

JM/2017-263/L003

Mr David Glasgow
Planning Department
London Borough of Camden
Submitted via email



7th April 2017

Dear Mr Glasgow

**Objection to Planning Application Reference Number 2017/0618/P - Castlewood House and Medius House 77-91 and 63-69 New Oxford Street London WC1A 1DG
On Behalf of the Freeholder of 71-75 New Oxford St, London WC1A 1DG**

We are instructed by the Freeholder (Portsokken Trustees Limited and Giuseppe Toni Mascolo as Trustees of the Mascolo Limited Retirement and Death Benefit Scheme) of No. 71-75 New Oxford Street, London to object to the application seeking planning permission for the redevelopment of 63-69 and 77-91 New Oxford Street.

Our client's property is situated between the two properties that are the subject of this planning application. The proposed development will effectively 'wrap' around three sides of our client's property and will have a significantly harmful and demonstrable impact to their property and business activities.

We set out below our concerns with the proposed development, including why it fails to meet with the relevant national and local planning policies (as well as other supplementary guidance) and why we consider the planning application should be refused.

Nature of the Planning Application

We note that a single planning application has been submitted despite the site being two distinctively separate buildings (which are only share a relationship through a third building that falls within the same ownership). It is our view that the site comprises two separate sites which warrant two separate planning applications and that the treatment of this application as a comprehensive mixed use development is an incorrect approach.

Our view on this is reinforced through the treatment of both Castlewood House and Medius House as two individual sites throughout the suite of consultant's documents submitted in support of this planning application.

Failure to Provide Mixed-Use Development

The proposed development fails to meet Camden's key policy requirement (set out in Policy DP1, as well as CS1) which requires "a mix of uses" and "up to 50% of all additional floorspace to be housing". The requirement for a mix of uses within central London is also a key theme of the London Plan (which follows the approach advocated in the NPPF).

Mixed-use development comprises a variety of uses, which are generally physically and functionally connected. However, in this instance, the proposals seek to provide the 'mix' of uses over two separate sites (which have no connectivity nor do they share any common functionality). Instead the proposed residential element is provided within a separate building (Medius House) and Castlewood House redevelopment only proposes commercial office floor space above ground floor retail units. With regard to the latter, this approach is no different

than surrounding properties within the CAZ, and hardly representative of a policy compliant 'mix of uses'.

London Plan Policy 2.11 states that the Mayor will ensure that development proposals to increase office uses within the CAZ include a mix of uses. Whilst Policy 4.3 states that, within the CAZ, increases in office floorspace should provide a mix of uses including housing, the London Plan states that policies which favour mixed use development should be applied flexibly on a local basis, so as not to compromise the CAZ's strategic functions.

Accordingly, we consider the proposal is contrary to the requirements of LBC Policies CS1 and DP1 which require a mix of uses in suitable schemes. Whilst Policy DP1 is a criteria-based policy, the specific criteria direct the Council to give consideration to such matters as the character of the site and area, existing constraints and whether the proposed sole or primary use of the proposal is housing. Furthermore, whilst the economics and financial viability of the development, including any costs associated with it are a consideration, it should not be the primary reason to justify an inappropriate and non-policy compliant proposal, as is the case with this development.

It is simply not the case that the quantum of residential accommodation required to be policy compliant could not be met for the reasons clarified above. We therefore consider that the proposal falls foul of one of the key development plan policies for this Borough.

Failure to Meet Housing Requirement

With regard to residential provision, the application proposal is significantly below the 50% requirement for additional floorspace set out in the Camden Development Plan. In effect the proposed 20 residential units (all of which would be in Medius House) would provide only 2147 sq. m of residential accommodation, representing 25% of the net additional floorspace being provided on the site. This is a significant shortfall below the requirement of Policy DP1.

We note the applicant is proposing that all the residential floorspace be provided as affordable units, thereby meeting the equivalent of the 50% affordable housing requirement set out in Camden Policy DP3. However, they claim they are unable to find any off-site location to meet the shortfall in housing provision (albeit that they have only sought to identify sites in Camden's administrative area) and we can find no mention in the application that they are prepared to compensate for the lost housing provision through an off-site financial contribution.

