

Flat 3
Queen Alexandra Mansions
Grape Street
London WC2H 8DX

Phone [REDACTED]

Email [REDACTED]

London Borough of Camden
Town Hall
Argyle Street
London WC1H 8EQ

By email

14 August 2023

Dear Sirs,

Re: Composite Planning Applications (*Planning Applications*) in respect of proposals for the development of a series of plots bounded by High Holborn, Museum Street, New Oxford Street and West Central Street including Selkirk House, Museum Street (formerly Travelodge) (now reference 2023/2510/P and (listed building) 2023/2653/L), originally Labtech application 2021/ 2954/ P)

I refer to the Planning Applications, as well as to previous correspondence and emails.

As previously mentioned, I propose to make a series of submissions, as I seek to absorb, in the very limited time available, the mass of data submitted by the applicant in relation to what are, in reality, a series of separate applications which have, for the sake of the applicant's own commercial interests, been artificially bundled into a single planning application, now described on behalf of the applicant as a "resubmission" and as largely unchanged in respect of its most significant and controversial component.

I am aware that this letter is being submitted two days after the published last date for submissions. I understand that Camden has agreed to accept, and take account of, all submissions made up to the date of determination. If this is not correct, please inform me by return.

This is a further representation in opposition to both the planning and Listed buildings aspects of the Planning Applications.

I make this submission as a resident of Queen Alexandra Mansions, Grape Street. My building would apparently become part of the boundary of the proposed demolition and reconstruction site, with the rear wall possibly becoming a party wall. Just as importantly, local residents and businesses would be forced to endure the noise and vibration nuisance (as well as the dirt and dust and traffic disruption) of the demolition and construction period (which has, alarmingly, grown from 3 years (December 2020 zoom) to four years (as per the project website). The presence of asbestos, as well as the apparent engineering challenges, raise serious safety concerns.

I consider that the Planning Applications in their current form, and as the process has been handled, cannot proceed on an unimpeachable basis because they have been vitiated by a number of significant factors, including (without limitation; this is not to be taken as exhaustive):

Lack of Consultation

The applicant has admitted on more than one occasion that there has been no consultation and has gone so far as to claim this was agreed with Camden. Recently the applicant's proxies have attempted to deny the record on this. Presumably they now recognise that this lack of consultation is damaging to the prospects of the Planning Applications.

This goes against Camden's published policies in relation to consultation.

Camden has itself seemingly failed to comply with its own policies, including para 3.10 of the Council's policy document which addresses its expectations in relation to public consultation in the context of planning applications. This states that Camden:

expect the applicant/ agent to agree the extent and type of the pre-application consultation with [Camden] to make sure that the consultation process proposed is suitable.

In the light of this clear statement of Camden's policy, there are only two alternatives:

Either

the applicant has, to Camden's knowledge, failed to agree the extent and type of pre application consultation and Camden has chosen to do nothing to ensure compliance with the Council's policy.

Or

Camden has agreed with BC Partners (and previously with Labtech) that the applicant should dispense with public consultation.

It is not clear which of the two alternatives has transpired. Both are entirely unacceptable in the context of such a controversial proposal in a sensitive and historic part of central London. It is hard to see how Camden could have concluded, on any reasonable basis, that what has transpired is "suitable".

Indeed, Camden has done worse; it has decided to ignore the outcome of its own recent Site Allocations consultation.

Camden's policy document is bolstered and supplemented by case law. The *Gunning* principles have been established by the courts. They have not been followed in relation to the Planning Applications.

In addition to lack of necessary consultation, there has been an almost complete failure to respond to perfectly legitimate questions when affected residents and groups seek to understand what are very complex but also very opaque proposals and documents. Some of the outstanding questions go back to December 2020.

Artificiality of processes

The current Planning Applications are acknowledged by the applicant to be unchanged from the 2021 Applications, at least insofar as they relate to the (slightly modified prior to withdrawal) proposals for a 74 metre skyscraper. That 2021 application attracted a very significant number of objections.

Despite this acknowledgement by the applicant, it has chosen to use the device of withdrawing the 2021 application and replacing it with a "new" one, to circumvent the large number of objections to the 2021 Application. Camden appears to be condoning this sharp practice. This is unacceptable and unreasonable, as well as a denial of due process. Camden was wrong to refuse to agree to take the 2021 representations into account.

