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Brunswick centre
WC1N 1NX

10th September 2014

Eimear Heavey – Planning Case Officer
Regeneration and Planning Development Management
London Borough of Camden,
Town Hall,
Judd Street,
WC1H 8ND

Application Ref. 2014/3640/P and 2014/3806/L
Objection: Eye Catcher Proposed Development, Brunswick Centre

Dear Eimear,

Please register this letter and its contents as an objection to the proposed planning and listed building applications for the 'Eye-catcher' development, planning reference as stated above.

This letter comes after the closing date for the formal period of consultation and I thank you again for agreeing to accept it.

Please note my support for the following:

1. The numerous letters of objection you have received to date to how the proposed development would be harmful to the amenity of the local residents and to the immediate commercial tenants of the building.
2. The numerous letters of objection you have received to date to how the proposal would cause significant harm to the listed structure, including that of English Heritage and the 20th Century Society and their conclusions with regard to NPPF (Paragraph 128).
3. The letter of objection of the Brunswick Tenants and Residents Association (BTRA) of 28.08.2014 containing the legal view from Simon Ricketts of King & Wood Mallesons LLP as to the validity of the 'extant' status of the previous 2003 consented 'Eye-catcher' (Ref. PSX0104561 and LSX0104562) that concludes that the 2003 consented scheme is no longer extant and 'can no longer be treated as a realistic 'fall-back' or 'base-line' position against which the proposal should be judged and that the previous consent is not a legitimate precedent for the proposed application nor for a development in this type of location.'
4. The recent letter of objection from the BTRA disputing the findings of the recently commissioned Pedestrian Comfort Level Assessment that noted that the findings are at odds with the recent Jones Lang LaSalle (JLL) produced sales brochure for the freehold of the Brunswick Centre (forwarded to you on 13.09.2014) which on the footfall figures on page 18 suggest that the footfall is a lot higher than the Jacobs figures submitted to Camden in the Planning Application. The BTRA notes that despite the gloss of jargon in the report, the method used is not scientific and the results are not reliable. The BTRA notes:
 - The survey was carried out in August when there was no cinema traffic due to the cinema being closed for refurbishment
 - The survey was carried out in August when the substantial local student population is at its minimum (page 18 of the JLL sales brochure notes '*that the 15-24 and 25-34 age groups in the local area are significantly over represented when compared to the wider London area, representing 46% of the population*').
 - The incorrect measurement of the distance between the stair well and the column as the narrowest part of the northern passageway. This is incorrect with the narrowest part being between the lift and the column where it is approx. 30cm less.

- Jacobs did not allow for and calculate for the fact that the lift also opens straight onto the pedestrian route increasing congestion.
 - Jacobs did not survey pedestrian movements between 6.00p.m. and 7.00p.m. which, from my experience of the typical size of queues in Hare & Tortoise and in Waitrose, is likely to be the busiest time of day in the centre. This would also coincide with the early evening screenings at the cinema.
5. The numerous correspondents and letters of objection drawing Camden's attention to the inaccurate and misleading content of the Design and Access Statement and planning drawings:
- i) The letters of objection on behalf of the BTRA by committee members Ben Nicholls and Brendan Woods of 21.07.2014 in which the BTRA first highlighted to Camden inaccuracies contained within the application documentation and requesting that these be corrected and the documentation be uploaded to the case file.
 - ii) The email of Ben Nicholls on behalf of the BTRA of 21.08.2014 thanking you for granting a formal extension of time to the public consultation period and for Camden's reassurance that the documentation would be corrected.
 - iii) The letters of objection on behalf of the BTRA by committee members Ben Nicholls and Brendan Woods of 20.08.2014 in which it was noted that all but 2 of the listed inaccuracies in the documentation highlighted by the BTRA remained.

The BTRA letter of 20.08.2014 noted that despite its detailed listing of the numerous inaccuracies within the Design and Access Statement only 2 were corrected by the applicant. These were:

1. Revision of the drawings so that they showed the correct position of the units either side of the Renoir entrance – they encroach further into the access ways than previously shown. This will of course have an impact particularly on the lift side where access will be narrowed further by the proposals.
2. Revision of the Massing Study for the 2003 consented scheme contained within the Design and Access Statement to a half-ring shape, where it was previously shown as a full semicircle.

