

[REDACTED]

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**From:** David, Dora(AWF) [REDACTED]  
**Sent:** 21 April 2017 15:54  
**To:** Planning  
**Subject:** For the attention of Ms Hazelton - Re-submission of objections to Application number 2016/5190/P, Site: Phoenix House, 104-110 Charing Cross Road, London WC2H 0JN

Dear Ms Hazelton

Application number 2016/5190/P  
Site address: Phoenix House, 104-110 Charing Cross Road, London WC2H 0JN

Application for: Erection of two storey roof extension to provide 2 x 2 bedroom flats.

We are the leaseholders of the ground floor retail unit at 110 Charing Cross Road, the property at pavement level below the proposed development. We operate a last minute ticket drop off business from these premises under the trading name "StubHub" that is open to members of the public. The proposed application shows the intention of the applicant to build a two storey roof extension above the existing Phoenix House.

We submitted our objections to the application on 16/11/2016. The applicant's recent revisions to the application plans have not, however, addressed our concerns and we are therefore re-submitting our objections in the same form. In addition, we also object to contractors' proposed use of the existing Phoenix House toilet facilities during the works, as these are facilities afforded to staff working in the retail units under the terms of their respective leases. We have consistently flagged to the applicant the terrible hygiene conditions in those toilets, which were exacerbated in particular during increased use of those facilities at the time of other recent building works on site. Use of those toilets by contractor staff would also give rise to security concerns given potential unauthorised access to the back of our retail unit when external doors are left open to allow increased contractor access to that area. Finally, it is still not entirely clear where the scaffolding will be erected. Based on prior experience with on-site building works, we are also concerned about any scaffolding that may be erected in the inner part of the building. For example, during set-up of scaffolding in the past, a pole came crashing through our window. We respectfully ask that you also take these objections into consideration when assessing the merits of this application.

We object to the application on the following grounds:

Impact on heritage and conservation – development proposal is contrary to policy

The proposed development site is located within the Denmark Street Conservation Area and is within close proximity to several listed buildings; notably, the Grade II Listed Phoenix Theatre which adjoins the proposed development site to the north.

The building was first listed in 1973 and the listing makes specific reference to exterior facades to Charing Cross Road and Phoenix Street:

"EXTERIOR: facades to Charing Cross Road and Phoenix Street. Charing Cross Road facade on a curved corner with Corinthian columns from 1st to 2nd floors, curved entablature, attic storey with 7 deeply recessed rectangular lights and enriched architraves, those at right and left projecting. Cornice and pantiled roof. Ground floor has 2 pairs of enriched 2-leaf doors, each with 14 bevelled lights."

The Denmark Street Conservation Area Appraisal (2010) also makes specific reference to the Theatre:

The northern side of the street is dominated by the Phoenix Theatre and Cinema. The Theatre was built in 1929/30 designed by Sir Giles Gilbert Scott, Cecil Masey and Bertie Crewe. The street allows a pleasant vista westwards across the Borough boundary to the sculptured stone entrance of Central St Martins College of Art &

Design, which is within the City of Westminster. Modern flat developments provide a neutral backdrop within the street scene.

Core Strategy policy CS14 (promoting high quality places and conserving our heritage) seeks to ensure that Camden and the buildings within it are attractive, safe and easy to use by:

- Requiring development of the highest standard of design that respects local context and character; and
- Preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

Development Policy DP 25 (Conserving Camden's Heritage) sits alongside policy CS14 providing detailed guidance to the preservation of heritage assets. The policy states that in order to preserve or enhance the Borough's listed buildings, the Council will not permit development that it considers would cause harm to the setting of a listed building.

The Planning Statement associated with the application also refers to the need to preserve conservation areas; the proposed development is said to "preserve and enhance the setting of the Denmark Street Conservation Area and adjacent Grade II Listed Phoenix Theatre".

Phoenix House already sits approximately one storey above the listed Phoenix Theatre building. It is therefore submitted that any increase in the height of Phoenix House would dominate the Theatre and have a negative impact on its setting. As such, the development proposal is out of keeping with the existing character of the street scene; the height of the proposed extension would be out of scale with the existing building.

#### Site specific objections

##### 1. Impact of the proposed development works on the retail units at pavement level

The Construction Method Statement relating to this planning application does not specifically address how the proposed development works at or just above pavement level will impact on the individual retail units at pavement level, except as follows.

The Construction Method Statement states that the "Site establishment/welfare will be located within the shop 1 unit located at street level. General access to the Site establishment/welfare facilities will be via the front of the unit with an emergency access located to the rear of the shop unit. During the construction phase of the project the shop windows will be blanked out by the application of a proprietary film applied to the shop windows."

The Construction Method Statement further states that "a temporary gantry/platform at first floor level with access from the street by means of a staircase behind a purpose made wooden hoarding/access controlled site entrance door" will be erected.

In the absence of a plan detailing which retail unit is "shop 1", it is not possible for us to assess whether the Site establishment/welfare facilities will be located near our retail unit and what possible impact this may have on our commercial activities, including on access to our unit by our staff and members of the public. Please note that under our lease of the ground floor retail unit at 110 Charing Cross Road, we lease "Unit 1". As of today's date we have not been informed of any changes to our lease.