Misleading characterisation of the proposals

I refer you to my letter of 10 July on this topic. It is another factor which undermines the current process, by misleading the public as to the scale of the applicant's proposals. It is shocking that Camden has allowed this inaccuracy to be carried on its portal.

Another misleading aspect of the Applications is the way what are in reality a number of completely different proposals have been artificially bundled together into a single application. This may reduce the Council's room for manoeuvre in terms of considering the Planning Applications and force completely unjustified "all or nothing" postures. It is hard to see how there could be any basis for approving the demolition and construction of a 74 metre skyscraper in this location if it were presented as a stand alone application.

It would make more sense to split the component elements up; it seems that there may have been some discussion about this between the applicant and Camden. Doubtless this topic will be covered if and when officers come to report to the planning committee.

Inadequacy of materials presented

Although the applicant has submitted a huge volume of materials as part of the Planning Applications, many of them simply raise more issues, as well as containing controversial claims and self serving (unsubstantiated) assertions or excuses.

By way of a couple of examples:

- There is acknowledged to be asbestos in the various sites proposed to be demolished and there would be a need to remove it, but nothing appears to be explained as to how this will be carried out safely in a windy and densely inhabited part of central London, or as to what tests have already been commissioned. This is one of my questions which the applicant has failed to answer.
- There are problems in relation to light levels, both as a result of the proposals and to the new residential units proposed. The applicant has acknowledged these problems but then has sought by subjective and specious arguments to pretend that compliance with officially recommended light levels does not matter or should be waived.

I would add that the whole question of timetable of demolition and construction (as well as road closures) has been opaque throughout. One gets the impression that the applicant does not wish to divulge for quite how long local residents and businesses may have to cope with the nuisance and loss of amenity inflicted on them, should the Planning Applications be approved.

There may also be an element that the applicant has not yet worked out exactly how the project would be delivered, if the Planning Applications were to be successful. The Demolition Management plan and Construction Management plan are very sketchy for so large and complex a project in a confined series of densely packed sites (some protected) in Central London.

The recurring question which goes through one's mind as one looks at these largely template documents is whether the applicant has yet worked out how to accomplish this ambitious and controversial project from a technical, engineering, safety and logistical point of view. This is one of the many questions which Camden's planners will need to consider and address, with the benefit of the extensive discussions they have had to date with the applicant, before the Planning Applications can be properly considered by the planning committee. It would not be right to defer addressing these issues until after any grant (and without any public consultation), since the safety and methodologies questions go to the heart of the viability of the proposals in the Planning Applications and their underlying feasibility, even if they were acceptable in concept.

Similarly, it would be unfair to require residents and local businesses to bear the brunt of the impact of “after the event” modifications or waivers of conditions originally forming part of any approval, once those conditions prove inconvenient to the applicant or its contractors.

Put simply:

RESIDENTS AND LOCAL BUSINESSES NEED TO KNOW FROM THE OUTSET WHAT THEY ARE BEING ASKED TO ENDURE AND FOR HOW LONG.

The overall effect of the sheer bulk of the materials submitted as part of the Planning Applications conveys a superficial impression of a complete scheme. In reality, much has not yet been thought through (or, if it has, has not been divulged). That makes the Planning Applications almost impossible to understand for a lay person; and one wonders how the planning team at Camden will be able properly to discharge, in a relatively short period of time, their responsibility to assess and report objectively and comprehensively on the Planning Applications, including identifying their deficiencies and inadequacies.

Lack of independence

It is clear both from admissions by the applicant’s proxies and from Freedom of Information data that Camden’s planners have worked very closely with the applicant ever since at least 2020.

There is nothing inherently wrong with that, provided the officers in question retain their objectivity and ability to assess dispassionately and fairly the Planning Applications.

At an information meeting on 31 May 2023 (which was expressly acknowledged on behalf of the applicant not to be a consultation), the role of Camden’s planners was described on behalf of the applicant as acting as “arbitrators” on some issues. It must be questionable whether this is properly within the remit of the planning team, particularly if it involves interim decisions being made and limiting the planning committee’s access to information, as well as pre-empting the outcome of the Planning Applications.

