

August 17 2013  
Reference: 2013/5050/P

Re: Cleveland St former Workhouse site

To, Camden Planning c/o Jason Traves + Camden Conservation -

**As a resident of Fitzrovia, I am writing in full support of the preservation of the pre-NHS Georgian and Victorian era sections of the former Strand Union Work House site** minus the post-war miscellaneous accoutrements, and draw your attention to how Camden Council has a legal obligation to ensure that **this site is properly preserved, protected and kept viable as a Camden Borough historical asset in accordance with the Grade II listing of the front block and as a full site inclusive of and next to the Charlotte St and East Marylebone Conservation Areas respectively, drawing your attention to the strong local support for its being classed as a key local heritage listing and as included for positive remark in the Fitzrovia Area Action Plan in the recent consultation contributions** (which cannot be ignored - policy conclusions cannot come before consultation unless those consultations are not sincere, not above board and are corrupted), whilst supporting a full complement of affordable housing provision at an UCLH Trust owned alternative site.

I am part of the **Fitzrovia Conservation Network** which, as you will be aware, was set up directly in response to the threat of destruction to the former Workhouse on Cleveland St (Middlesex Hospital Annexe), after the

20/08/2013

officially recognised local conservation and amenity group, the Charlotte St Association, failed to carry out and complete the conservational portion of its remit for a second time in not supporting the conservation of this site as well as the, now mostly gone, Middlesex Hospital. The Middlesex Hospital main buildings, most of which should have been protected, are sorely missed and the existence of that example so close to the site now under discussion gives added impetus to ensure that the conservational loss of another major Fitzrovia landmark is not tolerated and not negotiated away behind the scenes using legal contrivance.

This letter shows that that the full spectrum of remit requirements of conservation, amenity and sustainability could have been, and may yet be, carried out if it were not for the actions of UCLH Trust and the allowance of such by Camden Council, the story of which deserves to be publicly exposed. The heritage significance of the Cleveland St site is already well documented and can be rejected only if Camden Planning is wilful in discounting such, of which there is some previous indication.

## Background

On the 1st July '04 Section 106 agreement Town And Country Planning Act 1990, a list of alternative sites was selected as the component requirement to locate the legally obligated (although UCLH via their lawyers is now contesting this) affordable housing portion from two major developments, the UCLH Euston Rd Hospital Site, and the former Odeon cinema Site Grafton Way/Tottenham Ct Rd which has been empty since the Odeon cinema was demolished in 1960 - **Camden Council has disgracefully allowed and enabled UCLH to land-bank this substantial central London plot FOR 5 DECADES!**<sup>1</sup> This agreement consolidated and displaced two earlier agreements dated 19 August 1998 for each of those developments (PS9604299R2 + PSX0005046R2).

Camden Council, in the above agreement, allowed UCLH to nominate possible sites at which the affordable housing allocation could be deposited. The two optional sites UCLH Trust selected as possible to off-set and situate the affordable housing obligations for the above developments were the Obstetrics site and the Middlesex Hospital Annexe (former Work House). At the same time an enabling agreement was instigated to cross fund UCLH's plans from the following sites:

The Middlesex Annexe, Cleveland St  
Arthur Stanley House, Tottenham St  
1-9 Huntley St  
The Obstetrics site, Huntley St

That agreement states that development will be compliant with Camden policy. **When the 2004 agreement was made the entire Workhouse site was designated under the 1999 boundary review as being incorporated into the Bloomsbury Conservation Area and evaluated as of "historical significance" for which nothing less than a positive contribution could be concluded.** Therefore, during that period, Camden Council allowed UCLH to deliberately select a sensitive site of "historical interest" to be targeted for gross redevelopment, ie, destroyed: **that selection was not compliant with the then Camden policy.** Arthur Stanley House, another site of no historical or architectural interest was overlooked and has also been allowed to be land-banked by UCLH for all this time instead of being targeted for the required affordable housing allocation - or any development at all<sup>1</sup>. The working group focused on the Middlesex Annexe as the final choice in 2006. It was not until 2008 that the Workhouse site was downgraded by Camden Council to a "neutral contributor" to the Conservation Area. UCLH was not being compliant, when it came to conservational matters, with Camden Council policy but rather **Camden Council, over time, adjusted policy to satisfy and keep up with UCLH's earlier selection.** Because those negotiations were not public knowledge, it has taken some time for Fitzrovia voters to learn the details.

