

**Objection by the Bloomsbury Association to the Discharge of Conditions
application (ref: 2019/0226/P): 112A Great Russell Street, London**

1.0 Introduction

- 1.01 I am instructed by the Bloomsbury Association in connection with the development proposed at 112A Great Russell Street for the conversion of below ground floors to an hotel complex.
- 1.02 An application to the Council has been made by the developer for a 'discharge of various conditions' imposed on the planning permission (ref: 2019/0226/P). The application form describes it as : 'Details of external materials (Condition 5), cycle storage (Condition 6), & piling (Condition 7) of planning permission ref. 2015/3605/P allowed at appeal (ref: APP/X5210/W/16/3147078). That permission, dated 04/10/2016, was for 'Change of use of part ground floor and basement levels -4 and -5 from Car Park (sui generis) to 166 bedroom hotel (Class C1), including alterations to openings, walls and fascia on ground floor elevations on Great Russell Street and Adeline Place'
- 1.03 This objection to the current application is submitted on behalf of for the Bloomsbury Association representing the many residents on Bedford Avenue and Adeline Place and in discussion with other interested relevant parties.
- 1.04 The Bloomsbury Association is concerned that there are a number of issues relating to this current application to Discharge Conditions 5, 6 and 7. Details are at variance with or directly contrary to the planning permission and may be harmful to the general environment of the area (a Conservation Area), and in particular the residential amenity.

2.00 Planning permission

- 2.01 This was granted by the Inspector on 4 November 2016 (ref APP/X5210/W/16/3147078). It contained 13 conditions and was subject to a s106 Unilateral Undertaking that was completed before the planning permission was issued. This document is referred to in the Inspector's decision notice.

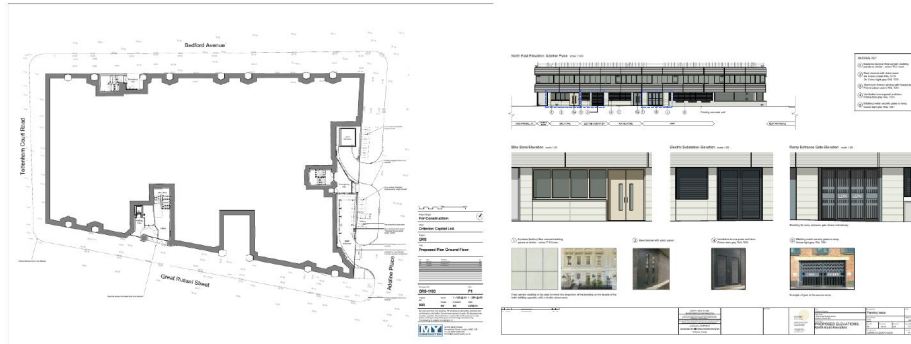
3.00 Planning application to discharge conditions

- 3.01 As noted in section 2 above, the planning permission included 13 conditions. The present application (ref: 2019/0226/P) seeks a discharge in respect of conditions 5, 6 and 7.

Condition 5

- 3.02 **Condition 5** states: *"Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:*
a) manufacturer's specification and details of all facing materials including colour and samples of those materials.
b) plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new hotel entrance at a scale of 1:10
c) details including sections at 1:10 of all windows (including jambs, head and cill details), ventilation grills and external doors
d) details of service ducts
The relevant parts of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works."

3.03 The application is accompanied by a plan drawing: **GRS-1103(revP1)** and elevation drawing **DMWR/A3/ 3233/PL-00300 (revP1)** [see below].



Plan GRS-1103 (revP1)

Elevation DMWR/A3/ 3233/PL-00300 (revP1)

The latter shows no more detail than drawings 2897/P/11F and DMWR/A3/3233/PL-00300 (revP1) accompanying the proposal considered by the Inspector at Appeal [see below]. It is exactly the same as the approved elevation and shows no more detail.