In this letter I therefore wish to add my support to the BTRA's letter of objection in which it stated that **the corrections made by the applicant to the documentation during the formal period of extension to the public consultation went no way to address to the inaccuracies highlighted by the BTRA** in the letter of 21.07.2014 and would like to repeat the BTRA's request that:

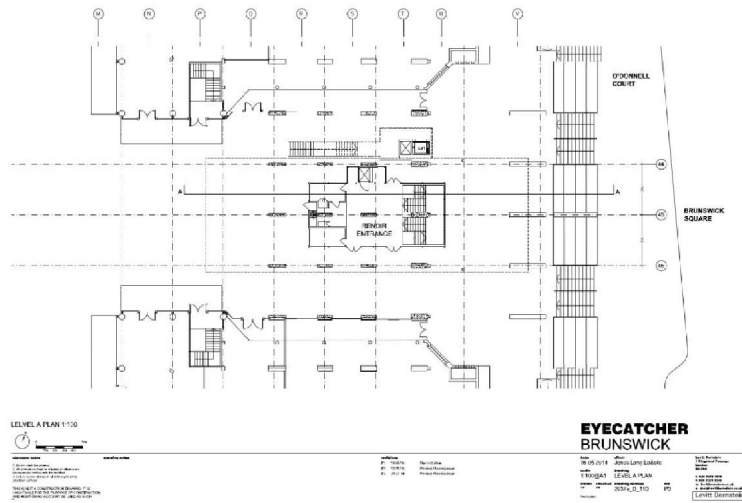
'If the application goes to committee, that the councillors be provided with correct information, and not with the inaccurate and misleading information that has been presented to the public to date and during the consultation process.'

I would like to use this opportunity to repeat 3 of the 12 inaccuracies identified in the BTRA letters of 21.07.2014 and 21.08.2014.

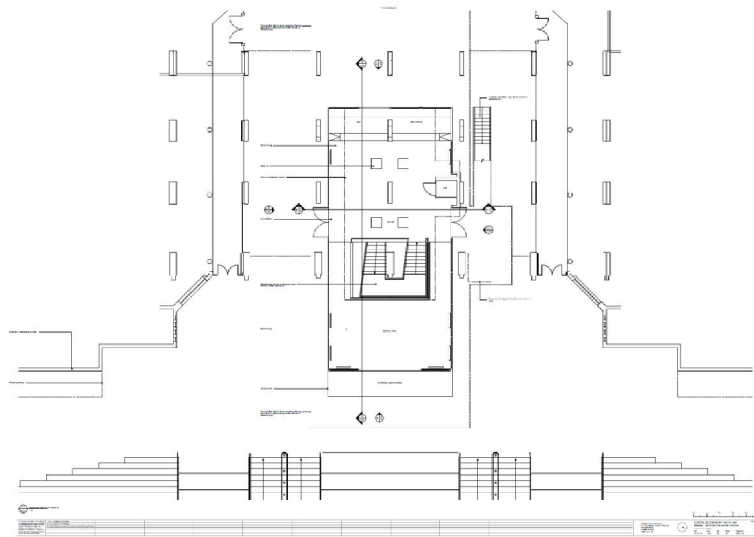
1. Reduction of the current opening into the Centre by half.

Together with the consented Renoir expansion the proposal will result in a joint reduction of more than half the current opening into the centre. Through its submission of inaccurate and misleading information the extent of this reduction was concealed by the applicant:

- a. The BTRA pointed out in its letters of 21.07.2014 and 20.08.2014 the BTRA noted that the Ground Floor Plan submitted by the applicant should be revised as it did not show the consented Renoir foyer expansion and was therefore misleading as it showed the opening into the Brunswick as wider than it will be if current application be permitted to go ahead.
- b. The only ground floor plan in the application documentation Drawing **2937a_D-110 P3 'Level A Plan'** shows the old Renoir ground plan, not the ground floor plan for the consented Toh Shimazaki scheme to extend the cinema foyer (application reference 2014/0481/P) that is currently under construction. Please refer to **2937a_D-110 P3 'Level A Plan'** drawing from the current application and drawing **386-014 Rev A** from the consented Toh Shimazaki scheme to expand the cinema foyer. (Like the BTRA I point out that this is despite the fact that the decision notice was issued for the Renoir refurbishment on 16 June 2014 (Application reference 2014/0481/P) almost a month before the proposed Eye-catcher was registered on 04 July 2014.)

