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14 October 2015
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By email to: elaine.quigley@camden.gov.uk

Our Ref JML\SYZ\O2723-41
Your Ref 2015/4407/P

Dear Ms Quigley,

Re. Templar House Redevelopment – Planning Objections (90 High Holborn)

We write to object to the proposed redevelopment of Templar House on behalf of Olswang LLP, the main occupier of premises at 90 High Holborn immediately adjoining the application site and the following parties (who also occupy 90 High Holborn): -

- Independent Police Complaints Commission
- Security Industry Authority
- DEA Group

Olswang LLP is an international law firm specialising in the TMT and real estate sectors. We employ 549 employees in our 90 High Holborn headquarters, which are directly impacted by the development proposals for Templar House. As an active business stakeholder in the area, we recognise the importance of Holborn as an area for growth and intensification. In principle, we support high quality mixed use developments in keeping with the townscape and sensitive to heritage assets in their vicinity. We practice law, but corporate responsibility forms the core of our values. Hence, we proactively support sustainability, good design and positive proposals for growth in the Holborn area. For example, we are actively involved with Inmidtown's initiatives.

Olswang LLP is a limited liability partnership registered in England and Wales with registered number OC343050. We use the word partner to refer to a member of Olswang LLP, or an employee or consultant of Olswang LLP or any of its affiliated businesses with equivalent standing and qualifications.

A list of the members (and of the non-members who are designated as partners) of Olswang LLP is available for inspection at its registered office

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We also supported the sympathetic redevelopment of the Rosewood and regularly cooperate with them on sustainability initiatives. We, therefore, do not object to the principle of redevelopment at Templar House. However, the scheme amounts to overdevelopment of the site at the expense of good design and heritage assets. Contrary to national and local plan policies, the scheme is not in keeping with its townscape and causes substantial harm to heritage assets in its vicinity (in addition to other planning harm). We, therefore, strongly object to the proposals on the grounds below: -

- (i) **Inadequate pre-application consultation** with the local community contrary to the requirements of the Localism Act 2011
- (ii) **Overdevelopment** by reason of density, height, scale and massing
- (iii) **Poor quality design** contrary to national and local plan policies to provide high quality sustainable and inclusive design. The scheme is dominant and overbearing, which the assortment of architectural styles, materials and massing techniques do not alleviate.
- (iv) **the scheme does not enhance or preserve heritage assets in its immediate vicinity** and there is substantial harm to heritage assets including to: -
 - views in and out of the Bloomsbury Conservation area
 - listed terraces at Red Lion Square
 - the Grade II listed Rosewood Hotel (formerly Peal Assurance Company)
- (v) **the scheme does not comply with affordable housing policies** and will not create a mixed and balanced community
- (vi) the scheme is **detrimental to residential amenity and privacy**
- (vii) **the scheme has a detrimental and overbearing impact on our premises and will result in loss of sunlight/daylight**

1. Consultation deficiencies

As a preliminary, the pre-application consultation with the community has been inadequate. This undermines public confidence in the efficacy of the planning regime and local democracy. Pre-application consultation has always been good practice in planning. However, since enactment of the Localism Act 2011, it is also a legal requirement for developers to consult the local community on major applications prior to submission. The purpose of community consultation is to allow those effected, meaningful opportunity to respond to and shape the proposals through an iterative design process. The general legal requirements of consultation (interpreted by the courts) require the proposer to carry out (all) the following steps: -

- *to let people know what they are proposing and why, and give them a chance to comment*
- *to conduct consultation when proposals are at a formative stage*
- *the proposer must give sufficient details and reasons for its proposals to allow consultees to understand them and respond intelligibly*
- *to give consultees sufficient time for responses to be made and considered*
- *to conscientiously take responses into account in finalising its decision or proposals – i.e. to factor responses into final design choices*

The Statement of Community Involvement and the Planning Statement (paragraphs 5.11-5.14) purport that there has been extensive consultation leading to positive support for the scheme from local residents and businesses. In particular, the applicant suggests 1,500 invitations were sent to a public exhibition at Citadenes resulting in only 23 attendees and 11 feedback forms. These assertions are incorrect and untenable. Following direct enquires, we have established that the adjoining and nearby properties listed below did not receive invitations to the exhibition to Citadines Hotel (in fact we found no immediate owners who did receive such an invitation): -