Plan Drawing 2897/P/11F

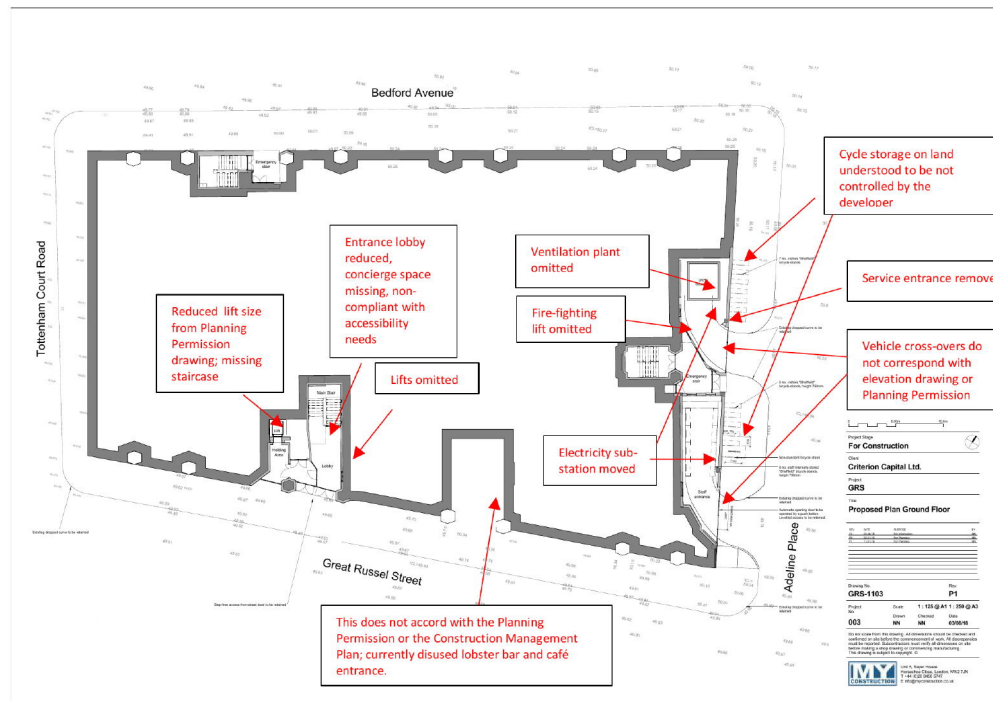
In addition:

- No manufacturer's specification or details of facing materials including colour and samples of those materials are provided, as required by the condition.
- No plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new hotel entrance are provided at a scale of 1:10, as required by the condition.
- No details including sections at 1:10 of all windows (including jambs, head and cill details), ventilation grills and external doors are provided, as required by the condition.
- No details are given as to how ventilation grills will be specified and detailed in order to meet the acoustic requirements of Condition 9, which sets limits for noise from plant and equipment, all in the interests of protecting the living conditions of nearby residents. The Inspector's decision paragraphs 17, 23 and 24 refer.

- No details of service ducts are provided, as required by the condition. This requirement is linked to Condition 3 to which the Inspector refers in his decision (paragraph 42) and is also relevant here.

On this basis alone, the application should not have been registered as it is inadequate and in any event should now be refused.

- 3.04 Of significant concern also is that drawing **GRS-1103(revP1)** submitted as part of the application shows a materially different proposal from the approved plan 2897/P/11/rev F:



- Lifts connecting the street to basement accommodation are omitted, and what could be a relocation of the main entrance to the underground hotel from Great Russell Street to another unspecified location. Good vertical circulation would seem an essential operational requirement for an hotel in a location such as this.
- What was originally proposed as the hotel entrance lobby off Great Russell Street is now only a fire escape stair, although the note 'main stair' might suggest that this could be a secondary entrance. The existing lift and lobby would not be adequate for hotel use and may be unsuitable for disabled access, non-compliant with Policy C6 of Camden's Local Plan.
- A relocation of the electricity substation on Adeline Place. This seems to be located where what was intended to be ventilation plant and ductwork.
- Ventilation plant and ductwork, fundamental to habitation of hotel accommodation below is omitted. It could not share the same space as the substation.
- The proposed fire-fighting lift has been omitted - again, an essential operational requirement.
- Service access to lower floors of hotel accommodation has been omitted.
- Vehicle crossovers have been retained to provide vehicle access with a different elevation to Adeline Place. The Inspector's decision relied on the removal of crossovers (paragraphs 30