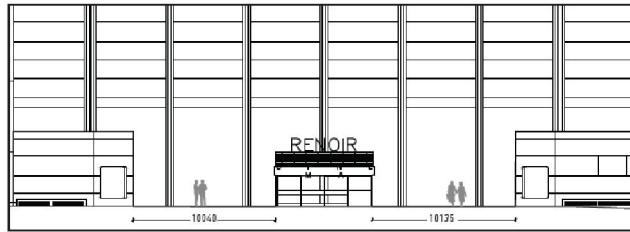


Above: Misleading current application (2014/3640/P) ground floor plan Drawing 2937a_D-110 P3 showing old Renoir footprint.

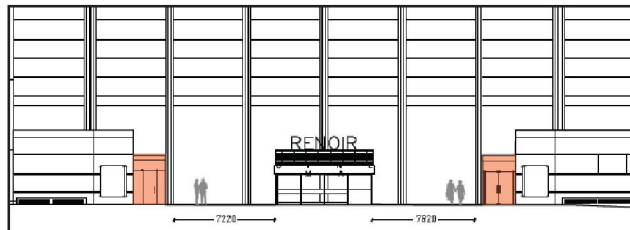


Above: Consented Renoir foyer expansion (2014/0481/P) Drawing 386_14 Rev B showing consented Renoir footprint under construction

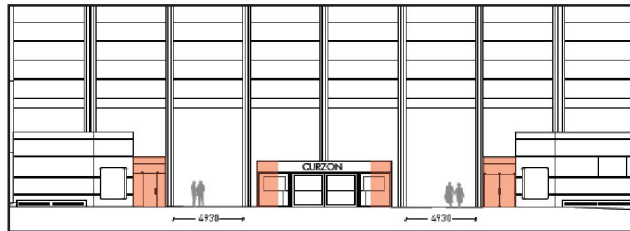
- c. The consented Renoir application currently under construction will, when built, reduce the opening width of the pedestrian passageway by approximately 4 meters, the design for the proposed 'Eye-catcher' application would reduce the opening by a further approximately 2.5 meters by introduction of a lift, service riser and stair – **a joint reduction of more than half the current opening into the centre**. The reduced opening will restrict pedestrian movement and views through the eastern entrance to the Brunswick Centre. It will deteriorate the amenity of the public space, reduce natural light to the adjacent units and compromise the safe and equal access to the building by restricting pedestrian movement.



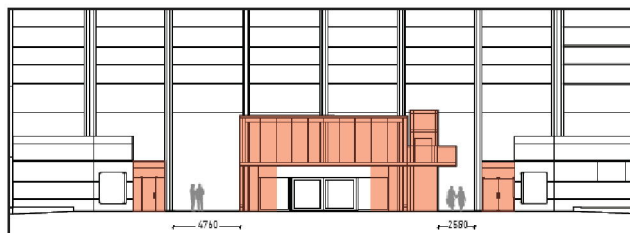
1. Before Refurbishment



2. Now



3. After Renoir Extension



4. Eye Catcher

Above: Eastern Elevation of the Brunswick Portico from Hunter Street showing the reduction of the opening over time.

- d. The inclusion of the old Renoir ground plan in the ground plan for the new proposal was a deliberate attempt by the applicant to conceal the extent of the reduction of the passageway – a reduction of more than half the current opening into the centre.

As pointed out in the letters of the BTRA this was not the only drawing that attempts to conceal the extent of the reduction. Other drawings that do this are:

- **East Elevation planning drawing (2467/L/031)** The original planning drawings submitted by the applicant for the existing east elevation planning drawing (2467/L/031) did not show the shop fronts to the units used by Strada and The Hare and Tortoise, nor the existing lift core to the Renoir. These drawings were incorrect and misleading in that they appeared to show the opening of the into the Brunswick centre as wider than it was or would be under the proposed design. These were only corrected following the BTRA's letter of 21.07.2014.
- **Design and Access Statement, pages 14 and 15** show the massing of the proposed scheme illustrated in blue (see below and attached). The massing incorrectly shows the volume significantly smaller than the plans and sections and do not show the proposed staircase, lift core or service risers (Drawing 2937a_D_112 P3, 2937a_D_11 P3, 2937a_D-200 P3, 2937a_D_201 P3, 2937a_D_203 P3). These illustrations are deception and misleading as that they do not show the reduced passageway into the centre. These were not corrected by the applicant following the BTRA's letter of 21.07.2014.

