

**Flat 3
Queen Alexandra Mansions
Grape Street
London WC2H 8DX**

London Borough of Camden
Planning Team

By email

20 December 2024

Dear Sirs

Re application 2024/4662/P (the Applications)

I am writing to **object** to the above Applications.

I live in a flat in Grape Street, with bedroom windows immediately opposite the *Grape Street Loading Bay* discussed below. Consequently I (as well as my neighbours in the building) would be among those who would be adversely affected by the proposals reflected in the Applications.

I set out in this letter numerous reasons why the Applications should be refused as well as commenting on deficiencies in the materials accompanying the Applications and highlighting some specific problems which would be caused by allowing these new proposals to go ahead.

Executive summary

In this section of the letter, I summarize the principal among my objections:

- I do not consider that this is appropriate or legitimate use of section 73 TCPA.
- Put simply, the proposals for the substitute delivery and servicing plan do not stand up to informed review and detailed scrutiny. They remain poorly thought out, are not feasible and seem to involve the developer exporting problems of traffic and congestion associated with the proposed development to the rest of the Bloomsbury Conservation area, outside the two sites which the developer owns and controls.
- These new proposals are thoroughly selfish; the developer has done nothing to justify the use of public realm spaces and roadways well outside the sites owned by the developer to service the developer's proposed development; the

developer is proposing to subordinate the legitimate needs and amenity rights of local residents and businesses to the requirements of an oversized development promoted by greedy private equity investors.

- In considering the Applications, the Council needs to bear in mind that these new proposals would have a **permanent** impact on the area, including the Bloomsbury Conservation Area, surrounding the developer's sites.

The above summary is not a substitute for consideration by the Council of the entirety of my submissions.

I will commence with some general comments relevant to the Applications.

General Comments

I first wrote to Camden pointing out some of the practical problems with this project in December 2020. The grant of planning permission has not eliminated these problems or, by itself, made these controversial and ambitious proposals any more realizable.

The alternatives now being tabled in substitution for the previous unworkable ones are an illustration of the challenges the developers face.

I note that the Applications are being made under section 73 of the TCPA. In view of the substance of the changes proposed, the inclusion of wholly new proposals, (notably in relation to servicing of the proposed development) and their implications both for the design and structural integrity of the project and their impact on listed buildings and the Bloomsbury Conservation Area, I question whether that section is appropriate for the consideration of such major design and structural modifications, re-writing of important delivery and servicing arrangements and removal of conditions.

Section 73 explicitly states that the local planning authority:

*Shall consider **only** the question of the conditions subject to which planning permission should be granted (emphasis added)*

This affords no scope for review of entirely new proposals, particularly as they entail proposals in relation to parts of London beyond the sites the subject of the original planning and listed building applications.

As is already clear from the covering letter, and the use of words such as "proposal" and "proposed design alterations", the amendments proposed to the project go beyond the modification of conditions. They impact the design of the proposals and, more importantly, the potential safety implications and the **permanent** impact on its surroundings, as well as on the environment. A mere amendment to conditions cannot authorize the erection of a heavier building.

It is surprising, and even troubling, that, although the developer has had several years to formulate its proposals, it is now coming back with such major modifications. One is left wondering whether the developer has yet worked out how a project of this scale can be

safely and sustainably accomplished on such limited and circumscribed sites in central London. Even if the developer manages to erect the skyscraper, it may become an albatross simply because of problems of access, delivery and servicing. The troubled history of the Centre Point Tower provides a practical example of the problems that can confront an oversized development even after it is erected. The answer may be that these sites, in busy traffic junctions in central London, are simply not suitable for a 74 metre high skyscraper together with densely packed additional residential and commercial accommodation.

In considering the Applications, it has to be borne in mind that the recommendation by David Fowler to the Planning committee was a qualified one and only “on balance”¹, recognizing the numerous departures from Camden’s planning policies, the sensitivity of the sites on the edge of the Bloomsbury Conservation Area and the acknowledged permanent harm the development would cause to Camden’s heritage. It follows that there are constraints on what modifications should be approved at this stage, since their inclusion in the original application might have led Mr Fowler to be unable to conclude that the fine balance supported a recommendation to approve these controversial proposals, despite vocal opposition from those affected, from Westminster Council and from heritage and amenity bodies. Alternatively, the categorization of the degree of permanent harm to Camden’s heritage might have been higher than was acknowledged at the time of the hearing on the original application. Significant changes at this stage would undermine the basis of the original permission.

