screening (none is proposed in the drawings) to overcome loss of privacy will add further bulk and height resulting in even further detriment to daylight/ sunlight and outlook from these habitable room windows.

With the emergency staircase removed the terrace will be of a sufficiently large size to accommodate a sizeable number of people and given the office usage it is assumed that it will be used for entertainment. The terrace will be in close proximity to habitable windows serving residential properties along Drury Lane, Parker Street and Great Queen Street and would create significant noise and disturbance from conversation and music which would be detrimental to the amenities of these residents.

This Council should maintain its 2019 stance that the use of any rear terrace (and the flat roof on top of the main building) should be for emergency use only.

Daylight/ Sunlight

The quadrangle of buildings along Great Queen Street, Parker Street and the part of Drury Lane connecting them acts as a ‘light well’ for numerous residences. The rear yard of Market House, Parker Street is a year-round amenity for the residents and the bulking of the upper storeys and the proposed extra floor on the rear of 161 Drury Lane will detrimentally impact daylight and sunlight to a number of residences, to numerous terraces/ balconies and the yard.

View from 2nd floor on one of the significantly affected property, 40 Great Queen Street.



One of the deficiencies in the 2019 permission was that no account was taken of the overshadowing of terraces and balconies of residences. This is a huge issue for the amenity value of residents limited outdoor space and is something which the Council must consider.

In the 2023 application the applicant attempts to draw the eye away from the year-round impact by claiming that “the summertime results are fully compliant with the BRE guide...”. The BRE Guide does not set targets for summertime results and to describe this as ‘compliance’ is wilfully misleading.

Certain residences with the greatest loss of light will submit individual objections to the loss of that light which will be provided by our expert witness (Right of Light Consulting surveyor).

The applicant seeks to rely on removal of the hexagonal fire escape as a significant improvement to light reaching some parts of adjoining premises; However, the staircase is of open lattice construction and the benefit of its removal are exaggerated.

Ground Floor Retail.

Whilst the plans show a retail unit at ground floor level, concern is raised that a restaurant (previously A3) could now be accommodated without the need for permission given that the development falls under class E.

In the 2019 application, the Council acknowledged that this area is one that suffers from issues of noise and disturbance for existing licenced premises and recommended that a condition was attached to ensure there was no primary cooking to take place on site. The report at para 7.60 said: *‘Securing such a condition would negate the need for kitchen extract equipment, meaning that concerns in relation to the routing and discharge point of ducting and associated issues of noise and smells are avoided. It would also ensure that the unit would not be used for traditional restaurant (i.e. late night opening, licensed premises) and would instead cater for daytime focused business such as café or food store (under class A3). In this case, such a restriction would be considered reasonable given the existing issues experienced by residents and would therefore be necessary to make the development acceptable’.*

'Despite the restrictions on cooking imposed it is also considered necessary to limit the hours of operation for the ground floor commercial unit and for amplified music to not be audible from the highway to ensure that it does not operate at unsociable hours or lead to disturbance for residents.

The following two conditions were added, and we would therefore request the Council attach similar conditions to any approval:

- (Condition 7 of 2019/2095/P) No primary cooking shall take place within any part of the development hereby approve. 00d
- (Condition 9 of 2019/2095/P) The ground floor commercial unit fronting Drury Lane hereby permitted shall only be operated between the following times: Mondays-Saturdays 08.00-23:00 hrs; Sundays and Bank Holidays 09:00 -22.30 hrs
- Condition 13 No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

From a residents' perspective allowing the premises to be used as late as 2230/2300 is not acceptable; to alleviate nuisance closure by 2000 hrs would seem more reasonable as the area is not short of catering establishments.

Bike and Bin Store.

At the time of the 2019 application concerns were raised regarding noise and disturbance from the location of the bin store adjacent to No 8 Parker Street. These concerns remain. From first principles this would be better located in the slot currently occupied by the existing bike store. This adjoins a retail premises which would not be subject to the nuisance issues which threaten 8 Parker Street.