- **Olswang LLP, 90 High Holborn** – Olswang LLP (an adjoining neighbour) first heard of the scheme vicariously through a fellow occupier who passed on a copy of the statutory consultation letter from Camden on Monday, 5th October
- **IPCC, 90 High Holborn**
- **The Rosewood Hotel** (Grade II listed and substantially harmed by the proposals)
- **Red Lion Pub, High Holborn**
- **MidCity Place, High Holborn**
- **The Bountiful Cow, Eagle Street**
- **Hubs, Eagle Street**

The applicant has not complied with its legal duty to consult the community resulting in an excessive and poor quality development at the expense of heritage assets and amenity. Those most effected in the community (businesses and residents alike) have been deprived of the opportunity to genuinely influence the proposals. If effective consultation and iterative design had taken place, the scheme would simply not, and should not, have advanced to this stage in its current form. Conversely, iterative design and consultation might have yielded a desirable scheme and genuine support.

It is our belief that defective consultation and the erroneous contention that the community support the scheme has resulted in inadequate design and policy scrutiny by Camden during the critical pre-application stage. The community do not support the scheme in its current form. At this stage, a reasonable and neighbourly response by the developer would be to withdraw the application and consult meaningfully, not least with its immediate neighbours, in a bid to make positive changes, such as a reduction in the scale of the proposals, to overcome our substantive planning objections below. We would be inclined to support a scaled back scheme which respects its surroundings and the heritage assets.

2. Overdevelopment /Density

The scheme represents overdevelopment due to its excessive height and bulk, and is a negative addition to the townscape. The surrounding buildings are predominantly ten storeys high. There are no immediate buildings of comparable scale to the scheme's fifteen storeys (including plant). Nearby MidCity Place is, in fact, ten storeys not thirteen storeys tall as suggested. As it stands the scheme is 4-5 storeys too tall. Perversely, the excess in height leads to additional poor design choices, designed to camouflage its negative impacts, which further detract from the townscape and nearby heritage assets.

The developer has opted to maximise both residential and commercial floorspace for reasons driven by commercial, rather than planning policy, imperatives. This is at the expense of good design, residential amenity and negative impacts on heritage assets. The increase in office and commercial floorspace (office B1 and A1/A3), taken together with the addition of 48 residential units, is excessive at circa 4,000sqm.

We support Camden's policies to create 2,000 jobs and 200 homes in Holborn by 2026 through efficient land use and higher densities on redevelopment of brownfield sites. However, there is no policy justification for density in substitution for high quality sustainable design and irrespective of a sensitive context. Under Camden's Policy DP13, it would be sufficient if the scheme maintained the quantum of office space and added a reasonable proportion of homes. This solution would strike a reasonable balance between growth objectives and respect for context. However, Templar House is currently under-occupied. An upgrade which maintains the quantum of office floorspace (plus a proportion of homes) or alternatively an increase in office floorspace and a lower quantum of homes, could be accommodated in a higher quality scheme in keeping with its surroundings. Such a development would still be commercially viable and policy compliant. We would welcome a sensitive scheme in keeping with its surroundings. The instant scheme is not.

3. The scheme is of poor design quality

The excessive density has resulted in poor design choices at the expense of residential amenity and substantial harm to heritage assets. Contrary to national and local plan policies to provide high quality sustainable and inclusive design, the scheme is dominant and overbearing upon its neighbours, namely Olswang's premises and the listed Rosewood. The assortment of architectural styles, materials and massing techniques do nothing to alleviate or camouflage the dominant and excessive scale beyond the 10th storey. For example, the twists to massing of office element on the High Holborn frontage and the glass element on the High Holborn elevation are described as "*mediating between the context on either side*". They do not mediate between the varying contexts. Resorting to disparate architectural styles (such as massing twists) and materials between (the glass curtain of the office element and the glazed terracotta of the residential) are transparent and unsuccessful attempts to disguise the negative impacts of the height, scale and bulk of the development. The result is an incoherent design which is inappropriate in its context, which makes a negative contribution to the townscape and which has a poor relationship with its neighbours. In a nutshell, the scheme is too tall beyond ten storeys, but the glass element is entirely redundant and incongruous. It is simply an avoidable manifestation of excessive density.