I note that the covering letter with the Applications was sent by Gerald Eve, whose previous professional role in relation to this project was to issue a report commissioned by those promoting this project pronouncing that the project is not economically viable. Despite this damning conclusion (as well as the wider uncertainties currently affecting the speculative office market in London), the developer has chosen to proceed. One is left wondering whether one of the real objectives of the application is, by cost cutting, to convert a non-viable project into one which has slightly greater prospect of generating a profit for the developers (who have already profited from the simple grant of the planning permission).

A Construction Working Group (**CWG**) has been established and is “discussing” (or at least being told about) detailed proposals for demolition. However it now seems that the new proposals may impact that demolition process. This makes a mockery of the transparency and communication required in order to have an effective CWG process.

Specific comments

Pre application consultations

I note that there have been pre-application consultations with the Council.

¹ I refer to minute 34 of the video recording of the proceedings.

This demonstrates that the real character of the Applications, taken as a whole, is as new proposals, not just amendments to existing conditions.

No information has been supplied as to what the content or outcome of these discussions have been, or of how extensively different interested teams within Camden (outside the core planning team) have been consulted.

Although this process may have entailed discussions between the developer and Council, there has seemingly been no consultation process on the important issues raised by the Applications with local councillors, those residents and businesses affected or with organizations such as TFL, City Hall and utilities which have a right to be heard when there is a substantial change or a new proposal.

These important new proposals deserve greater transparency.

Servicing Plan

The 62 page Arup document which has been submitted is not a proposed variation to a condition; it contains a radically different proposal, whose impacts are severely detrimental, not just to the sites owned or controlled by the applicant, but to the wider locality, general traffic circulation in central London and the Bloomsbury Conservation Area. It raises new issues not addressed in the original planning and Listed Building applications.

There are numerous points to make about this.

The principled starting point (seemingly reflected in Camden's policies) must be that a developer should be expected to propose a delivery and servicing plan which exclusively uses space within the curtilage of its development site to provide the requisite (and reasonably anticipated) delivery and servicing functions for the development proposed. If a developer can only produce a (supposedly viable) delivery and servicing plan by proposing the use of areas outside its site or in the public realm, that suggests that the developer's proposals are too dense or out of scale for the site in question.

Evidently the original draft servicing plan which was submitted as part of the planning application (and on the basis of which the permission was granted) is, for one or several reasons, unworkable.

The methodology behind the delivery and servicing plan seems to be based on an entirely hypothetical world, in which the only traffic flows are the neatly preprogrammed deliveries to the skyscraper and the Northern Structures (defined below). What happens when these plans confront the reality of a congested central London with backed up traffic and all sorts of other construction sites and road works? The proposals are entirely unrealistic. See also point 13 below.

It is clear that, in this case, the developer is now proposing increased use of the public realm outside (not even contiguous with) the site in order to come up with a new

delivery and servicing plan. This new plan is in itself questionable and subordinates the interests of residents and occupiers of the (denser than currently) structures in Museum Street, Vine Lane and West Central Street (**Northern Structures**) to those of occupiers of the proposed Skyscraper. For reasons further discussed below, it may also permanently subordinate the amenity of residents of, and businesses in, existing properties adjoining or close to the site to the exigencies of the developer's overweening proposals. It is not clear on what basis this can be justified.

The practical aspects and implications of these delivery and servicing proposals remain very opaque. As indicated below (see 13 (b) below), Arup themselves seem rather tentative. One thing which is clear is that the developer expects (frankly implausibly, particularly in the context of a bulky skyscraper in central London) to be able to ration the actual number of deliveries, to set precise timings for arrivals of vehicles and that some deliveries and other servicing would be made on foot.