It is appropriate to look at the wider context of the Jul '04 agreement: UCLH was afforded a great deal of leeway for final selection of affordable housing displacement; a number of UCLH sites were then available; and without adequate investigation, UCLH was allowed to select the most historically sensitive site in their portfolio. Camden Council has been remiss throughout those stages.

The current application

**As UCLH wants to change the terms of the July '04 agreement the most fundamental question in that document is the original site selection** and so the former Workhouse site should not be treated in isolation but rather considered as an option from within UCLH's landholdings. In view of the well-grounded objections, relevant contestations and world-wide interest in the Cleveland St Workhouse site and the clear mistake made in July '04, from those sites still available **it would be expedient to look at Arthur Stanley House specifically as qualifying for alternative selection as being the more apposite choice.** Document referenced: Application pursuant to Section 106A, Town and Country Planning Act 1990, in respect of Middlesex Hospital Annexe, 44 Cleveland St, Fitzrovia, London W1

Economic sustainability

I have learned of some incredible claims being made in relation to this latest application, many of which contain a great deal of irony. UCLH has engaged DAC Beachcroft LLP to represent them. Their letter of 31st July quotes paragraph 19 of The National Planning Policy Framework and other legalities with little self awareness:

"ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

This statement could and should apply to the other sites which UCLH are keeping vacant, namely Arthur Stanley House and the Odeon Cinema Site. If the Trust is so concerned with economic growth as presented in argument via their lawyers then they should take their own advice and develop those sites before selecting another where historical conservational factors are exclusively pertinent and it is, at DAC Beachcroft LLP's request, incumbent upon Camden Planning to remind of them of such.

Direct submission to the Fitzrovia Area Action Plan and Camden Core Heritage List consultations have been made which provide local exceptions within the given framework to override argument of economic sustainability for the former Workhouse site. **Therefore sustainability for the Workhouse site means purposeful usage in keeping with preservation.** However, economic sustainability, meaning construction, should be immediately applied for Arthur Stanley House where local exceptionalism is not warranted and where well thought out well designed redevelopment would be very welcome. You'll note that the Minister of State for Communities and Local Government does not preclude Heritage as an important factor to be considered in the Greg Clark copy statement forwarded by DAC Beachcroft LLP.

Culpability

The DAC Beachcroft LLP submission points out that the Trust is not a developer and ascribes its poor judgment to having been caught out by "delay, recession, a failed sale of the site and a subsequent successful listing of part of the site" and that these should absolve them of the more stringent penalties of the July '04 clauses. Each of the points can be refuted: the Trust was allowed to "dispose of sites...at maximum values," the characteristics of a property speculator but one without prior knowledge of basic economics or of the occurrence or possibility of recession (this is not Camden Council's fault - who in the business world has never heard of recession?); the Trust has facilitated ample delay when it has suited them as evidenced by the lack of development at the Odeon site and Arthur Stanley House; the very clauses which the Trust are objecting to were sought to maximise development with the initial planning application of a 12 storey tower within a Conservation Area the demarcation of which is otherwise regulated to be inclined to prohibit such; and finally, it was UCLH which deliberately selected its most historically important site to be destroyed in decisions made with Camden Council behind closed doors.

To stress: the motivations for UCLH to agree to affordable housing numbers were to persuade Camden Council to permit a gross over development within a protected Conservation Area; to that end, it contracted legal consequences which they now seek to withdraw from. Because that plan was successfully opposed, DAC Beachcroft LLP states that the terms of the '04 agreement consequence for the Odeon cinema site are redundant: "the affordable housing was not a policy requirement as the proposed development did not include any housing."

The Workhouse site is, as is any neglected site, in need of investment and restoration. It is UCLH Trust by its intentions and actions over many years which has deliberately left the site neglected. Therefore it is UCLH decision makers who have been and remain yet the impediment to site improvement and investment. The site has great potential for a restoration project. DAC Beachcroft LLP use pejorative language in calling the site "blighted" for the site is in that condition through the very actions and strategy of UCLH Trust.

It appears that DAC Beachcroft LLP believe that they can get UCLH Trust absolved of their liability and obligations under the '04 agreement by bludgeoning Camden Council with legalese and without commensurate scrutiny.