- and 40). They are not required, should be removed and the public footway reinstated for pedestrian use.
- There is also reference on page 10 of the Construction Management Plan to provision of a café for the hotel when the proposal that was approved specifically excluded any catering (Inspector's decision para 30, Transport Statement, Hotel Management Plan and Officer Report all refer).
 - No off-street refuse storage area has been provided, as required by Condition 8.
- 3.05 Elevation drawing DMWR/A3/3233/PL-00300 (revP1) is resubmitted with the current application. It is exactly the same as the approved elevation and shows no more detail. The current plan, GRS-1103/P1, shows less information than the approved plan and is inconsistent with what is shown on the elevation. Drawing GRS-1103/P1 is also inconsistent with the same plan included in the Construction Management Plan.
- 3.06 The design proposal as submitted is unsound. It has inconsistencies; it omits elements fundamental to the operation of an underground hotel and is incapable of implementation; it undermines the grounds on which the Council refused the original application prior to its appeal; and it runs in the face of issues raised at the appeal on which the Inspector's decision hinged.
- 3.07 At the time of the application and subsequent Appeal, the Bloomsbury Association were concerned that a design solution had been proposed that was unsound and could not be implemented. There was muted reception to those concerns and the Inspector, while mindful of them, eventually decided that they could be adequately controlled by conditions or the Unilateral Undertaking. As the Inspector commented in his decision: "Condition 5 requires further information regarding various building details in the interests of the character and appearance of the area and the living conditions of nearby residents" (para 43).
- 3.08 In conclusion on consideration of Condition 5, the current application for its discharge is flawed in many respects and should be refused.

Condition 6

- 3.09 This states: *"Before the development commences, details for the provision of a minimum of 8 covered, secure and fully enclosed cycle storage/parking spaces for staff and 24 cycle parking spaces for visitors shall be submitted to and approved in writing by the local planning authority. The cycle parking facilities should be designed to Camden Council's design specifications as detailed in CPG7. The cycle parking facilities shall be provided as approved prior to the occupation of the development and shall thereafter be permanently retained as such."*
- 3.10 The requirement for cycle parking provision has been partially met on the footway within the application site boundary, along the Adeline Place frontage, but on land that is understood not to be in the control of the applicant. It is understood that this would not be allowed by its owner and therefore the requirement of Condition 6 cannot be met as shown and therefore the condition cannot be discharged.
- 3.11 It is unnecessary to maintain vehicle crossovers on the public footway for cycle access, which risks pedestrian safety.
- 3.12 The Council should acknowledge the public's right to use all the footpath on Adeline Place and that it should not become an extended servicing area for the proposed hotel or be used for vehicle parking. Ideally, it should be repaved in its entirety for pedestrians and its use for additional cycle parking would be welcome, which is how it was originally used by the YMCA.

Condition 7

- 3.13 This states: *"No impact piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority. The method statement should be prepared in consultation with Thames Water or the relevant statutory undertaker, detailing the depth and type of piling to be undertaken, the methodology by which such piling would be carried out, measures to minimise the potential for damage to subsurface water infrastructure and the programme for the works. Any piling must be undertaken in accordance with the approved piling method statement."*
- 3.14 The applicant's agent has stated that no piling will take place in implementation of the permission, so we concur that a piling method statement is not necessary.

Generally

- 3.15 Changes to the design have now been proposed that go beyond what is required by, or consistent with the Conditions, i.e. they show some features for a design solution that differ significantly and materially from what was approved. The Discharge of Conditions process requires further information, not the same, incorrect or inconsistent information, and it needs to be in sufficient detail to consider the impact on residential amenity, on listed buildings opposite and on the character of the Bloomsbury Conservation Area, which the site faces. With the possibility that a revised planning permission is being sought through the 'back door' without appropriate technical back-up, the changes are substantial and put at risk the mitigation of damaging impacts that were so much discussed at the Appeal
- 3.16 The purposes of conditions are set out in the Government's Guidance (2014) and include the 6 tests for compliance. In this instance, the Inspector considered that all the 13 Conditions imposed met those tests. It follows that without their imposition, the planning permission would be either unsafe or unacceptable.
- 3.17 The Association supports good quality design that will enhance Bloomsbury's streetscape and safeguard the amenity of its residents, which this proposal clearly does not.
- 3.18 In summary, for all these reasons, the application for a Discharge of Conditions 5 and 6 should be refused.

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Application for a Discharge of Conditions (ref: 2019/0226/P)

8 February 2019