



ALBION HOUSE

55 NEW OXFORD STREET, LONDON WC1A 1BS

Proposal: CHANGE OF USE OF PART OF THE GROUND FLOOR FROM CLASS B1 (OFFICE) TO CLASS A4 (DRINKING ESTABLISHMENT)

Application for planning permission: 2016/2859/P

3 July 2016

The Bloomsbury Association objects to this application and wishes to make the following comments.

1. Use

The proposed use of part of the ground floor for purposes within the A4 Use Class would lead to a reduction in the quality of the local environment by reason of noise and general disturbance to the detriment of local residents and the area generally, and so the proposal would be contrary to Policy DP12 of the Local Development Framework, and contrary to the guidance given in section 3.8 of the Supplementary Planning Guidance for the Central Activities Zone, March 2016.

Crucially, the application site is immediately adjacent to Medus House, which is currently at pre-application consultation stage for a proposed change from office to entirely residential use to provide affordable housing above existing ground floor retail (refer Camden Development Forum, 9 June 2016). It is also close to existing residential uses on Dyott Street, Streatham Street and Coptic Street. Intensification of A4 use on the ground floor may encourage further late-night disturbance to residents. At worst, for Medus House as a residential building, it could be the close proximity to the street level presence of a nightclub or, at best, a 'pub'. It is already a poor environment for housing to start with so it doesn't need to be made any worse.

Although designated as Use Class A3, the existing basement area was previously occupied by the nightclub and bar 'The British Luxury Club', which we understand was a contributor to much late-night disturbance to local residents.

The immediate area is entirely designated as a 'Cumulative Impact Special Policy Area' within Camden's licensing policy. The policy exists because the area already suffers an impact from the number of licensed premises and consequently from the number of people in the area, especially at night.

The Bloomsbury Association recognise that there is a need to balance commercial and residential interests in the area to allow it to thrive. Equally, though, we are concerned that increased licensable activity has a detrimental impact on the residential population because it increases the level of noise in the area during a period when people would like to be able to sleep, and it may increase incidence of anti-social behavior too. More premises, no matter what their style of operation, will result in more noise peaks - especially in historic narrow streets such as Dyott Street or those with tall buildings on both sides such as New Oxford Street - in a part of Central London that has little ambient sound at night. One of the key licensing objectives is "the Prevention of Public Nuisance". This is what we are trying to ensure happens through the planning assessment to ensure that the objectives of Policy DP12 are met.

An application has also been made by Flight Club Limited under Section 17 of the Licensing Act 2003 for use of the premises for a new premises license for a 'Boutique Darts Venue' to allow "the provision of record music, films, indoor sporting events, live music, performance of dance, anything of a similar nature and the sale by retail of alcohol from 10:00 to 02:00 Monday to Sunday and late night refreshment from 23:00 to 02:00 Monday to Sunday plus 30 minutes usual winding up time..." This suggests a nightclub use and differs from the proposed A4 Use Class for the ground floor described in the planning application and the existing A3 Use Class for the basement. Clarification should be sought from the applicant as to whether the use proposed in the licensing application is compatible with authorised and proposed planning uses.

2. Hours of opening

No hours of opening are given in Section 20 of the application form and we suggest that, if this proposal is approved, these should be time limited by condition as should noise emissions. Mindful of the forthcoming material change in use of Medus House, the hours granted under planning permission 2007/6358/P need to be reviewed together with this application and the parallel application by Flight Club Limited under the Licensing Act. We suggest Council Framework Hours should apply, namely Monday to Thursday 1000 hours until 2330 hours; Friday and Saturday 1000 hours until midnight; Sunday 1100 hours until 2230 hours. In considering suitable times for Framework Hours, the Licensing Authority has had regard to concerns expressed by residents, the licensed trade and the Metropolitan Police. These are now standard in the area.

3. Crime impact

The area - Dyott Street and Bainbridge Street in particular - is acknowledged as one of London's foremost street markets for Class A drugs and the impact of the proposal on health, security and crime has not been considered.

The proposal, by intensifying use at street level, may be designing-in the opportunity for night-time crime and anti-social behaviour. In considering the application, reference should be made to the Police Covent Garden Safer Neighbourhood Team and the Council's Licensing team in order to better understand the circumstances relating to the premises closure in 2014 and associated late-night crime on West Central Street during the same period. No crime impact assessment accompanies the application and the application should not be determined without it. This goes to the root of whether such a use is appropriate in this location.

The crime impact assessment should make reference to a review of the proposed use and the design proposal carried out against recognised design criteria. Those described in *Safer Places: The planning System and Crime Prevention*, published by ODPM in 2004 are referred to in CS17, but this document contains out of date advice and was withdrawn by the government in March 2014. It was replaced with new planning practice guidance paralleling the NPPF, which should be the basis for the assessment. This is summarised below.