The applicant has also attempted to justify the reduced housing provision on the basis that it is not physically or financially viable for them to provide further residential accommodation within the scheme. With regard to the physical difficulties, they have tested a number of options for including residential accommodation within Castlewood House, but have dismissed all of these options due to the 'cons' identified in their assessment. However, the credibility of the 'options assessment' is completely undermined by the fact that many of the deficiencies identified as reasons to dismiss options have then been incorporated elsewhere in the development (particularly in relation to Medius House). The following table illustrates the clear inconsistencies in the applicant's case:

Cons Identified in Housing Study 'Options' Assessment	Elements included in Proposed Development
Fails to provide full residential target	By only providing half of the housing required by Policy DP1 the scheme fails to provide the full residential target

Not acceptable as Includes north facing single aspect units	Approx. 25% of units are north facing single aspect units
No natural light to the access corridor	The proposals do not provide any natural daylight for the access corridor in Medius House
No opportunities for outdoor balconies	No outdoor balconies are provided for the residential properties
Units on New Oxford Street likely to require mechanical ventilation to meet acoustic standards for residential accommodation	Units on New Oxford Street (representing 25% of the total units) will require mechanical ventilation to meet acoustic standards for residential accommodation
Concerns about impact on day light sunlight for adjoining properties	The proposal will affect the daylight sunlight into 71-75 New Oxford Street, as well as other neighbouring properties, including residential properties in Earnshaw Street and Bucknall Street
Requires extension to building listed as a positive contribution to the conservation area	Proposes an extension to a building listed as a positive contribution to the conservation area
Significantly compromised quality and therefore value of office space	The proposals will have a detrimental impact on 71-75 New Oxford Street, which will significantly compromise the quality and value of the office space
Mix of affordable and private housing is unacceptably skewed	The proposed housing mix is unacceptable skewed as no private housing is proposed
Residential obstructs day lighting into office	The proposed development will obstruct day light into 71-75 New Oxford Street

In addition, the applicant has dismissed the 'option' of redeveloping Medius House due to concerns that it would "have a significant impact on townscape" and since it would affect a "building listed as a positive contributor to the conservation area". These statements illustrate that the applicant recognises the sensitivity of developing within and adjoining the conservation area, and yet they have had no regard to such sensitivities when considering the scale and massing of their proposal relative to the scale of surrounding buildings (including 71-75 New Oxford Street). Nor have they considered the implications of the mismatch of building heights would have on the views into, and out of, the conservation area, or generally to the New Oxford Street townscape.

The applicant suggests that both Medius House and Castlewood House are outdated accommodation in need of refurbishment. However, these buildings are clearly in current use and no different to the majority of buildings located in this part of Camden and the wider CAZ. Therefore, we would question whether they are in a sufficiently poor state that would warrant their removal/loss (i.e. we question why the applicant has not considered a 'do nothing' option).

In summary, the inconsistencies adopted by the applicant (who have dismissed compromises in the design of Castlewood House, but are then proposing the very same compromises in the design of Medius House) clearly illustrate that the various option testing undertaken by the applicant is flawed. Furthermore, the applicant has failed to test a scenario which involves refurbishing the Castlewood House building.

The development is therefore wholly contrary to the requirements of Policy CS6 which clearly states the need to provide high quality housing and to maximise the supply of additional housing to meet or exceed Camden's Housing targets.

Furthermore, the proposal is contrary to the requirements of Policy DP1, which requires the provision of market housing on site (or indeed off site if unable to be provided within the proposal). We find it hard to believe that there are no suitable sites anywhere within London to meet this policy requirement.

Visual Impacts and Impact on Heritage Assets

The submitted 'Townscape, Built Heritage & Visual Impact Assessment' ('TBH&VIA') includes an assessment methodology and significance criteria designed to make a personal subjective assessment appear robust. However, it fails to credibly demonstrate why it is appropriate for the proposed development to so significantly over-shadow its neighbouring building (i.e. 71–75 New Oxford Street) and why it is acceptable to develop such a mismatched and disjointed frontage onto New Oxford Street.

Despite the applicant's consideration of the visual characteristics of the proposed development and the view (expressed within the TBH&VIA) that the design responds 'sympathetically' to the heights of the adjoining buildings (with any harm arising from the difference in heights being outweighed by perceived enhancement to the streetscape of New Oxford Street at the lower levels), there is a lack of robust assessment which justifies the juxtaposition that would be created by the significant height difference (and overbearing nature) between the proposed development and 71–75 New Oxford Street (the latter being left 'sandwiched and dwarfed' between two significantly taller buildings).

