Flat 3
Queen Alexandra Mansions
Grape Street
London WC2H 8DX

[redacted]

London Borough of Camden
Planning Department
Town Hall
Argyle Street
London WC1H 8ND

Attention Gideon Whittingham

23 September 2014

Dear Sirs

Planning and development applications: 9-13 Grape Street London WC2 (the *Building*), Ref 2014/5566/P (Revised Applications)

I enclose a hard copy of my letter of today, of which I sent an electronic copy by email earlier today.

Yours sincerely,

[redacted]

Peter Bloxham

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Dear Sirs

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I refer to this composite planning application, which is a revision of application 2013/7894/P (Former Applications), to which I objected and which was turned down by the Council earlier this year.

This is to submit my representations on the Revised Applications. I am a long term resident of Queen Alexandra Mansions (*QAM*), one of the two listed residential Edwardian Mansion blocks in Grape Street.

I have not had time to review in any detail all the voluminous papers submitted in relation to the applications.

Summary

In general I am supportive of the concept of converting the existing building to residential use, assuming this is in fact achievable.

Nevertheless, I continue to have serious reservations about the proposals in their current form and I therefore invite the Council to reject the Revised Applications.

The Revised Applications raise a number of significant issues, notably as to the overall economics of the proposed modifications and the compliance of the overall proposed scheme with the Council's guidelines for residential accommodation and the existing rights of residents.

I acknowledge that the developer has sought to modify its previous scheme to reduce some of the problems associated with the Former Applications, but the revised proposals only seem to underline the particular difficulties associated with this site.

It is also unclear whether sufficient information as to the apportionment of resulting economic benefits has been provided to enable the Council to make a properly informed determination on the Revised Applications.

Finally, I also have significant concerns about the manner in which the substantial proposed refurbishment and extension works, lasting for at least 12 months, would be carried out.

This is clearly a complex and difficult site and project, as evidenced by the mass of material produced in support of the permissions applied for.

The fact that the site is a very difficult one is reflected in the planning history, with two planning applications having been rejected over the years, all involving some element of residential use and upwards extension of the Building.

Background Comments

I make no apology for reiterating points made in connection with the Former Applications. They are of continued relevance.

Grape Street is an unusually narrow street, with particularly constricted roadway and pavement space. The Council's own measurements indicate a space of only 7 metres between buildings. This has a number of implications in the context of this application, notably:

- The privacy and other issues in relation to overlooking, as between King Edward Mansions (*KEM*) and the Building, are particularly acute;

- There must be questions about adequacy of natural light levels in the Building, especially at lower levels;

- Any loss of light to residents of KEM as result of any increase in height of the Building if the Extension Application (as discussed below) is granted is particularly serious;

- Development and building work will be especially intrusive.

Grape Street has historically been neglected in terms of public amenities. In particular:

- There is no domestic refuse collection.
- It currently has only one working street lamp, as a result of which the street and its doorways are often used as a public toilet and worse.
- In addition, its exceedingly narrow pavements are dangerously uneven.
- Those pavements are made even more narrow by the practice of commercial vehicles to park in part on the pavement. Both the Shaftesbury Theatre and the "Ice Tank" events company attract frequent waiting and delivery traffic.

I understand that the Council may be the freeholder of KEM and may consequently have obligations and liabilities as the lessor of some or all of the flats in KEM. Consequently the Council may need to consider whether the grant of the Revised Applications will impact on its own responsibilities in terms, for example, of quiet enjoyment and ensuring the right to privacy.

Indeed the Revised Applications may represent something of a test case in terms of the tension between central government policies in relation to conversion of premises from office to residential use and certain of the entrenched rights of existing occupiers of adjoining buildings.

Many of the more detailed points I wish to make are interlinked.

By way of preliminary comment, I am assuming that the proposed scheme is for an entirely residential building, as mentioned in the letter dated 14 July 2014 circulated by Quatro, the developer's PR agency. I was therefore surprised to read in drawing APL 100 a reference to two office unit entrances. Perhaps this could be clarified.

The nature of the application

Like the Former Applications, the Revised Applications contain two linked but separate requests (in addition to the more detailed and technical

planning applications associated with the proposed refurbishment of the Building):

- A request to change the use of the Building to residential (the *Change of Use Application*); and
- A request to build an additional residential storey (the *Extension Application*).