4. Harm to Heritage Assets

The Bloomsbury Conservation Area and a number of significant listed buildings are located within a 250 metre radius of the site as identified in the Heritage Assessment (page 5). The Bloomsbury Conservation Area, including Red Lion Square and the Grade II listed terraces at nos. 14-17, are negatively impacted by the scheme. The scheme fails to preserve or enhance the heritage assets and (in the case of listed buildings) their setting. The dominant scale and disparate architectural styles substantially harm heritage assets such as the Grade II listed Rosewood. The Heritage Assessment is inadequate in terms of its assessment of setting, significance of heritage assets and the extent of harm to those assets. The effect of the scheme cannot be described as positive or neutral on the above mentioned heritage assets. The scheme significantly detracts from the heritage assets and / or their setting: -

a. The Grade II listed Rosewood Hotel on High Holborn

With reference to the Rosewood, the Heritage Statement suggests that "*there will be an effect on the setting of the listed buildings close to the Site but this is limited.*"

We disagree. The incoherent architectural styles, the dominant massing and height on the High Holborn frontage (especially the excessive glass element) do not complement the Rosewood (an Edwardian Grade II listed structure) or its setting contrary to the Heritage Assessment. In views 4, 5 and 6 (and a study of the elevations, namely north, east and south), the scheme is dominant and pronounced. It is difficult to argue based on those views and elevations that the scheme has a limited impact. It does not, as asserted, complement but rather competes negatively with the classical Edwardian form of the Rosewood and significantly detracts from the viewer's experience of the asset and its setting in views 4, 5 and 6. The assessment of harm to the setting or significance of the Rosewood is inadequate. The harm is substantial: the proposed development will diminish the significance of the asset by virtue of dominating the Rosewood and the setting of the asset (paragraph 132, NPPF).

- b. **Bloomsbury Conservation Area / Red Lion Square / the Grade II listed terraces at numbers 14-17** – The Heritage Statement accepts there will be an effect on these assets but contends the effect will be neutral (paragraph 7.23). We differ as to the degree of harm. The substantial harm to Red Lion Square and the setting of the listed terraces is evident in View 12.
- c. In our opinion, the harm to the above heritage assets is substantial. The scheme (unless withdrawn and substantially amended) should be refused planning permission in accordance with paragraph 133 of the NPPF, namely:

“where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits”.

The scheme offers some public benefits, such as additional jobs (of unknown number) and homes, but these are not substantial benefits and would, by no means, outweigh the substantial harm to the heritage assets. In any event, the benefits themselves result from breaches of policy namely as to high quality sustainable design (due to excess height, density and poor design).

Similarly, if the harm is deemed less than substantial (a matter of degree for the decision maker), any benefits still fail to outweigh the harm and do not tip planning judgement in favour of the development (paragraph 134, NPPF). The current offices at the site or an alternative, more sensitive, scheme would still provide public benefits and a viable use, without harming

heritage assets. The Heritage Statement, whilst thorough in identifying heritage assets, glosses over the assessment of setting and significance of these assets; it undeplays the harm caused despite strong evidence to the contrary in the form of the elevation drawings and heritage views. We, therefore, urge the local planning authority not to simply pay lip service to the applicant's assessment (required by paragraph 128, NPPF) but to carry out its own assessment of the significance of the heritage assets affected by the proposals (including the setting of those asset) as required by paragraph 129 of the NPPF.

5. The development does not comply with affordable housing policies

The Planning Statement provides scant information on the provision of affordable housing. It defers to an Affordable Housing Statement, which is missing from the application. It was remiss to validate the application without this supporting information. In Section 6, the Planning Statement implies that some on-site affordable housing will be provided being the *"maximum reasonable amount of affordable housing under the specific circumstances of the site, including the financial viability of the development"*. The Planning Statement also suggests: *"A contribution to affordable housing in the borough will be defined"*. This appears to be invoking a viability argument to justify non-compliance with affordable housing policies. No policy justification or explanation is offered as to what the 'specific circumstances' might be. The paucity of information and lack of a coherent affordable housing strategy is further evidence of the inadequate policy scrutiny at pre-application stage. As it stands, the scheme is unlikely to create a mixed/balanced community. If indeed, substantive further information is submitted in relation to affordable housing, the consultation period should be extended to allow for intelligible responses.