The applicant's suggestion that the mismatch in the height of the building would be overcome by improvements at ground level has no regard to the wider townscape considerations (which must be viewed at all levels); the detrimental impact on the views into and out of the conservation area; and the bulk and massing of the proposals (which are clearly inconsistent and out of scale with the elegant and fine-grained design of No. 71-75 New Oxford Street – a building of local 'significance').

Accordingly, it is hard to comprehend how the assessors (who prepared TBH&VIA) can have concluded that the impacts would range from "negligible to major beneficial" and that the proposal would "*respect and enhance existing important views*".

Instead, the proposal would result in significant (and unacceptable) negative impact on 71-75 New Oxford Street, a building which the applicant accepts is of high quality design (and historically important due to its connection to the Pears Soap Group – on whose behalf the building was constructed) and a building which makes a positive contribution to the Bloomsbury Conservation Area.

We therefore also consider that the proposal is contrary to the provisions of NPPF which places great importance on the design of the built environment and heritage assets. In particular, the proposal falls foul of the guidance contained within paragraph 61 of the NPPF, which confirms that high quality and inclusive design goes beyond aesthetic considerations. This paragraph highlights that high quality design should address the connections between people and places and the integration of new development into the natural, built and historic environments. This development does not integrate well into its setting. It is overdevelopment that has the potential to significantly harm existing heritage assets, including the setting of a nearby listed building and the Bloomsbury Conservation Area. We do not consider that this

development contains the required 'substantial public benefits' that are sought through the provisions of NPPF paragraph 134 to outweigh this harm to the existing heritage assets in this location.

The proposal is also contrary to Camden Development Plan Policies CS14 and DP2, since it would not conserve or enhance an area which the Council recognises as a valued place that contributes to Borough's unique character.

Similarly, the proposal is in direct conflict within Policy DP25, which states that the Council will only permit development within Conservation Areas that preserve and enhance the character of the area. In addition, this policy clearly states that the Council will seek to prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a Conservation Area, where this harms the character or appearance of the Conservation Area, unless exceptional circumstances are shown that outweigh the case for retention. Such 'exceptional circumstances' have not been shown within this proposal.

In summary, the proposal would significantly harm the townscape of the area and lead to the creation of a small low-level island building surrounded and overshadowed by buildings both to its east, west and south, which would use designs entirely out of both character and sympathy with the elegant fine-grained design used in the building which is being surrounded.

Design of Castlewood House

The applicant's suggestion that Castlewood House has been slightly set back from the side of 71–75 New Oxford Street is rather misleading. The reality is that the flank wall of Castlewood House (immediately to the west of 71–75 New Oxford Street) would be four storeys above the roof height of the property it adjoins, with this blank flank wall becoming a prominent feature within New Oxford Street, which would harm views west along the street.

The applicant's Design & Access Statement ('DAS') (Paragraph 4.1.2) justifies the scale of redevelopment of Castlewood House on the basis that it will be "*no higher than the neighbouring Central Saint Giles scheme*". The use of the Central Saint Giles scheme as the point of reference for heights is a flawed approach, since the proposed development is not physically attached to the Central Saint Giles scheme, but instead it is attached to 71–75 New Oxford Street. It is the latter building which should have been used as the basis for setting the heights of the building proposed, not the site opposite.

The positioning of the proposed Castlewood House main entrance on Earnshaw Street further compounds the impression that the proposed building on the Castlewood House site is 'turning its back' on 71–75 New Oxford Street.

Design of Medius House

The applicant's townscape analysis recognises that Medius House makes a positive contribution to the Bloomsbury Conservation Area, and that its "*proportions and materiality relate to the adjacent 73–75 New Oxford Street*". Furthermore, the visual impact assessment recognises that Medius House's presence and the nature of its current design contribute positively to the aesthetic value of New Oxford Street. Despite the applicant's apparent understanding of these sensitivities, the proposed extension to Medius House adopts a mismatch of architectural styles, which would harm the character of the area and quality of the host building. It would also have an overbearing impact on the adjoining property (No. 71-75 New Oxford Street).

The application documents suggest that Medius House would have only a minor effect on the appearance of the sub-Area and wider conservation area. Furthermore, the application suggests that, following alteration and extension, the building would continue to make a positive contribution to the character and appearance of the conservation area. This statement is subjective, as it is the objector's view (which we note is a view also shared by other objectors, including the Bloomsbury Association) that the proposal would create an unpleasant and unbalanced building which would detrimentally harm the character and appearance of the conservation area, particularly at this prominent node.