I consider that it is important to emphasize this distinction, because it has become evident that the Council considers that Central Government policy and regulations may constrain the Council's ability to do other than approve the Change of Use Application, at least to the extent it does not throw up other policy issues. I am not aware that that it follows that the Council's flexibility in considering the Extension Application is also restricted.

So it may be that the Council needs to explore:

- whether the Change of Use Application could be approved without the Extension Application; and

- whether the economic benefits accruing from (in particular) the Extension Application are fairly shared between the developer and the Council and, therefore, the Community. Clearly, the Council has a legal responsibility in this regard, particularly in the current economic climate.

The papers treat the two applications as conjoined issues, whereas it seems to me that they need to be considered separately. It is not clear what, if any, consideration has been given to a residential conversion not entailing the addition of a storey.

These two elements have distinct impacts, in economic terms, as follows:

- Granting the Change of Use Application will result in the permanent reduction in the annual tax receipts to the Council from the Building and may require the Council to provide additional services for the benefit of the residents of the Building;

- Granting the Extension Application involves the grant by the Council to the developer of a valuable privilege to create additional private residential accommodation.

In the case of each element of the Revised Applications, there is therefore a transfer of value from the Council (and therefore the community) to a private sector investor.

I presume it is open to the Council to grant all or part only of the Revised Applications, in either case subject to conditions.

Economics and Planning gain

There is very little in the application on the overall economics of the proposed project.

Whilst I support the principle of conversion to residential use, it does not follow that I support the privatisation of the planning gains resulting from both the Change of Use Application and the Extension Application. It is only fair that the Council should receive compensation for the long term loss of Business rates which the grant of the Change of Use Application would entail and should share in the profit deriving from the grant of the Extension Application. It is not necessarily the case that a standard s 106 agreement would be adequate in the circumstances.

I consider that more information is required on the overall economics of the proposed transaction and the compensation and benefit to be received by the Council, as well as how that is to be applied.

The Revised Applications are entirely residential

The Former Applications envisaged a mix of residential and commercial space, the commercial space being on the ground floor and (some of) the basement. One of the major changes in the Revised Applications is to make the proposed scheme (including the basement) 100% residential.

There are several points to make:

- Clearly this would increase the loss to the Council in terms of revenue from Business rates, so it affects the economic analysis;

- The developer must have considered, in the context of the Former Applications, that it was feasible for at least part of the Building to have a continuing commercial use, a view I supported in my submissions on the Former Applications.

- It is not clear why this change, compared to the scheme covered by the Former Applications, was considered necessary or desirable.

- the currently proposed scheme would create two residential units consisting of parts of the ground floor and basement of 9-13 Grape Street. I struggle to understand how these units will have adequate natural light or ventilation, even ignoring the more general issues of light associated with the Revised Applications. There will also be very little privacy at ground floor level given the need to maintain the façade, with its extensive (frosted) glazing at ground floor level. In this connection, I would object on aesthetic grounds to any modification in the glazing scheme (in terms of reducing the glazing) at ground floor level.

I am also concerned that any attempt to open up the basement will reduce pavement space in Grape Street exactly where the pavement is already excessively narrow.

Section 106 Agreement

I understand that there will be a section 106 agreement and that there have been discussions with the Council about the nature and terms of that agreement. I could not find among the papers I was able to review any detail of the Section 106 proposals.

I consider it essential that Grape Street residents should be fully involved in discussions as to the scope of this agreement and that the undertakings should benefit the immediate vicinity.

I have heard informally that it is proposed that the Section 106 Agreement will amount to a financial contribution from the developer of £360,000, of which £250,000 is earmarked for the Dragon Hall.

It is not clear to me how that figure has been arrived at. I assume it is separate from:

- Any contribution required to compensate for the lack of social housing in the proposed redevelopment; and

- The fair share for the Council and the Community of the planning gain attributable to the Grant of (at the least) the Extension Application, if this is what the Council decides to do.

Without wishing to challenge the merits, in the abstract, of Dragon Hall, it seems to me unacceptable as a matter of principle that the allocation of Section 106 monies should be decided without consultation with, and above the heads of, those who will be most affected by the Proposed Redevelopment and who will suffer (over a continuous period of at least a year) from the works which are necessary to generate the developer's profit.