6. Servicing / Transport

The scheme will struggle to accommodate servicing of the various commercial uses (office, A1 and A3) and the residential due to both site constraints and capacity issues on Eagle Street, which is already a congested service road. This is evident in provision of the servicing access on the Eagle Street façade next to the residential entrance, detracting both from design and amenity. Eagle Street is already congested in terms of servicing which leads to noise related complaints from residents. In addition it is also the main emergency exit (in the event of fire or other emergency) for staff at 90 High Holborn and nearby buildings who congregate in Red Lion Square.

7. Residential amenity and privacy

Both existing residents on Eagle Street and future occupiers of the development will be negatively impacted due to environmental noise. The solution proposed in the Acoustic Statement is to condition double glazed and permanently closed windows entirely depriving residents of natural ventilation. This is in itself poor design which will diminish the quality of life of future residents.

Future occupiers will also suffer an unacceptable level of overlooking on both the Eagle Street façade and to the west adjoining 90 High Holborn. The location of the amenity space/terraces will cause unacceptable overlooking from offices at 90 High Holborn immediately adjoining the site's western boundary. This creates a challenging relationship between the two buildings (which cannot be mediated through design or conditions) and will likely lead to persistent complaints between the respective buildings.

8. Loss of Sunlight/Daylight

In terms of design, we have already highlighted the poor relationship of the scheme with our premises at 90 High Holborn. Effectively, the scheme is seven storeys taller than our eight storeys on the western elevation immediately abutting our boundary. This will cause loss of sunlight and daylight to our premises (through the eastern elevation), and will compromise the use of those offices. Whilst we appreciate that loss of sunlight and daylight are more critical in a residential context, the loss of light to our office premises is, nonetheless, a material consideration for the decision maker/committee. Ours is a pre-existing building and finding retrospective solutions to a significant loss of light would be challenging. It is a consideration which should have been factored into design and/or mitigated. However, due to the excessive scale which causes the loss of sunlight/daylight (as well as an overbearing impact on our building), it is not possible to mitigate by conditions. Given the short period of time we have had to scrutinise the application, we have not procured any reports or assessment of the harm. The applicant should have assessed the loss of light to our premises. We reserve the right to do so and make representations at planning committee. We are also considering our (private) rights to light in the context of property law, which could impede the development.

9. Construction Management

The construction statement is inadequate and unacceptable, and should be the subject of further consultation with residents. Eagle Street is a narrow service street already congested by current servicing arrangements. We are aware that construction works associated with the refurbishment of Mischo de Reya's offices at Summit House, 12 Red Lion Square are pending, emphasising the need for coordinated construction management in the unlikely event that the scheme is granted permission. Our position is that the scheme should be refused on the grounds stipulated or withdrawn for further consultation and amendments which would make it acceptable.

10. Planning balance

Creating jobs and homes are positive benefits of the scheme. But due to the current under-occupation of Templar House, we question if there would be a rise in employment from 500 to circa 850 jobs. The additional office floorspace is not required to comply with policy at the expense of significant design shortcomings and detrimental impact on heritage assets. It would be suffice to maintain the quantum of office space.

The scheme is not compliant with the NPPF, London Plan or local development plan policies on high quality sustainable design, heritage assets, residential amenity or affordable housing. There is substantial harm to heritage assets (the Rosewood, Red Lion Square and listed terraces within it) which is not outweighed by any public benefits. We invite the developer to withdraw the scheme and engage with the community afresh. Otherwise, the scheme should be refused for all the reasons set out above. We will, of course, wish to speak at planning committee.

If there any queries arising in response to our objections, please contact Simon Ryan, UK Operations Manager (tel: 020 7067 3155/E: simon.ryan@olswang.com) or Suzan Yildiz (details above). We thank you for considering our objections and would remind you they are submitted on behalf of four objectors.

Yours sincerely

Suzan Yildiz
Head of Planning
Olswang LLP