Policy 58 of the NPPF states: *Planning policies and decisions should aim to ensure that developments:*

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.'*

Policy 69 of the NPPF states: *'The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities... Planning policies and decisions, in turn, should aim to achieve places which promote:*

opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;

- *safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.'*

This proposal adds to the existing mixed-use characteristics of the area and enhances active frontage, which we welcome. However, at night it has potential to create a poor quality public space where the fear of crime and disorder will undermine quality of life and community cohesion and discourage active and continual use. On Dyott Street the proposal detracts from the overall quality of the streetscape and ignores the greater potential of the street frontage to respond to the area's local character and identity. It fails to meet many of the requirements of Policies 58 and 69 of the NPPF.

Furthermore, design guidance in the NPPF states: *'Planning should address crime prevention - Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under the Town and Country Planning legislation. Local authorities may, therefore, wish to consider how they will consult their Police and Crime Commissioners on planning applications where they are Statutory Consultees and agree with their police force how they will work effectively together on other planning matters.'*

Camden Police are not included on the Council's list of consultees for this application. While the Police are not a statutory consultee, local planning authorities are required to consider whether there are planning policy reasons to engage other consultees who – whilst not designated in law – are likely to have an interest in a proposed development. A list of the organisations identified in national policy and guidance is set out in the NPPF and includes the Police. We consider that this is an application where the risk of crime may be an issue in relation to design, use and times of use and where consultation with the Police should take place.

The NPPF goes on to say: *'Planning should promote appropriate security measures - Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits... Pre-application discussions between security advisors such as Counter Terrorism Security Advisors and police Crime Prevention Design Advisors will ensure that applicants are aware right at the beginning of the design process of the level of risk and the sorts of measures available to mitigate this risk in a proportionate and well-designed manner.'*

No crime impact assessment accompanies the application to indicate that such pre-application discussions have taken place. Fundamentally, the application has not shown that it has considered cumulative effect, it has not considered the impact on crime of such a use and it has not considered the catalytic effect that the design of the frontage to Dyott Street will have on street crime and anti-social behaviour. It could be an 'active frontage' which attracts people and allows the street to be overlooked but it is not high quality, it does not convincingly present the image of a safe place that will encourage an increase in use that will, in turn, increase perceptions of safety and reduce opportunities for crime. At night, it is proposing to create an uninviting place that could attract anti-social behaviour and street crime, not deter it. That is not to say that the existing arrangement is much better but we are looking for this to be improved upon substantially.

CS17, Making Camden a Safer Place, acknowledges the high levels of crime in Bloomsbury and states: 'The Council will aim to make Camden a safer place. We will:

- a) work with our partners to tackle crime, fear of crime and anti-social behaviour;
- b) encourage appropriate security and community safety measures in buildings, spaces and the transport system;
- c) require developments to demonstrate that they have incorporated design principles which contribute to community safety and security, particularly in areas with relatively high levels of crime, in particular Camden Town, King's Cross, Bloomsbury, Covent Garden and Kilburn;
- d) ensure Camden's businesses and organisations take responsibility for reducing the opportunities for crime through effective management and design;
- e) promote safer streets and public areas; and
- f) address the impact of food, drink and entertainment uses, particularly in Camden Town, Central London and other centres.'

Camden's Core Strategy adds:

17.4 – 'Consideration of how crime, disorder and fear of crime can be addressed is an important element in good design. This can create safe and attractive places to live and work, reduce the opportunity for crime and allow for better maintenance and management of buildings and spaces. The Council will require all development to include appropriate design, layout and access measures to help reduce opportunities for crime, the fear of crime and to create a more safe and secure environment. These features should be incorporated into a scheme from the beginning of the design process; however, they should complement other key design considerations. All developments should also seek to design out risks from crime... This will be particularly important in the borough's areas of highest crime and measures should reflect any crime and anti-social behaviour problems specific to the local area...'

17.5 – 'The design of streets, public areas, and the spaces between buildings needs to be accessible, safe and uncluttered. Careful consideration needs to be given to the design and location of any street furniture or equipment. The use of a site and the layout can have a major impact on community safety and the Council will seek 'active frontages' which attract people and allow streets to be overlooked. The Council wants to ensure that Camden's spaces and places can be used by all members of the community. People will make more use of high quality, safe streets and places and this increase in use will, in turn, increase perceptions of safety and reduce the opportunities for crime.'

17.9 - Camden's position in the centre of a major international city, its high profile, major transport interchanges and famous buildings and places make security an important issue in the borough. The Council will therefore expect the design of buildings, spaces and transport facilities to include appropriate and proportionate security and community safety measures.'