The DAS (Paragraph 5.1.2) suggests that the design of the extensions and the proposed increase in the height of the Medius House are "*sympathetic to the existing building and its location within the conservation area*". This statement is misleading, as whilst the brick cladding extensions to the building are in keeping with the original design, the grey clad box-like roof extension is an alien feature within the streetscene (in terms of both design and materials), which has the effect of unbalancing the current design of Medius House, as well as the elegant design of the adjoining property, thereby significantly detracting from the quality of the New Oxford Street frontage.

Accordingly, the proposal is contrary to the requirements of London Plan Policies 7.4, 7.5 and 7.6. In particular, the development fails to respect the local character of the area. Similarly, the proposal would not make a positive contribution to a coherent public realm. Conversely it will be entirely out of keeping with the scale and character of the surrounding area, would demonstrably harm the public realm and would achieve the polar opposite of high quality inclusive design. As such it would fall foul of the requirements of Policy CS14 and DP44 of the LBC development plan.

Impact on Views

The proposal would be detrimental to one of the defined views of Centre Point when viewed from the east along New Oxford Street (referred to as View E within the Area Planning Framework for Tottenham Court Road Station and St Giles High Street). This is due to the awkward appearance of the building compared to its neighbours; the mismatch in heights of buildings along the south side of New Oxford Street; the obvious flank (side) elevation of the replacement Castlewood House building; and the obscuring of parts of Centre Point from this view.

Standards of Proposed Residential Accommodation

Despite not being prepared to accept any compromises when considering options to introduce residential accommodation in Castlewood House, the applicant has accepted significant compromises in relation to the residential development which they are now seeking to introduce into Medius House. For example, 25% of the residential units being proposed are single aspect north facing units; the proposals include inadequate provision of amenity space; there is a failure to meet some of the required space standards; and there is a lack of natural light internally within the residential building.

The 'Compliance Schedule' set out in Section 9 of the Design and Access Statement clearly illustrates the inadequacies of the proposed Medius House residential accommodation. Alarming none of the 20 proposed apartments fully comply with the London Housing Design Guide space standards. The deficiencies are listed in the compliance schedule include the following:

- Failure to comply with the minimum combined floor area of living, dining and kitchen spaces;
- Failure to comply with the minimum widths of sitting room areas;

- Failure to comply with the minimum width of double and twin bedrooms;
- Failure to comply with the proportion of glazing in habitable rooms;
- Failure to meet the minimum requirements for private outdoor space (which requires 5 sqm of private amenity space for 1-2 person dwellings, plus an additional 1 sqm for each additional occupant);
- Failure to provide balconies or balconies which meet the minimum depth requirements of 1.5 sqm (e.g. some of the proposed balconies will only have a depth of between 0.6 metres and 2.8 metres in depth – i.e. less than half of the required standard).

As a result of these deficiencies, the proposal fails to meet some of the Part M (of the Building Regulations) requirements. This includes the glazing in principle windows not being at the required heights, deficiencies in the 'clear access zones' within bedrooms, and failure to provide natural lit internal corridors within the main residential accommodation.

Lack of Play Space Provision

Given the size of units proposed (which includes 15 two and three bed units) it is highly likely that, of the 54 residents (maximum), at least 10 would be children. Despite this, no details are provided within the application concerning play space provision (despite the DAS suggesting that the proposals would comply with the London Housing Design Guide in relation to this issue).

Noise Impact

The Noise Impact Assessment only assesses potential impacts arising from road traffic and from some (not all) proposed plant upon future occupiers of the proposed residential units. It does not give any consideration to the potential impacts arising from construction and demolition to neighbouring/adjoining properties. For these reasons, the submitted assessment is inadequate.

The development is therefore contrary to Policy DP28, which states that planning permission should not be granted for development likely to generate noise pollution or in noise sensitive locations, unless appropriate attenuation measures are provided. Furthermore, Policy DP28 states that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. The impact on our client's property from this development has not been given due care or consideration within this development proposal and should therefore be considered to be wholly contrary to this requirement of Policy DP28.