If the Council does not require this reasonable adjustment to the plan, then a condition similar to condition 6 of 2019/2095/P requiring noise insulation must be applied.

Additionally, any ventilation of the bin area should be 100% passive (air bricks, for example) and not powered to eliminate the possibility of noise nuisance from an electric fan.

Planning Application Precedents

The following two application refusal decisions are relevant to this planning application. If the Council is to remain consistent in its outlook, the Drury Works proposal must also be refused.

1. Refusal of planning application 2017/5659/P by LB Camden

39-49 Neal Street London WC2H 9PJ, a 4-minute walk away from the Drury Works site, was refused by Camden Council in September 2018. This development proposed a roof extension for additional office space, as does the Applicant's proposal. The first reason for refusal was that the proposed roof extension would be "unduly dominant" (see attached Decision Notice for 2017/5659/P). The Neal Street proposed roof extension would have created a fourth floor, whereas the Drury Works development goes further by proposing a fifth-floor roof extension. If the Council is to remain consistent in its outlook, the Drury Works proposal cannot be acceptable.

2. Refusal of planning application 2019/3133/P by LB Camden

49-51 Farringdon Road London EC1M 3JP was refused by Camden Council in May 2020. The development proposed a roof extension at fifth floor level and rear extensions at first and second floor levels to provide office floorspace, like the roof extension and rear extensions proposed for Drury Works. The first reason for refusal is that the proposed rear extension would be “excessively dominant and overbearing to the detriment of the visual amenity of the properties to the rear contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.” The second refusal reason is that the proposed development, without legal agreement, could not “be implemented without causing detrimental impact to residential amenity”. Considering the similarity between this planning application and the Drury Works planning application, the reasons for refusal that applied previously should also be applied presently as the same issues of overbearing massing and detriment to residential amenity arise.

Impact of construction

The impact of noise, and dust will be considerable and to protect residents the Council must apply hours restrictions (say 0900-1700) and limit the noisiest activities to core hours (say 1000-1400). The residential population includes night workers, people who work from home and students for whom construction work will create every real disturbance.

Deliveries will need to be restricted to the hours 0900-1700 and vehicles are to be appropriately managed (engines off, flow of traffic to be maintained, pavements to be kept clear etc.

Dust will be a very real issue, and we urge the Council to require any construction management plan to incorporate additional cleaning for adjoining residents (including windows).

Overestimation of protection of office space

Policy E1 of Camden’s Local Plan pertains to office space in the borough. In order to fully understand this policy, and how it manifests in reality, it is important to examine its evidence base. The Camden Employment Land Review 2014 has been used to inform this policy, with the local plan stating:

“The Camden Employment Land Review 2014 forecasts that the demand for offices will increase by 695,000sqm between 2014 and 2031”.

“The majority of demand will be met at King’s Cross, through the implementation of 444,000sqm of permitted office space in King’s Cross Central. There are plans for further large-scale office development in Euston, where the Council envisages in the region of 180,000 to 280,000sqm of business floorspace being provided in the second half the plan period”.

The Employment Land Study 2014 states:

*“With regard to LB Camden’s economic strategy, Policy CS8 confirms that the Council will promote the provision of 444,000 sqm of permitted office floorspace at King’s Cross and approximately 70,000sqm of office provision at Euston. This equates to over **80%** of projected employment demand in LB Camden.”* (Emphasis added)

Both the Camden Local Plan and the Camden Employment Land Review were published before the Covid-19 pandemic and therefore do not account for the significant changes to office demand that the pandemic caused. The property consultancy Lambert Smith Hampton published the 'Thames Valley & South East Office Report 2022', within which businesses' survey answers indicated "*an overall reduction in space requirements of **15-20%***" (emphasis added).

Considering that 80% of projected employment demand in Camden is already accounted for, and that there has been a 20% reduction in demand for office space that the Local Plan was not able to account for, the additional office space that the Applicant proposes is unnecessary.