Crime should not be seen as a stand-alone issue, to be addressed as a last minute exercise separately from other design considerations and only in response to comments made by the Association. That is why guidance on crime has been embedded throughout the Council's guidance on design rather than being set out in isolation.

It is acknowledged that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function and that creates a safe and secure environment that reduces the opportunities for crime without compromising community cohesion. This contextual analysis is lacking from the statement submitted with the application.

It is important that crime reduction-based planning measures are based upon a clear understanding of the local situation, avoiding making assumptions about the problems and their causes. The applicant may not be aware of local issues. Consideration also needs to be given to how planning policies relate to wider policies on crime reduction, crime prevention and sustainable communities. This means working closely with the Police to analyse and share relevant information and good practice. The applicant does not appear to have consulted with Camden Police.

The objective of the design should be to achieve Secured by Design accreditation. We would have expected that reference would have been made to the Secured by Design guide, Commercial Developments, Version 2 and the principles of crime prevention through environmental design (CPTD), particularly to improve opportunities for natural surveillance at the perimeter of the building. We would also have expected that there would have been consultation with Camden Police Architectural Liaison Officer / Crime Prevention Design Advisor, who should have made some initial comments on the proposal that had been addressed and mitigated in collaboration with the relevant parties as the design has developed.

The applicant has not convinced us that they have adequately addressed the crime risks that the proposed use and its design will present. The applicant has not demonstrated that they have incorporated design principles that contribute to community safety and security, particularly in an area such as Bloomsbury with relatively high levels of crime, nor have they taken responsibility for reducing the opportunities for crime through effective management and design. This is contrary to NPPF Policies 58 and 69 and Camden Core Strategy Policy CS17s.

4. Late-night use and encouragement for the nighttime economy to extend out of Soho and Covent Garden

The development proposal will erode the interface between two distinctly different areas of urban development: the Bloomsbury Conservation Area and the commercial corridors of New Oxford Street and Charing Cross Road. It will stimulate 24-hour use and provide encouragement for the nighttime economy to extend out of Soho and Covent Garden. It represents a significant intervention at this interface that will potentially set the tone of much of how the area will feel in years to come.

It is not 'heart of Bloomsbury' - which conjures up images of peaceful, green, leafy squares - it is the edge of Bloomsbury at a point where it collides abruptly and noisily with the fringes of the West End. It is an area that is subject to change and policy has to evolve and be applied to ensure that the impacts of that change are manageable without damage to residential amenity and Conservation Area sensitivities. Residents' experience, as evidenced by enforcement action that the Council has already taken, show that these criteria are not currently being met and that further intensification of development on this land is inappropriate.

The proposal is incompatible with the Council's ambitions for the West End Project, which are to improve streets and make them a pleasanter, less intense and more human place to be, and to create a high quality public realm, including the pedestrian environment. Through its most likely patron base, it will stimulate 'heart of West End' land use characteristics of Piccadilly Circus and Leicester Square to migrate to the eastern end of Oxford Street, with an impact on the character and potential quality of St Giles Circus.

The demand is there but it is not effectively controlled. With Westminster's restrictive planning and licensing policies operating in Soho and Covent Garden, the pressure for development of the late night economy is intense and is moving out into the 'softer' hinterland. It does not help that the London Plan identifies the New Oxford Street corridor as an area for intensification of development. New Oxford Street is unbelievable in the early hours of Saturday and Sunday mornings and this type of facility is going to be extremely popular with club-goers once Crossrail brings it closer.

It is important to note the qualification in the London Plan. Policy 4.5 states: '*Further intensification of provision in areas of existing concentration should be resisted, except where this will not compromise local amenity or the balance of local land uses.*' Intensification can be taken as both the quantum and duration of use and, by extending to late night operation, the proposed development does cause material harm to the living conditions of local residents and the balance of land uses. In particular, we ask that the application of Council policies should consider most carefully the interface between the proposal site and the surrounding conservation areas. It might well be that this site is considered too remote from the core of the West End to warrant late-night use intensification.

5. Waste storage and servicing

Section 7 of the application form states that there is no provision for storage of waste on the premises, contrary to LDF Policy DP6, and no waste management plan is included in the application. The proposal needs to be revised to include for waste to be stored in the premises. Waste containers should not be kept on the footway.

Given the nature of the proposed use, information should also be sought from the applicant as to how the use is to be serviced, how goods are to be delivered and refuse disposed of, particularly bottles. Given the proximity to existing and proposed residential uses, timing of deliveries and refuse collection are also important and should be consistent between the conditions applied to any licensing or planning permission granted. No transport statement accompanies the application.