Air Quality Impact

The application site lies within the AQMA. Whilst this is readily acknowledged within the Air Quality Assessment, the reliance on the fact that most of London falls within an AQMA as the basis for the acceptability of this proposal is flawed. Furthermore, there appears to be no consideration on the potential impact on health to the staff and clients of neighbouring properties, particularly during the demolition phase of the development. Similarly, there appears to be no real workable, measurable or enforceable mitigation measures proposed to protect neighbouring occupiers, or indeed for future occupiers, despite the acknowledgment that there are elevated concentrations of NO₂.

Notwithstanding the above, the only way the applicant has been able to make the proposed residential element an acceptable living environment is to include mechanical ventilation to all units and to recommend that windows to New Oxford Street are non-openable, so that all units are air sealed. Not only has the impact of mechanical ventilation not been assessed in the application, but there is no assessment provided as to the potential usability of the proposed balconies as genuine amenity space (i.e. in the circumstance where the applicant

has accepted that the air quality is so poor as to warrant sealed windows and mechanical ventilation, the provision of outdoor space appears harmful to future occupants).

We therefore consider that the proposal directly conflicts with Camden Policy CS13, which requires all developments to take measures to minimise the effects of and adapt to climate change.

Overlooking Concerns

The proposed development will overlook existing commercial and residential properties. The latter is illustrated in the number of objections that the Council has received from local residents who are concerned that the development will look into their properties.

Accordingly, the proposal is contrary to Policy DP26 by virtue of the impact arising from overlooking. The scheme has not been designed to protect existing residents in the surrounding areas from overlooking.

Impacts of Demolition on Neighbouring Properties/Occupiers

Our client's Structural Engineer has reviewed the submitted 'Construction Phase Statement' and 'Basement Impact Statement' and is concerned that the proposals have not considered several key issues which will affect our client and neighbouring properties.

The Castlewood House building abuts directly onto No. 71-75 and as a consequence potentially affords support to the latter. The description of the demolition and the details provided by the applicant are superficial and generic and have little regard or consideration of the structural impact the demolition of the building will have on the stability of our client's building.

The application acknowledges that there will be significant increased vibration from the demolition, piling and general construction operations, which will impact on London's Undergrounds assets. However, there is no consideration or tangible mitigation measures offered for the occupant of our client's premises and the safeguarding of the building during the proposed works.

The application suggests that the works is let in three packages. Our client's structural engineer is concerned that there is no one on site taking overall responsibility for the scheme and that this will lead to poor co-ordination and the potential for problems to fall between those parties.

Impact on 'Right of Escape'

Our client is concerned that the proposals will sever their existing right of escape, which at present allows users of 71-75 New Oxford Street to safely exit the property across the adjoining buildings, in the event of an emergency. These safe routes would be lost due to the design and nature of the proposed development (including the significant changes in building height proposed).

Summary and Conclusion

Given the above, our client strongly objects to the proposed development on the grounds that it would detrimentally harm their property (and the operations that take place within it), but also due to the wider harm that the proposals would give rise to (including visual impact and impact on heritage assets) as well as the many deficiencies which have been identified in the planning justification for the proposed development.

Our review of the application has highlighted that the proposed development is contrary to a significant number of planning policies, at both a London level and Borough level. These policies are as follows:

- **London Plan Policies 2.11/4.3** - since it does not provide an appropriate mix of uses in the CAZ;
- **London Plan Policies 7.4/7.5/7.6** - since it fails to respect the local character of the area;
- **DP1/CS1** - since it fails to provide 50% of the floorspace as housing;
- **CS14/DP44** - since it does not meet the highest standards of design that respect the local context and character and does not provide a high quality inclusive design;
- **DP24** - since it is inconsistent with the character, setting, context and form and scale of neighbouring buildings;
- **DP25** - since it would cause harm to the character and appearance of the conservation area and the setting of listed buildings and other heritage assets;
- **DP26** - since it would overlook (and therefore harm) the amenity of adjoining buildings;
- **DP28** - since it does not provide appropriate notice attenuation measures;
- **Camden Planning Guidance CPG1 – Design (2011)** – since it does not enhance the character of existing buildings and its over dominance would significantly harm the setting an adjoining building.

Notwithstanding the above, in the event that the Council approves the proposed development, we request appropriate planning conditions are used to reduce the impacts of the development on our client (and their business operations), particularly during the construction period. This should include appropriate measures to reduce noise and dust impacts and to ensure that scaffolding and hoardings erected on the site do not obscure our client's premises (and/or access to their premises), such that their business operations are detrimentally harmed.

We trust you will take into consideration our client's concerns when determining this application.

Yours Sincerely



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