Leaving aside that Camden Council allowed UCLH to set the agenda and take the initiative, endorsed Capital fundraising and the long-term implications of Private Finance Initiatives (PFIs), skewed civic institutions to favour large institutions as major property owners that left most residents in the dark and omitted certain legal niceties: If Camden Council concedes the penalty paragraphs in clauses 2 + 4 then it goes from being compliant in UCLH's destructive agenda for the Cleveland St former Workhouse to assuming full responsibility and will be directly liable.

#### Affordable Housing

**The penalties which currently exist are invaluable in negotiations to attain the full quota, as is due, of affordable housing with Arthur Stanley House being available and, indeed, Camden Council would be hampering its own negotiating position were it to concede, yet again, to UCLH at this point.**

Should the affordable housing proportion remain allocated at the Cleveland St site, the present application document cites the case of 66-82 Guilford St as an exemplar of a protected building which has adapted to house affordable accommodation. **It is possible to conserve and adapt heritage sites to affordable housing especially if the proposed redefined criteria would mean an economically realistic 5- 10 units classified as affordable (instead of 30) at the Cleveland St site and would be well worth considering in an amended integrated and economically viable restoration proposal where the site is properly and fully conserved,** whereas 30 modern affordable flats could easily be accommodated at Arthur Stanley House site.

Finally, Camden Council must be aware that DAC Beachcroft LLP is licensed to practice in Singapore. Their involvement at this stage may give clue of future marketing plans for the Cleveland St modernist development proposal and whose interests are being served. Across the road at the former Middlesex Hospital site and across large scale developments throughout central London new apartments are being marketed to investors in the Far East. Is that who, you as members of Camden Council, are seeking to assist? Property portfolio investors in the Far East? Really?

Please keep me informed of **development** applications at the Cleveland St former Workhouse site.

Yours sincerely,



Dr Meg Jensen

<sup>1</sup> Compare Camden Council's silence on the matter with Westminster Councillor Jonathan Glanz's threat to challenge the lack of progress on the Chelsea Barracks development.




Dear Max Neufeld,  
Thank you for your comments which I am copying to the case officer, Jason Traves, for him to take into account in considering this application.

Kind regards,  
Frances

Frances Wheat  
Head of Development Management

Telephone: 020 7974 5630



Dear Frances

CSA comments on 2013/5050/P -- 44 Cleveland Street 2013/5050/P

It is hardly surprising that given the Council's supine response over the years to UCH's prevarication and procrastination in implementing the s106 agreement that they should seek formally to renege on their legal obligations. Their case for so-doing is wholly without merit.

The facts of the matter include:

1 - Under 2004 consolidated s106 agreement UCH were required to submit a planning application by April 2007 and provide the affordable housing by June 2010. In fact it was

not until 2010 that a planning application was made. Had UCH complied with their obligations the development would have been completed at the time when the then Secretary of State had declined to list the Workhouse. Even if the scheme were not completed the workhouse building would certainly have been demolished.

2 - To argue in mid-2013 that the fact that the immunity from listing of the wing blocks expires in 2016 (5 years after the listing) inhibits development reflects the lack of seriousness on the part of UCH in progressing a scheme and honouring their obligation. Since demolition consent would form part of any planning consent to suggest that even a start on site cannot be achieved within three years is absurd.

3 - In relation issues of viability, these cannot affect a legal agreement and in any event UCH paid nothing for this site.

UCH having secured the benefit in respect to which they agreed the s106 now find it convenient to seek to renege on their obligations. With the exception of the listing of the workhouse (see 1 above) there has been no change in circumstances since the original s106 to warrant its abrogation. Indeed the need for affordable housing has become even more urgent.

The listing clearly necessitates a different form of development from that envisaged in 2010: it does not however prevent the development of the site for a high quality residential scheme which meets the requirements of the s106 and other policies of the Plan including the provision of additional affordable housing in respect of any units provided over and above the s106 requirements in accordance with policy CS6 and DP3. The securing of a planning permission for such a scheme would remove the uncertainty complained of. The application should be refused and UCH advised that unless a planning application which satisfies both the s106 and other relevant policies is received within eight weeks the council will forthwith take steps to exercise its right to acquire the site for £1.

Best wishes

Max Neufeld  
Charlotte Street Association