The Association supports good quality design that will enhance Bloomsbury's streetscape which, in its current form, this does not. We therefore look to the Council to refuse this application.

We would be grateful if you would let us know of any further modification to the application; the decision, if it is to be decided under delegated powers, or the meeting date if it is to be decided by Committee.

Stephen Heath
On behalf of the Bloomsbury Association

Copies to:
Councillor Awale Olad, London Borough of Camden
Councillor Sue Vincent, London Borough of Camden
Councillor Julian Fulbrook, London Borough of Camden
Samir Benmbarek, London Borough of Camden
David Glasgow, London Borough of Camden
Castlewood House development team
South Bloomsbury Residents Association
Covent Garden Community Association
Chair, Bloomsbury Association

General enquiry form - Ref. 20649698

Customer

<i>First Name</i>	Edwin
<i>Name</i>	Vaughan-O'Hagan
<i>My enquiry is</i>	Application: 2016/2859/P Albion House 55 New Oxford Street: The former Den Club was a blight on the peace and social cohesion of local residents please do not allow this mistake to be repeated in the form of another Den at Albion House. With Kind Regards Edwin Vaughan-O'Hagan Great Russell Street resident
<i>I would like to be contacted by</i>	eMail

<i>Phone</i>	
<i>Address</i>	WC1B 3BA Flat 3 Flat 3RD Floor 50 Great Russell Street London WC1B 3BA

About this form

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To : Samir Benmbarek, Planning Officer
London Borough of Camden

From: Helen Mc Murray
Secretary, South Bloomsbury TRA

Date: 10.7.16

**OBJECTION TO APPLICATION BY FLIGHT CLUB DARTS LTD., FOR
CHANGE OF USE OF SECTION, GRND FLR, FROM CLASS B1 TO A4,
DRINKING ESTABLISHMENT**

**ALBION HOUSE 55 NEW OXFORD STREET, LONDON WC1A 1BS
APP: 2016/2859/0P**

Our TRA wishes to oppose this planning application in the strongest possible terms, in order to prevent an increase in noise and potential anti-social behaviour at night-time which would impact adversely on the quality of life of local residents. We would like to emphasise that this is not wild speculation on our part but it derives from the collective experience of residents who had to endure a protracted period of such activities, previously by 'the British Luxury Club' on the same site which was closed in 2014 due to aggressive incidents as well as from another ill-famed night club – 'The Den', West Central St - not a stone's throw from this proposed site, until it too was eventually closed down as a result of concerted community opposition.

It is worth noting that as far back as 2004, a previous application for the enlargement of a Wine Bar (at that time classified more innocuously as A3) for this site was refused on grounds of potential harm to local amenity.

The reality of an ongoing drugs problem in this part of central London, with side streets already favourite places for dealing, and residential blocks regularly broken into for users to 'shoot up', heightens our fear that the attraction of a new club will, as in the case of The Den only fuel the problem further, which in turn will increase the likelihood of a range of anti-social behaviour activities recurring and herald a swift return to the seedy and menacing environment of two years ago.

Irrespective of whether 'Flight Club Darts Ltd' aspire to manage their premises more effectively, this cannot mitigate against the obvious fact that current noise disruption will be further compounded by their own punters streaming out at closing time, making their exit through the streets immediately north of New Oxford St.

We have already submitted an objection to a simultaneous licensing application by the same concern for an extension to opening times well outside framework hours - from 10:00 to 02:00 Monday to Sunday and late night refreshment from 23:00 to 02:00 Monday to Sunday plus 30 minutes drinking up time, to serve the clientele of a 'Boutique Darts Venue', with additional activities on site. This appears to be a night club in all but name.

The spectre of another club coming into existence in a similar location, conceivably producing the same sort of anti-social problems, would fast undo the achievements for the community which were so hard fought-for jointly by residents, the police and Camden Council.

With additional housing being planned for Medus House, next door to the proposed club, and a number of vulnerable residents living in a nearby block, the need to address a further source of night-time noise nuisance and protect the overall environment for residents is all the more compelling.

Our TRA is concerned more generally with the environmental knock-on effect of successive applications such as this, if granted permission to operate, will undoubtedly erode the essential residential, artistic and small business character of this historic part of central London, something that should be protected at all costs for enjoyment by the present and future generations of residents, workers and visitors alike.

Therefore we would urge that Planning looks very carefully at any potential consequences arising from a decision to allow a change of use from B1 to A4 and to consider the application especially in terms of Camden's 'Cumulative Impact Special Policy Area'; it is also vital that a thorough 'Crime Impact' assessment is carried out and the relevant conditions for crime prevention are observed under national NPPF and LPA planning policies, as well as ensuring consistency with environmental 'best practice' of the neighbouring West End Project.