

## **112A Great Russell Street, London WC1B 3NP**

### **Application for planning permission 2019/1118/P**

**Objection on behalf of the Bloomsbury Association to the application to discharge Condition 10 of planning permission 2015/3605/P allowed at appeal (ref: APP/X5210/W/16/3147078) by providing details of drainage strategy**

#### **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 Applications to the Council have been made by the developer for approval of various conditions imposed on the planning permission. The application form describes this as: *'Details of drainage strategy (Condition 10) of planning permission 2015/3605/P allowed at appeal ref: APP/X5210/W/16/3147078 dated 04/10/2016 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 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 Condition 10 that reflect on its feasibility.

#### **2.00 Planning permission**

- 2.01 Planning permission 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 agreement (Universal Undertaking) between the developer, Central London Investments Limited, Aviva Commercial Finance Limited and the London Borough of Camden that was completed after the Appeal but before the planning permission was issued. This document is referred to in the Inspector's decision notice.
- 2.02 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 or discharge, the planning permission would be either unsafe or unacceptable.

#### **3.00 Planning application to discharge Condition 10**

- 3.01 As noted in section 2 above, the planning permission included 13 conditions. The present application (ref: 2019/1118/P) seeks a discharge in respect of Condition 10.
- 3.02 Condition 10 states: *"Development shall not commence until a drainage strategy has been submitted to and approved in writing by the local planning authority. The strategy should be prepared in consultation with the sewerage undertaker and should demonstrate that the existing and proposed foul and surface water connection points and peak flow rates will have an acceptable impact on the public sewer system. The drainage strategy shall be implemented as approved before the first occupation of the development hereby permitted."*
- 3.03 The condition is derived from a representation made by Thames Water on 2 October 2015 concerning the principal planning application, 2015/3605/P. This is appended and includes other requirements that the proposed strategy does not address such as the submission of on and off-site drainage works for approval by the local planning authority in consultation with the sewerage undertaker. This wording has not been included in the decision notice in its entirety and, in such circumstances, Thames Water require the local planning authority to liaise with Thames Water Development Control "prior to the planning application approval". It is not clear

whether this has happened and, if not, the permission and this application may be unsound. There are other requirements relating to fat traps, petrol/oil interceptors, groundwater, refuse storage, air-conditioning condensate and basement infiltration that the proposed strategy should either address or discount.

- 3.04 Thames Water also require “...a site drainage strategy that clearly indicates the existing and proposed foul and surface water connection points and peak flow rates in order to determine if this development will have an impact on the public sewer system.” This information is not provided with the application. Crucially, it should be clear that there would be no conflict with drainage for the other major uses existing on the same site such as the YMCA Central Club, with its swimming pool, and the St Giles Hotel.
- 3.05 The proposed drainage strategy is described as follows: “The hotel accommodation shall be provided with a new dedicated drainage system for waste water. The system shall be installed complete with a new utility connection located in Adeline Place into which the hotel waste water shall be pumped”. This is a statement of ambition. It is not a design strategy that demonstrates the feasibility of satisfying that ambition. It provides no drawings of on and off-site drainage works, existing and proposed, and it provides little information on peak flow rates to demonstrate that the development will have an acceptable impact on the public sewer system.
- On this basis alone, the application should not have been registered as it is inadequate and in any event should now be refused.
- 3.06 Furthermore, no information is submitted to demonstrate how the connection to the sewer on Adeline Place will be made from the underground sewage pumping stations. It is understood that there are existing smoke vents to below ground accommodation between the building line and the road and a services trench for above ground accommodation, running beneath the pavement, parallel to the building edge which might constrain any connection. The Adeline Place frontage also includes land that is believed not to be in the control of the applicant. It is understood that access over this land would not be allowed by its owner and therefore the strategy may not be achievable as described and therefore the condition may not be capable of being discharged.
- 3.07 It is noted that, according to the draft Construction Management Plan submitted to the Council for consideration under the Unilateral Undertaking, site works commenced on or about 15 October 2018. This is before Camden Council’s approval of a drainage strategy and contrary to the terms of this condition. Furthermore Section 4 of the application form states incorrectly that development has not already started.
- 3.08 Section 8 of the application form states that assistance or prior advice has been sought from the local authority about this application but no details are given. It appears that the assistance or prior advice was given on 10 March 2015 as part of a pre-application discussion with planning officers in connection with application 2015/3605/P. It was not specific advice in connection with this application and the statement should therefore be regarded as either incorrect or misleading.
- 3.09 The application is not accompanied by any detailed drawings to describe how the strategy will work, to identify pipe runs existing and proposed, proposed connection points and to indicate where the proposed sewage pumping stations will be located.
- 3.10 The application is accompanied by a letter from Thames Water, dated 20 August 2018, addressed to BW Murray Consulting Engineers. Of significant concern is that this states the proposed development is for 225 hotel rooms. This is a materially different proposal to that considered by the Inspector at Appeal, which was for 166 rooms. With such a difference, the conclusions reached could be in doubt.
- 3.11 The proposed as submitted is unsound. It has inconsistencies; it omits consideration of elements fundamental to the operation of an underground hotel and to the continuity of operation of other uses on the site, and may be incapable of implementation.

- 3.12 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 10 requires submission of a drainage strategy to manage risks of pollution" (para 43). The proposed strategy does not adequately demonstrate that this risk can be managed, particularly as the existing basement has regularly flooded with sewage from the St Giles Hotel above and we understand has had to be pumped out three times during the course of current construction work.
- 3.13 The discharge of conditions process requires further information, not incorrect or inconsistent information, and it needs to be in sufficient detail to in order to convincingly demonstrate that it can avoid adverse environmental impact. In summary, for all these reasons, the application for a discharge of Condition 10 is flawed in many respects and should be refused.

**Roger Wilson**

**Architect - Planning Consultant on behalf of the Bloomsbury Association**



The Dial House  
Fortingall,  
Perthshire  
PH15 2LL  
Tel 01887 830878 (o) 07767 312871(m)  
Email: roger@wilsonfortingall.co.uk