

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

London Borough of Camden
Planning Team

18 January 2025

Dear Sirs

Re application 2024/4662/P (the Applications)

I refer to my letter dated 20 December 2024 containing a series of reasoned substantive objections to the above Applications.

I am now writing with a further submission in objection to the Applications.

The Applications make new controversial proposals in relation to what is already a problematic (and, it seems, economically non viable) project. In particular, the applicant seems to consider it is entitled to co opt limited and much needed public realm space outside the boundaries of the sites it owns for the purpose of meeting the essential and complex servicing and delivery requirements of its proposed skyscraper development.

I assume that the preconsultation discussions referred to in the materials relating to the Applications include an explanation of why the applicant has abandoned the proposals which formed the basis of the original applications (2023/2510/P and 2023/ 2653/L) (**Original Applications**) and their approval.

For the reason set out below, I consider that the Applications are not in proper form for the Council to consider and make an informed judgment on them. Any decision taken By the Council in current circumstances would risk being categorized as unreasonable.

My reasoning is set out below.

It is for any applicant to substantiate the case for granting an application and to explain any “knock on” impact on existing needs and arrangements. In particular, the applicant must demonstrate, on the basis of suitably qualified and fully informed professional evaluations on which the Council can rely, that its proposals are reasonable and feasible and will both meet all applicable policies of Camden and of other relevant central or local regulatory bodies and fail to cause undue prejudice to existing needs and arrangements.

In this case, the applicant relies to a substantial extent on a report produced by Arup both describing the latest proposals and seeking to justify them.

Materials submitted as part of an application should constitute an implicit representation, on which the Council can rely, that the proposal is based on informed data and is feasible.

Arup had also produced a report to seek to justify the original, now abandoned, transport and delivery strategy.

There is a significant difference between the Arup materials for the Applications (**Arup 2024**) and the Arup materials for the Original Applications (**Arup 2023**), quite apart from the radical change in the two underlying proposals.

The Arup 2024 contains a legend, as follows:

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

No such legend appears in Arup 2023.

The inclusion of the legend has a number of serious consequences for the Applications.

Most importantly, it means that Camden cannot take any comfort from the Arup 2024. As a result, the onus of proof of establishing the feasibility and acceptability of the Applications is illegitimately moved from the applicant to Camden.

The legend refers, delphicly, to

the particular instructions and requirements of our client

Even if the applicant has explained to Camden what these particular instructions and requirements are, no indication has been provided more widely, so that this creates an unfair obstacle to the making, by affected persons, of submissions on the Applications, threatening the due process of the review of the Applications.

I accept that Camden could, having established what the applicant's "instructions and requirements" are, cure this defect by commissioning its own independent assessment by a suitably qualified firm or firms, at the cost of the applicant. Perhaps this is what Camden proposes. If not, it is hard to see how the applicant can reasonably expect Camden to process the Applications.

I should add that this issue is all the more important in view of the fact that, sadly, when the Original Applications were considered by the committee, the chair of the committee did not allow time for the ventilation of the serious and substantial concerns about servicing and delivery associated with Arup 2023.

As a result, the committee may not have had an opportunity to understand and debate the serious problems which the servicing and delivery strategy embodied in Arup 2023 gave rise to.

The problems associated with the legend in Arup 2024 mean that Camden is entirely in the dark as to the purpose, impact and consequences of Arup 2024 and of the radical new proposals embodied in the Applications.

The applicant should not be allowed to place Camden in this unfair position, all the more so because Arup 2024 seems to display a remarkable lack of on the ground familiarity with the area about which it purports to express (highly qualified) professional opinions.

Any consideration of the Applications requires the Council to carry out an informed and fair balancing exercise between the requests of the applicant (particularly in relation to exploitation of the public realm for private benefit) and the amenity, reasonable expectations and needs of local residents and commercial businesses. Consequently, it is especially important that both Arup and the Council understand existing traffic constraints and servicing/ delivery need as well as the likely impact of the applicant's proposals on those existing arrangements.

Conclusion

I consider that the applicant should be required to withdraw the Applications and resubmit them with supporting material which:

- Clearly states the particular instructions and requirements of Arup's client;
- Demonstrates a greater familiarity with the particularities of the area, both inside and beyond the sites owned by the applicant and notably as to traffic constraints and deliveries/ servicing requirements of existing residential and commercial premises; and
- Allows the Council and other statutory consultees (at the very least) to rely on it.

The submissions in this letter are intended to supplement those in my 20 December 2024 letter.

Please confirm receipt of this submission.

Please advise me if there is to be a hearing on the Applications.

Yours faithfully,

Peter Bloxham