This is all the more regrettable given that Grape Street has been so neglected by Camden for decades. Even the most cursory inspection of

the pavements will show how uneven and therefore dangerous they are in parts.

If, therefore, Camden is minded to grant the Revised Applications, I consider that the amount and allocation of Section 106 monies needs to be reconsidered in a process which involves consultation with business and residential occupiers of Grape Street.

I should add in passing that I would not consider that an application of section 106 monies towards the provision for the first time of refuse collection services in Grape Street would be a proper use of those monies, since collection of domestic refuse is in fact a statutory liability on the part of the Council; the Council should not (except by way of Council Tax) have to be paid to do what it is legally required to carry out.

Overlooking and light

This is a very problematic site for a domestic building, for two principal reasons:

- It can only have fenestration on one elevation; and
- That elevation is the Grape Street façade, looking west.

As already acknowledged, Grape Street is very narrow. This has two implications. First, it means that there is a high prospect of overlooking (towards as well as from KEM). Secondly, the amount of light entering into the proposed redevelopment will be limited.

The adequacy of light issues were flagged by the Council's own experts in connection with the Former Applications. Para 6.25 of the Council's own report on the Former Applications indicated that the measurements of all rooms on the proposed first floor would be below "Minimum ADF levels".

This was at a time when no fritting was contemplated. There were no measurements for ground floor and basement, because the former scheme contemplated commercial space on the ground and basement levels. One can only assume ground and basement measurements would be even lower than first floor levels, although not further reduced by the impact of fritting on rooms at first and higher levels.

The overlooking issue is exacerbated by the nature of the fenestration in the Building, which was designed to have large areas of glazing (presumably to allow as much light as possible to enter the building, in a narrow street). It would be aesthetically unsatisfactory to reduce the surface area of glazing.

It may be said that there is already an overlooking issue for KEM residents. This is of course true. However there is a substantial difference for KEM residents between overlooking by commercial premises and overlooking by other domestic occupiers. This is essentially linked to the fact that a commercial building will tend not to be occupied in the early morning, evening, night or at weekends, when many residents of KEM are most likely to be at home.

I acknowledge that the developer has deployed considerable ingenuity in trying to play down the overlooking issues. In particular, one of the plans produced seeks to overlay the fenestrations of KEM and the Building to ascertain exactly where there might be direct overlooking. However, this exercise seems to be based on the flawed assumption that people looking out of windows only look straight ahead, not left or right or up or down. So I am not sure the exercise really establishes anything.

The developer proposes to address the overlooking issue (at least as regards (some of) the residents of KEM) by installing "fritting" on some of the windows of the Building.

I am aware that samples of fritting were supplied to KEM residents but I am not aware of what if any conclusions it was possible to arrive at.

This must surely reduce the light entering the rooms whose windows are fritted. So it must exacerbate the lack of light to rooms in the Building.

Another problem arising from such contiguity is the escape of noise pollution between the two buildings. I understand that this has already been a problem at times as a result of the presence of the "live in guardians".

Some comments on the designs

According to the designs there will be a total of 4 entrances on the ground floor frontage. This seems excessive, in particular bearing in mind the narrow pavement. Despite this number, it seems hard to work out how access to the ground floor residential units is achieved, as the only street entrances appear to lead to offices.

In addition, one of these openings is the entrance to a bike store. I am concerned that this will potentially lead to obstruction of the narrow pavement. KEM residents may be concerned about noise ssues. There will need to be detailed regulation to prevent bicycle use and storage generating a nuisance.

Given the limited pavement space, it is essential all doors open inwards.

On the subject of bicycles, there will need to be a rule that bicycles cannot be "parked" on the street or pavement. I understand there will also be a rule prohibiting residents having private motor vehicles.

Both the basement flats appear to have bedroom and toilet facilities at basement level, although it is not clear how these spaces will be ventilated. This underground ventilation problem may be compounded by

the siting on ground level of toilet and kitchen facilities against the rear blank wall, furthest from the only source of ventilation.