SIZE OF PROPOSAL SHOWN SIGNIFICANTLY SMALLER IN MASSING STUDIES THAN IN PLAN

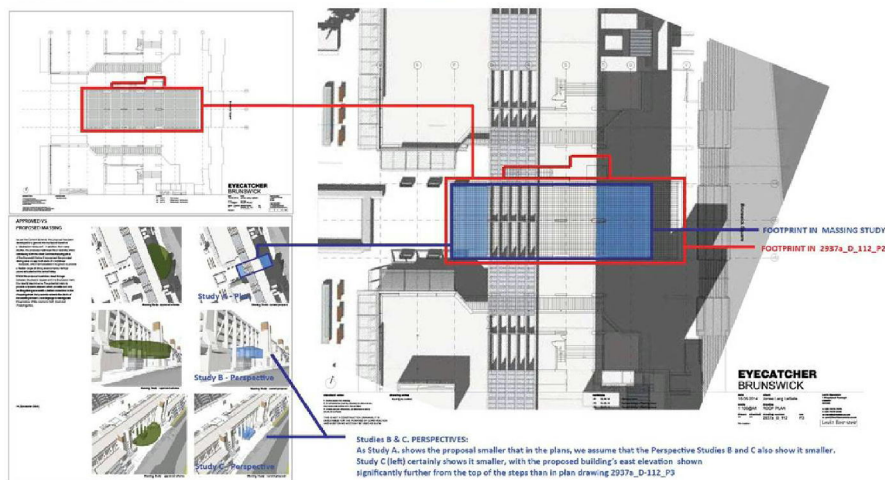
The drawings below are taken from Revision 3 of the Design and Access Statement and show the Massing Studies (pages 14 & 15) overlaid on the Roof Plan (2937a_D_112_P3)

RED: Building Size as Shown on DRAWING 2937a_D_112_P3 Design and Access Statement, page 25

BLUE: Building size as shown in massing studies of the Design and Access Report, Design and Access Statement, page 14 & 15

Study A. PLAN VIEW:

The drawing below show the Massing Study A overlaid on the Design and Access Roof Plan. The overlay shows it is shown significantly smaller in the massing studies and does not show the stair, lift or elevated Level 1 external platform.



Above: BTRA overlay of the massing models submitted in the Design and Access Statement on the submitted plans

- **Views contained within the Design and Access Statement on pages 26, 27, 28, 29, 30, 31 and 70, 71, and 73** contain rendered images of the East, West and South elevations, but not the North elevation – which would show the reduced opening width of the pedestrian passageway by approximately 4 meters caused by the lift core, service riser and staircase.

Like the BTRA I ask whether the views are verified views – which would allow the full extent of the massing to be correctly assessed.

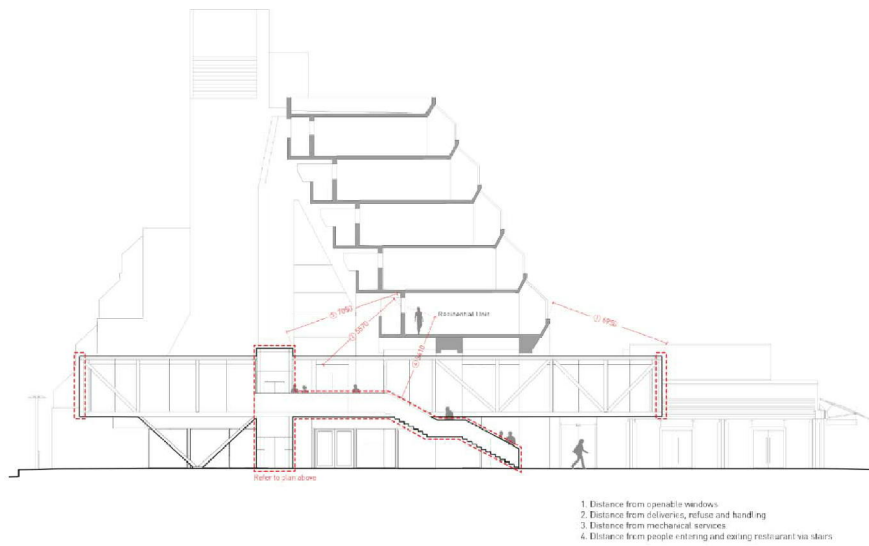
2. Increased noise and nuisance to the residents living in immediate proximity to the restaurant.