If Arup's proposals are to have any slight chance of working, one has to assume that the developer is prepared to accept a legally binding planning condition only to let commercial space in the Skyscraper to tenants who commit (among other constraints):

- To sign up to highly centralized and numerically capped delivery arrangements (and to pay in service charge the incremental costs of administering and policing such a restrictive policy); and
- To prohibit their staff (including presumably self-employed workers) from receiving personal deliveries at this address²

One only has to expound these propositions to see how unrealistic and unworkable they are likely to prove in the real world (and in a competitive market for office space and knowledge workers). I am quite surprised that those who are financing this speculative (and, on the developer's admission, non-viable) project are prepared to permit the developer to accept such constraints. Such restrictions can only make the project even less viable, increasing the risks to which the Council is exposed.

I am sure the Council will wish to scrutinize carefully for scale, genuine comparability and practicability the examples cited by Arup in support of the contention that their proposals might be workable.

Grape Street Loading Bay

Figure 6 of the proposed Delivery and Servicing Management Plan includes a reference to the use of what is inaccurately described as the "Grape Street Loading Bay". This is in fact a space on Shaftesbury Avenue, adjoining the recently pedestrianized (at

² I draw the Council's attention to Arup's admission that *However, based on our experience in this field some organisations are opposed to enforcing a total ban on their employees.*

considerable public expense) Shaftesbury Avenue Triangle. For convenience, I will continue to refer to it by its confusing and inaccurate designation. I hope this mis-description does not reflect an ignorance on the part of the developer and its professional advisers with the details and requirements of the area.

The developer makes no attempt to justify why this space, providing a much needed (and oversubscribed) public and local benefit, which falls outside the developer's land, should be co-opted for use as a part of the developer's otherwise unworkable delivery and servicing strategy.

There are multiple problems with this aspect of the new proposals embodied in the Applications.

1. Most importantly, we have been told insistently (most recently on the site walk around on 5 November 2024, subsequent to the 22 October date of the cover letter by Gerald Eve accompanying the Applications) that Grape Street will not be used for vehicular access or exits relating to the development. Because of the one-way system, the proposed use of the Grape Street Loading Bay must require exits of vehicles via Grape Street, thus rendering mendacious all we have been told to date. Furthermore, Grape Street (two way for cyclists) is not wide enough for delivery vehicles. No thought appears to have been given to the impact of the diplomatic parking spaces at the south end of the street, which further narrow a roadway whose width is already unusually narrow. It is not clear whether any consideration has been given to the additional congestion caused by delivery lorries turning out of Grape Street at the south end.

In this connection, the applicant's own adviser describes Grape Street as follows:

*Grape Street is a **narrow** one-way street running north to south between Shaftesbury Avenue and High Holborn (emphasis added)*

This is in fact not entirely correct; Grape Street, despite its narrowness, is two way for cyclists. It is not clear whether the developer's proposals include banning cyclists from going in a south /north direction up Grape Street.

2. The Grape Street Loading Bay is described as provided as part of the West End Project. I am not sure quite why this detail has been included. What it does make clear is that the developer is relying for its own private purposes on a public good provided by the Council, with no compensation or countervailing benefit. It cannot be said that the West End Project was designed to facilitate the developer's proposals; that would have been entirely improper.
3. This space is an essential resource for existing residents and businesses and their suppliers and service providers. This will be all the more important when the car park in Museum Street is closed. Grape Street is too narrow for safe parking or loading. Use is already restricted by the fact that Camden and its traffic contractors have condoned its use as a **parking** space, not a loading or delivery

space, for some local businesses. I hope the developer and their professionals have spent sufficient time observing the area to note that the Grape Street Loading Bay is already inadequate for the **current** legitimate needs of local residents and business. As a result, many delivery or servicing vehicles already have to resort to parking in the pedestrian space of the Triangle or in West Central Street, blocking traffic flows in that street and possibly creating safety issues in the event of an emergency. Quite what alternatives are proposed by the developer for residents and their suppliers or how the availability to residents, local businesses and their suppliers could be reconciled with the developer's demands reflected in this new proposed delivery and servicing strategy is not made clear. I note that Arup invite the Council to impose new restrictions to suit the developer's requirements.