Proposed Additional Storey

This proposed extension entails:

- Raising the roof line of the Building, where it is currently lower than at the north end of the Building, so as to be approximately level with that higher level;
- Replacing the existing mansard at the north end by filling in the existing void and running the roof into the side wall of QAM;
- Altering the roof pitch (I assume);
- Installing some very conspicuous glazing elements on the Grape Street façade;

I imagine these works will add considerably to the difficulty of the Project and the time required to carry it out.

From an aesthetic point of view, I note that an attempt has been made to harmonise the proposed new top storey windows, at least as to vertical siting, with the windows on lower levels. They still look quite massive. Perhaps they would harmonise better if they were rounded at the corners like the windows on lower floors.

There is also an unpleasant clash between the proposed new top storey window fenestration and the mansard frontage of QAM.

I assume that arrangements would be made to retain or relocate the air conditioning units currently at roof level (and visible from West Central Street), assuming they are not redundant.

A note on one drawing states " ... and we would endeavour to retain the current projecting party wall and chimney". It is not clear what the implications of this comment are.

Proposed Construction Programme

This aspect of the developer's proposals continues to give rise to concern, although I acknowledge that the scaled down nature of the Revised Proposals ought to some extent to alleviate the issues. The difficulties are likely to be even more alleviated if the Council declines to grant the Extension Application.

In addition, in initial discussions, the developer has given a commitment to avoiding weekend working. This needs to be embodied as a term of any consent granted. Paragraph 4 of the draft Management Plan needs to be modified accordingly.

Many of the particular problems arise out of the narrowness of Grape Street and the fact that all materials will have to be removed and brought on site via Grape Street. In this connection, the sheer size of the vehicles mentioned on page 23 of the draft programme (and the reference to articulated lorries) is troubling, particularly bearing in mind that the 7 metre width between buildings on the two sides of Grape Street is measured including both pavements.

I have to say that the draft construction management plan is very sketchy and full of generalities, so it is difficult to work out exactly what will be entailed and, in particular, exactly how frequently lorries will make deliveries or arrive to carry off refuse. It also seems that a tower crane will be used. Nor is it clear from the review I was able to carry out of the documents on file how much of the work will be necessitated to replace the existing roof/ roof line with the more or less uniform height roof and to eliminate the mansard toward QAM, replacing it with a continuous roof, if the Extension Application is granted.

I understand that the developer has abandoned any prospect of using West Central Street as an alternative means of delivery and removal. This was held out as a prospect at the time the developer was seeking to garner support for the project.

What is clear is that the construction phase is going to be extremely disruptive and noisy. It is also going to last (assuming no delays) a whole year.

As a general and preliminary point, I am troubled that the draft construction management plan (eg p 6) talks of the developer working with the Local authority to review the plan, but that there is no suggestion that affected residents will be involved in that process.

This concern is increased by the discussion on pages 37 and 38 (as well as in section 13) of affected residents simply being "informed": there appears to be no attempt to consult in advance or, indeed, to show any of the natural consideration which one might expect to be inherent in the "Considerate Contractors" scheme.

Before any permissions become operational, it is essential that a thorough process of consultations with affected (business, diplomatic and residential) occupiers of Grape Street is carried out with a view to agreeing on a definitive and detailed construction management programme which:

- Mitigates as much as possible the noise, dirt and disruption problems.
- minimises the period of the redevelopment.
- ensures that the narrow pavement is unobstructed throughout the period of the works. In this connection, the comment on page 25 of the draft programme document causes concern.

- Reduces road closures.

- Ensures that there is at all times a person who can be contacted to deal with problems as they arise.

Unless the more detailed programme is reasonably acceptable to those affected, the Council should not allow work to commence.

Other, more detailed, points on the draft programme:

- Page 24 refers to a gantry spanning the road. I have been asking about this ever since a reference appeared in the draft programme forming part of the Former Applications in December 2013. At a recent meeting, I was given a categorical assurance there would be no gantry. So I am troubled that the programme is at odds with the developer's own assurances.

- Page 24 also refers to tower Cranes. It would be useful to understand how large these are going to be and for how long they will be erected.

- Scaffolding: It is not clear from the programme what impact the proposed scaffolding will have on the pavement space. Nor is it clear how much the cantilevered (p 34) above ground floor scaffolding will project into Grape Street, reducing light to KEM flats.

- Pavements: it is not clear whether pavements will be obstructed during any works. It is essential that vehicles are prohibited from parking on the pavement.