The location of the proposed development is too close to the residential units to the Brunswick Centre. **The location of the proposed design is significantly closer to the residential units than the consented 'Eye-catcher' design that was granted planning consent in 2003.**

- a. The proposal would be more harmful to the amenity of its neighbours than the 2003 consented scheme, due to it being in closer proximity to the existing residential and commercial units. This is contrary to Policy DP12 as the proposed use of the building would be harmful to the character, function, vitality and viability of the centre.
 - The current proposal sits directly under the flats and protrudes significantly into the main precinct – it directly abuts the balconies, living room and bedroom windows of the flats above it. The position of the proposed design would be harmful to the amenity of the neighbouring residents.
 - The proposed restaurant has opening windows within metres of the residential units above it and this arrangement would be harmful to the amenity and privacy of these residences through noise generation and by creating direct views into these properties.

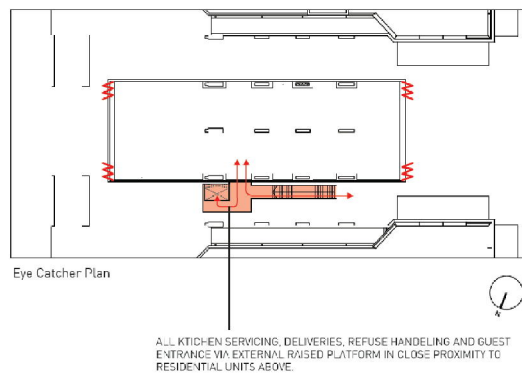
- b. The Design and Access Statement incorrectly states under item 6.15 of the submitted Planning Statement that
'the proposed development will not cause any loss of privacy... to the residential units... as they are located on the upper floors of the building.'
 - **This statement is incorrect as residential units are located on the 1st and 2nd floors of the building, the levels of the proposed development.**
 - There are currently no A3 uses at the 2nd floor level, where this application proposes to develop the restaurant/bar and this new use to this level would harm the amenity of the neighbouring residents and could form a precedent for further development that would harm occupiers and users of the building.

- c. The location of the proposed development and the nature of the space as A3 use would generate noise that would be harmful to the neighbouring residential units.
 - **The noise generated by people using the restaurant would only need to travel metres from the windows of the proposed design to the opening windows of the flats above.** Access to the restaurant, via an open platform would lead customers visiting the premises to generate noise and activity which would be perceived by the locals and due to its raised position any noise generated would travel further and be more of a disturbance than the current levels of noise generated at ground level.
 - The nature of the hours of use of the restaurant would be intrusive and harmful to the amenity of neighbouring residents and contrary to Core Strategy Policy CS7 as well Policy DP12. The cumulative impact of use within the centre should also be considered as the creation of another A3 use within the complex would contribute to an existing concern of the local community.



Above: BTRA illustration showing distances from the restaurant's openable windows, elevated external raised platform for deliveries, mechanical services and distance from people from entering and exiting the restaurant via the stairs and front door.

- d. The proposed access for deliveries to the unit and removal of refuse appears to be solely via a public use glass elevator that passes to basement level. **The elevator used for deliveries opens out onto an elevated external platform at level 2, meters from the opening windows of residential properties at level 3.** From here it is taken (trolleyed?) through the main and only entrance doors into the restaurant.
- The noise that would be generated to service a premise of this type at the level of the external platform would be considerable and the hours of servicing unfeasible within the local context.
 - The proposed access strategy for the design would create significant noise pollution that would be harmful to the amenity of the neighbouring residential and commercial units.
 - This disturbance would be contrary to National Planning Policy, as well as Core Strategy Policy DP12 as the proposed use of the building would be harmful to the character, function, vitality and viability of the centre.



Above: BTRA illustration showing the proposed delivery and refuse route from the public glass lift, across the raised external platform at level 2 and within meters of the openable windows of the flats above and through the main and only entrance doors to the restaurant. Also the route of customers entering and exiting the restaurant up the stairs within meters of the flats.

- e. It should be noted that Condition 7 of the 2003 planning consent for the development of the shop units to the Brunswick Centre, requires that no servicing of any of the shops should take place from street level, to prevent noise nuisance.

The proposed servicing strategy for the proposed restaurant, however, proposes exactly this – only at an elevated level in far closer proximity to the openable windows of residential properties than would be if units were serviced at ground floor: the proposal is therefore in breach of Condition 7 of the 2003 planning consent.