Similarly, we are not able to ascertain where the "site entrance door" at pavement level will be placed, and therefore it is not possible for us to assess whether the "site entrance door" will be located near our retail unit and what possible impact this may have on our commercial activities, including on access to our unit by our staff and members of the public.

Finally, it is unclear how pedestrians -including our customers- "will be able to walk under the gantry/platform safely without coming into contact with any construction works" if the "site entrance door" is also at pavement level and part of "wooden hoarding/access".

In light of the above, we respectfully request that in the event that the Planning Application is granted that it is appropriately conditioned to ensure that access to our retail unit by our staff and members of the public is not impaired in any way.

##### 2. Obstruction and Accessibility to our retail unit

The construction of the proposed development will unreasonably obstruct both the shop frontage and branding of our retail unit (StubHub retail premises). This will undoubtedly interfere with the commercial activities carried on from these premises, as all our activities are customer-facing.

The Construction Method Statement relating to this planning application details that the following measures will be implemented during the construction phase of the development:

- The erection of scaffolding between pavement and roof levels;
- The structure of the scaffolding will rest on the pavement thus creating an obstruction;
- The use of a proprietary film to blank out shop windows at "shop 1";
- Site establishment/welfare facilities located at street level at "shop 1"; and
- A "site entrance door" at pavement level.

These measures will undoubtedly obscure the visibility of the StubHub branded signage to the exterior of our premises, having the impact of significantly impairing our passing trade and making it more difficult for our customers to locate our unit. In addition, these measures will create a visual impairment to the general character of the area, making our retail unit less attractive.

Importantly, the accessibility of the shop entrance will also be limited, particularly by the erection of scaffolding that will rest on the pavement, the inclusion of a site establishment/welfare facility in one of the retail units at "shop 1" and a "site entrance door" at pavement level.

In light of the above, we respectfully request that in the event that the Planning Application is granted that it is appropriately conditioned to ensure that access to our retail unit by staff and members of the public is not impaired in any way.

### 3. Obstruction and Accessibility to the back of our retail unit and fire exit

The Construction Method Statement states that "A planned and designated space located within the redundant escape staircase on the ground floor to the side Phoenix Street elevation and on the roof have been identified as the area to segregate construction materials."

This "redundant escape staircase" is situated to the back of the retail units. Our lease gives us the right to use the common toilets at the back of our retail unit. In addition, the fire exit to the side of our retail unit (situated between our retail unit and the adjacent Phoenix Theatre entrance) is also accessed through the back of our retail unit.

It is unclear from the Construction Method Statement exactly where and how the construction materials will be stored and how this will impact our access to the common toilets and to the fire exit.

In light of the above, we respectfully request that in the event that the Planning Application is granted that it is appropriately conditioned to ensure that access to all communal areas, including the common toilets, and to the fire exit is not impaired in any way.

### 4. Length of the development works and construction hours

We note that the proposed development works are to be undertaken between January 2017 and April 2018 and be undertaken during similar hours as our business hours (our business hours being Monday-Saturday 1000-1900).

All the issues noted above have the potential to impede the commercial activities of the StubHub retail unit for a prolonged period of time. It is submitted such commercial impediments are unreasonable and as such, the application should be refused.

#### In summary

It is evident that the proposed development is not consistent with the Council's policies regarding conservation areas and listed buildings.

It is also clear that the proposed construction works will significantly impair StubHub's commercial activities for an excessive period of time. As such, the application should be refused.

We respectfully ask that you take these objections into consideration when assessing the merits of this application, whilst taking particular regard of the presumption that the character and appearance of conservation areas should be preserved and enhanced. We submit that this planning application does not include any special circumstances which should permit its approval, and therefore we ask that in consideration of the objections outlined above, this application should be refused.

If the officers were minded to act to the contrary and recommend these proposals for approval, we would ask that the application be recommended to the Camden Borough Council Planning Committee for consideration. In this instance we would ask to be supplied with the committee report and be provided with the opportunity to present our objections and speak at the committee.

If the application proceeds under delegated powers, and the officer is recommending approval, please could you supply us with a copy of the delegation note prepared by the case officer.

Conditions

If the Council is minded to grant permission in this instance, due to the nature of the construction works involved in this development, we respectfully propose that the planning permission should be conditioned in relation to the following issues:

- StubHub branding: no masking of the StubHub branding to the exterior of the building;
- Scaffolding: access to the StubHub retail unit should not be impaired in any way by the erection of scaffolding;
- Site entrance: access to the StubHub retail unit should not be impaired in any way by the site entrance;
- Communal areas and fire exit: access to all communal areas at the back of our retail unit, including the common toilets, and to the fire exit should not be impaired in any way, including by the storage of construction materials;
- Timing of deliveries: deliveries of materials relating to the development should take place outside of our business hours to avoid obstructing visibility of and access to the retail unit;
- Timing of construction works: construction works should take place outside of our business hours (i.e. before 10am and after 7pm) to avoid impacting our commercial activities, which are all customer-facing;
- Noise and vibrations: the Council are invited to impose an appropriate condition to mitigate the noise and vibrations produced as a result of the construction works; and
- Traffic: the Council are invited to make an appropriate Traffic Regulation Order to minimise the impact of the development on the adjacent highways.

We reserve the right to amend or add to this letter of objection in the event that any further information becomes available

Yours sincerely  
eBay UK Limited