- Road Closures: residents should be given advance notice about any proposals for road closures, so that they can have the opportunity to make representations. In this connection, page 26

seems to imply that Grape Street will be closed whenever there is a delivery. This is unacceptable.

- Page 35 talks of noise, dust and vibration emissions being considered during construction. This needs to be considered before construction starts, so that mitigation measures can be built into the programme.

- There is no mention of what will happen to the diplomatic parking.

Generally, these construction plans need considerable refinement and much greater precision before the Council should consider granting any of the permissions being sought.

It would also be interesting to know how much of the complexity results from the nature of the proposals and in particular the Expansion Application.

If the Revised Applications are granted and the development proceeds, residents should have access to an email address and 24 Hour phone number to contact the developer or the responsible construction party to deal with problems as they arise. In particular it will be essential to make sure that any triggering of the alarms on the scaffolding is dealt with immediately. Experience last year with an alarm which went off 5 times on Christmas day demonstrates that the narrowness of Grape Street operates as an amplifying funnel for alarm sirens.

In addition, a comprehensive arrangement for the independent monitoring of the construction works will be required. It may be that consideration needs to be given to compensation and penalty arrangements.

Interaction with the West End Project and other current developments

There are a large number of major projects in the area ongoing or at the proposal stage. These include:

- Crossrail and the upgrade of Tottenham Court Road Station;
- The Centre Point redevelopment;
- The proposed redevelopment of the Old Royal Mail Sorting office (New oxford Street and High Holborn); and
- The Council's own West End Project.

Presumably the transport aspects of the proposed development, if permitted, would need to be co ordinated both with the Crossrail works and also with the (I assume) more or less simultaneous works at Centre Point. No doubt the Council will have this in mind in considering the Revised Applications.

The West End Project, if implemented as proposed at the outset of the consultation, will have a lasting impact on the immediate environment including Grape Street and access to Grape Street. It is not clear what thought has been given to the interaction between the Revised Applications and the West End Project.

As the Council will appreciate, I am concerned that the combined effect of all these projects will slow down the developer's scheme, so that the disruption, noise and nuisance for Grape Street residents will last well over 12 months.

Conclusion

For convenience, my concluding comments are set out below, separating the two aspects identified above of the Revised Applications.

With regard to the Change of Use Application:

- I doubt whether, despite the developer's efforts, they have yet found a way of overcoming the overlooking and other issues which adversely impact on the rights of KEM residents and the basic standards applicable to new residential accommodation.

- I also consider that some at least of the proposed units would not provide enough light or ventilation to justify the change of use of the space for permanent residential occupation, based on Council and general legal standards and requirements.

Accordingly I invite the Council to reject that aspect of the Revised Applications.

With regard to the **Extension Application**, I invite the Council to reject this on the following grounds:

- Extensions have been considered and rejected in the past, for solid reasons. Nothing has happened to change the principles on which these decisions were reached.

- Whilst the developer may to some extent benefit from current central government policy in relation to the Change of Use Application (subject to conflicting policies and rights), no such assumption applies to the Extension Application.

- The Extension Application is detrimental to the overall aspect of the Building and, therefore, of the Street.

- The Extension Application converts what has been characterised by the developer and his advisers as a basic strip out and refurbishment exercise into a much more complex, time consuming and intrusive construction project.

- I should add that the fact, if it be the case, that the developer can only make a profit by getting permission for an additional storey

should not be a reason for granting the Extension Application. The developer must have acquired the property knowing the planning history.

- Should the Council be minded to grant the Extension Application, it needs to make sure that the Council and the Community share fairly in the enhanced value of the Building with the benefit of the grant of the Extension Applications.

In addition, (again, if either of the Revised Applications is granted) the draft construction management plan raises a number of major questions and needs to be refined and modified in consultation with affected residents (as well as the Council) so as to produce a more detailed and satisfactory programme before any works commence.

With regard to the Section 106 aspects of any grant of the Revised Applications, the bulk of any monies should be applied, after consultation with residents, for the benefit of the immediate vicinity, to compensate for the neglect from which it has suffered over recent decades.

If there is to be a hearing on the applications, please let me know. Please also inform me if the developer submits any modifications to its proposals at any time prior to a hearing.

Yours sincerely,

Peter Bloxham.