4. The space is in any event unsuitable as it is close to residential premises. It is not reasonable to inflict on residents the fumes and noises of engines turning, particularly for the hours proposed. There may be rules promulgated by the developer designed to prohibit such nuisances, but it is not evident how they would be enforced. The Grape Street Loading Bay is too far from the development to be easily monitored to ensure that, as required, engines are turned off. Another source of nuisance not addressed is loud music frequently being played by vehicle drivers.
5. Given that this space is on the edge of a pedestrian area and is also intersected by cycle routes, it would simply not be safe to allow the space to be converted into part of the developer's waiting and delivery space. The developer and Arup should have noticed how many pedestrians (including the numerous tourists visiting the area) tend to walk in the roadway of this end section of Shaftesbury Avenue as if it too is pedestrianized, which makes heavy or increased use of the Grape Street Loading Bay dangerous for pedestrians.
6. Use of the Grape Street Loading Bay would also entail much heavier traffic levels and congestion in West Central Street, which the developer is proposing to make increasingly residential.
7. The availability of the Grape Street Loading Bay is currently key to Camden's refuse collection schedules and activities in the area.
8. It is clear that vehicles would be parked in Grape Street Loading Bay while manual deliveries are made from those vehicles. Vehicles of those providing servicing (as distinct from delivery) would also be parked for longer than for a simple "drop off". Consequently, the Grape Street Loading Bay would be monopolized for the sake of the one museum street development for considerable periods of time, not just momentarily.
9. As I read the proposal, lorries would (assuming availability) park in the Grape Street Loading Bay and the driver would then carry deliveries by hand or with a trolley to the ultimate destination. This seems to presuppose that there will never be any large or bulky items for delivery or removal, which is rather implausible.

10. These restrictions need to be considered in the context of new and additional residential properties resulting from the development, which will only be made available to residents who are prohibited from having their own motor vehicles. This means that the residents will be especially dependent on third party deliveries and service providers.
11. It is important to bear in mind that the Arup document purports to be a delivery **and servicing** plan. Servicing entails different requirements; first of all, it may not be possible to fit emergency or unplanned repairs into the dirigiste programming envisioned by Arup. Secondly, servicing may require **parking** of vehicles, not just stopping off. It is unclear what thought has been given to this servicing aspect.
12. I have looked at the Delivery and Servicing Management Plan produced by Arup. It is certainly very creative and does its best loyally (if with less objectivity) to support the developer's proposals. In doing so, it is tendentious and seems at times to stray into the realms of fantasy, as well as indicating a lack of familiarity with the area.
13. I set out below some aspects which the Council needs to consider very carefully in weighing up the new proposals formulated in the Applications:
 - a. One of the most bizarre aspects of the developer/ Arup proposal is the stark contrast between the (frankly unrealistic) regimented suggestions (I used that word advisedly) for the skyscraper and the anarchic "wild west" proposals for deliveries to, and servicing of, the Northern Structures. The latter seem to depend entirely on a hope that each delivery driver may happen to find a space in the Grape Street Loading Bay when he turns up, failing which he will be driving in circles (creating more congestion and pollution and converting Grape Street and West Central Street into rat runs) until such time as a space turns up. That is not a strategy. In terms of the amenity of residents and businesses in Grape Street and West Central Street, it is simply unreasonable and unacceptable.
 - b. The language used by Arup is revealing, couched in uncertainty, with use of phrases such as "could consider" and "could choose". This is all alarmingly tentative for a project which has been years in the planning.
 - c. No explanation is offered as to how multiple occupants of the skyscraper will be corralled into accepting limited deliveries at times which suits some central organization. This gives the organization monopolistic power which itself may be unenforceable on competition law grounds.
 - d. I note the ominous reference to "consider re-timing of deliveries". The proposed hours are already excessive, without this suggestion that the inevitable problems and delays will be fixed by permitting even longer delivery hours, outside those permitted by Camden. There is also a reference to a hypothetical "consolidation centre", but no indication of where that would be located or how consolidation would be achieved.
 - e. In contrast to the very tentative language used elsewhere, Arup assert unequivocally that:

*There **will** be 12 deliveries made to the retail units at ground floor level and the dwellings on the upper floors each day ... , and, in relation to Vine Lane, There **will** be six deliveries made to the retail units at ground floor level and the dwellings on the upper (emphases added)*

On what are these implausibly low and apparently definitive figures based? This seems highly implausible, in the absence of some Stalinist degree of control over small businesses and residents, including perhaps existing occupiers.