- Despite this condition, commercial units to the Brunswick Centre are regularly serviced from the street in a straightforward breach of planning and this should serve as evidence that the proposed access strategy for the restaurant is unrealistic in its proposal to service the unit using only a glass lift.
 - The proposed design does not present a workable model that can be serviced without significant harm to neighbouring amenity and the infringement of planning conditions already imposed on the use of the building.
- f. The proposed development seeks to attach to the existing structural columns to form partial support for the elevated restaurant unit. It should be noted that the 2003 consent to develop the building created a similar condition to the area developed and now used by Waitrose. **This development led to serious issues with noise pollution caused through vibration up the columns of the original structure.** Waitrose had to undertake costly remedial work to cushion the structure in the basement to reduce the noise transfer and disturbance to the residential units above – work that took many years to resolve. Given the nature of the proposed development it is highly likely that significant disturbance would be generated from the proposed use of the restaurant, from vibrations from the lift and from the mechanical extraction to it. This noise that would likely pass to the original structure of the building would cause nuisance to the residential units above the proposed development as well as to the cinema below. As the columns are exposed it is unlikely a suitable cushioning strategy could be developed that would alleviate this problem. The proposed design does not adequately address this and as it stands it would cause significant harm to the amenity of the neighbouring units and to the listed status of the building.
- g. The design proposal drawings are limited in their information for how mechanical extraction will be provided to the restaurant.
- The service shaft – which is not adequately labelled on the drawings – is independent of the restaurant space so it must be assumed that a suitable attenuated strategy has not been developed for the design.
 - The proposal indicates that a suitable strategy is not achievable and that the noise generated by the extraction would be significant and harmful to the amenity of the residents as well as neighbouring commercial units and day-to-day users of the building and therefore contrary to Planning Policy DP26.
- h. There is no acoustic survey submitted with the application. How the proposed mechanical extraction system would work and how noise pollution generated by the development has not been adequately addressed in the proposals. The risk of causing harm to the amenity of the local area is significant and against planning policy.
- i. Use of the studio units to the 2nd floor level, where the proposed restaurant would be built, have restrictions on their hours of use due to the detrimental impact of late working hours on the neighbouring residential units. The proposed development of a restaurant to this same level and its location under the 3rd floor flats would be contradictory to the current permitted hours of operation in the building and the resulting noise from this use would be harmful to the peace and amenity of the neighbouring residents.
- j. The rendered images to pages 20, 21 29 and 70 of the Design and Access Statement still do not show the service riser and are misleading. The Design and access statement shows the top of the lift overrun lower than the sections and elevation Drawing 2937a_D_200 P3, 2937a_D_201 P3, 2937a_D_203 P3.

3. 'Over-dominating and hiding' the consented Renoir refurbishment

The Planning Application Consultation letters received by residents (04.07.2014 and 27.07.2014) and Planning Application Consultation public notices erected locally incorrectly states the proposed work as:

The Proposed Work:

Erection of a roof extension above new entrance lobby to provide restaurant / cafe (Class A3) for the cinema.'

The Proposed Work: Erection of a roof extension above new entrance lobby to provide restaurant / cafe (Class A3) for the cinema (REVISED DOCUMENTS RECEIVED).

There is however, no connection between the 2 applications or the 2 applicants. The 'roof extension' (if it can really be called that) is not 'for the cinema'. The statement is deceptive and misleading. I note that 2 of the 3 letters supporting the application uploaded to the case file do so because they believe, wrongly that the restaurant is to be for the cinema. Effectively they have been misled. I know that one neighbour on learning that the restaurant had nothing to do with the cinema wrote to you to withdraw his earlier support for the application, feeling effectively that he had been misled.

Furthermore, the planning statement (page 1 Executive Summary of the Planning Statement) states that:

'the project team and architects of the Renoir lobby - Takero Shimazaki Architects - have been liaising closely to ensure that the two separate proposals read as a coherent composition'

During the period of public consultation, however, a number of comments have been made publicly to cause us to question this:

- a. On the [Change.org](#) website the architect of the Renoir refurbishment Toh Shimazaki has publicly commented that:

Takero Shimazaki LONDON, UNITED KINGDOM about 1 month ago · Liked 0
We are concerned the proposal would over dominate and hide the cinema entirely. We have not yet been approached for a detailed consultation contrary to the submitted D&A statement.

- b. The Curzon's opposition to the Eye-catcher as stated by Rob Kenny, Director of Cinema Development for the Curzon on the 21 May at the Q&A at Renoir Cinema Open Day to answer questions show new plans for Renoir redevelopment. http://www.curzoncinemas.com/news/all/reinor_cinema_open_day.aspx

Please accept this as my objection to the proposed development and refuse the application.

Yours faithfully,



Pernilla Ohrstedt