At the same meeting, the presentation made about the revised proposals for the listed buildings in the plots within the Bloomsbury Conservation Area was presented as having been pre-agreed between Camden planners and the applicant. It may be difficult for Camden’s planners to comment critically on components of the Planning Applications (notably in relation to Listed Buildings issues) if they have been parties to devising those components. Only the planning committee itself can sign off on such proposals.

In the light of all this, there must be a real question whether it is fair for Camden to ask the same individuals who have worked so hard over a number of years to facilitate the applicant’s proposals to be the officers who then have to stand back, assess and challenge the Planning Applications, before putting a recommendation before the Council’s Planning committee.

At the very least, the review process should be handled or supervised by a different team within planning from those who have been interacting so closely, and for so long, with the applicant and its proxies.

This is one of the most consequential applications within Camden for many years and, if granted, would transform the character of the neighbourhood and irreparably damage nationally important buildings and views. A very delicate balancing process will be required between some limited and poor quality tangible benefits (housing) and the permanent intangible damage to the environment, community and heritage. The outcome of this balancing process will need to be very meticulously justified, both by those officers making any recommendations and by the planning committee itself.

In this connection, it is far from clear what thought has been given (and encouraged by Camden) by the applicant to alternatives. Ironically, one option must be simply to refurbish the building as a hotel, as it was latterly; the recently withdrawn (and much less controversial) planning application by Travelodge (Drury Lane) demonstrates that the need exists.

There are some other factors which may tend to threaten the objectivity of the Council's organs in dealing with the Planning Applications, and create scope for conflicts between the interests of the Council and those of the local community, the Bloomsbury Conservation Area and the broader environmental, historic and heritage interests relevant to this important part of Central London. These include:

- The economic benefit that would accrue to the Council (notably CIL and business rates) if the Planning Applications were to be granted. I fully understand that the Council is looking for all sorts of sources of revenue in current economic conditions, but this should not be relevant to, or bias, long term planning and conservation decisions;
- The applicant's inclusion in the Planning Applications (perhaps with the encouragement of some within Camden) of the "Vine Lane" feature, which appears to be a favoured project within the Council despite (to Camden's knowledge) not being supported by the local community and being acknowledged by the applicant to be potentially the source of increased anti social activity. I refer you to my letter of 11 April 2022 on this subject, to which I have never received a satisfactory response.

It is not clear to me that the Council has done anything to address these potential conflicts, with a view to reducing the risk of any eventual decision on the Planning Applications being successfully challenged.

Conflicts with Camden's own priorities

Camden has declared a climate emergency. The demolition and construction process would prevent Camden from achieving its net zero objectives within the timetable contemplated.

For this reason alone, the Planning Applications seem doomed, unless Camden is prepared to abandon its climate objectives. It is submitted that such a decision should not be reached (even implicitly) by the planning committee on its own.

Conclusion

It might be that a favourable decision by the planning committee, in response to the Planning Applications in their present form, could eventually withstand challenge, if only one of the elements summarised above were present. The combination of all these deficiencies, some deliberate, some seemingly condoned by those at Camden who are part of the decision making process, takes the procedures being followed in relation to the Planning Applications far beyond the limits of the legally fair and acceptable.

As a result of the above, the process as a whole is not fair or reasonable. The Planning Applications are premature, if not misguided.

The applicant should be invited to withdraw the Planning Applications and carry out a proper consultation, involving listening to the community. Following that, it should submit a revised and detailed, fully worked through, set of proposals, having listened to consultees and taking proper account of the location, within and adjoining the Bloomsbury Conservation Area and including some listed buildings, in which the multiple sites are situated. This would also have the benefit for the applicant of being able to take account of changes in the commercial real estate market since the concept of a 74 metre speculative office block was first mooted.

In this connection, I note that Labtech (which still seems to be in some way involved with the proposals in the Planning Applications, despite apparently having sold its interest last year) has recently applied to change the use of some of its office premises nearby to laboratory facilities. So the business case for the proposed skyscraper may no longer be very robust.

Please treat this as an objection to the Planning Applications in their current form and place this objection on the portal for both Planning and Listed Building Applications.

This is an open letter.

Yours faithfully,

Peter Bloxham