- f. One particularly troubling aspect of the “free for all” regime proposed for the Grape Street Loading Bay is when Arup propose:

Vehicles arriving when the loading bays are occupied should move on and return when the loading bay is free;

The only way they can “move on” is by using Grape Street and then turning into High Holborn, potentially interfering with other vehicles arriving on the dot of their preprogrammed visit to the Skyscraper’s turntable. This implies that the vehicle will be driving round in circles and down Grape Street and then back into West Central Street until there is a convenient spot.

Incidentally, this recommendation is an implicit recognition that no system can overcome the vagaries of traffic flows in congested central London and that the use of the Grape Street Loading Bay will not solve the underlying problem that there is simply not enough off street capacity for the needs of this densely packed development proposal.

- g. The developer and Arup seem to pretend that the buildings on the east side of Museum Street, as well as those buildings not included in the Northern Structures owned by the developer, will have no separate requirements for their own deliveries (on top of the 6 which Arup have allowed for). Is the developer proposing to foist its proposed rationing and time schedule on those occupiers? How would that be achieved?
- h. I note that Arup quote Local Plan policy T4 without admitting that the proposals fail to comply with it.
- i. It is not clear what is meant by the rather glib comments that:

On-street delivery activity is generally self-enforcing;

The admission that these proposals do ultimately entail on street delivery and parking (beyond the developer’s sites) is significant in itself.

- 14. I assume that, during the pre-submission consultations, Arup provided the Council with more concrete guarantees as to the viability of their proposals than appear in what has been placed on the planning portal.

Altogether, the new proposals for the delivery and servicing strategy need a thorough re-think, with input from those who live and work in the area and therefore understand it.

In particular, the developer should be required to produce yet another draft delivery and servicing strategy which does not rely on the Grape Street Loading Bay.

What is required is a delivery and servicing plan which:

- Is realistic;
- In particular, takes proper account of existing traffic and congestion problems in the area, including in the two public highways which run alongside and separate the developer's sites;
- Is safe;
- Is confined to use of the sites owned by the developer;
- and which imposes only minimal and proportionately justifiable harm on the amenity and circulation rights of existing local residents and businesses, together with their own contractors and suppliers.

Listed buildings

The cover letter refers to the grant of listed building consent but does not address the question of necessary modifications to the consent granted. It is not clear whether section 73 can be used for modifications to listed building permissions.

Nor is it clear what consideration has been given to the impact (and increased risks) on vulnerable listed buildings of the permanently increased traffic flows in West Central Street resulting from these new proposals.

New Terraces

The developer does not explain the justification for this design change (again nothing to do with a review of conditions).

This is likely to increase the risks of overlooking and loss of privacy, which is already a significant problem with this project.

Will there be public access to the new or enlarged terraces?

Letter from Hoare Lea

This is couched in very cautious language and I note that the Council is not permitted to rely on what it says, which is somewhat alarming.

Conclusion

I understand that legitimate use of section 73 allows (but does not necessarily require) such an application to be considered behind closed doors. Without prejudice to my contention that the section should not be used in this case, I invite the Council, in the interests of open government and transparency, to bring the Applications to a full

committee session for debate and consideration, including as to appropriate additional conditions to impose should any of the individual requests in the Applications be given favorable consideration.

I have focused in this letter on particular aspects of the new proposed delivery and servicing plan, because it seems to be by far the most problematic aspect of these new proposals.

I reserve the right to revert on other matters. Time has prevented me from going through all the materials supplied with the Applications.

Please confirm receipt of this submission. Please advise me if there is to be a hearing on the Applications.

Yours faithfully,

Peter Bloxham