



Special Delivery

Planning and Development Control
Camden Council
5 Pancras Square
London
N1C 4AG

FAO: Rachel English

27 June 2019

Dear Ms English,

8-10 Southampton Row & 1 Fisher Street, WC1B 4AE

Change of use of 8-10 Southampton Row from temporary Crossrail offices (B1) to hotel with ancillary bar and restaurant (C1), together with erection of an 8 storey building at 1 Fisher Street, containing 9 self-contained residential units (C3) and hotel floorspace connected to 8-10 Southampton Row (85 hotel rooms in total across the site), following demolition of part of rear façade and other internal and external alterations to 8-10 Southampton Row. Installation of associated plant, refuse and cycle storage areas.

Planning Application ref: 2019/2536/P

Listed Building Consent Application ref: 2019/2560/L

We write on behalf of Oldbourne & Oldbourne Hospitality Limited the operators of L'oscar Hotel, 2-6 Southampton Row to register our objection to the above full planning application and listed building consent application.

We have carefully assessed the planning application and consider that the proposed development would have the following unacceptable harmful impacts on the operation of L'oscar hotel that are not in accordance with adopted planning policy and thus warrant refusal of the planning application and listed building consent application.

Our grounds of objection are set out under the following Policy categories:

- **Highways Impact and Safety Concerns**
- **Detrimental Bulk, scale and Massing Impacts**
- **Heritage Impacts**

1.0 Objection - Highways Impact and Safety Concerns

- 1.1 We have serious concerns regarding the servicing of the proposed hotel and residential scheme which would be undertaken on-street, on the north side of Catton Street, next to the

Oldbourne & Oldbourne Hospitality Limited

(trading as 'L'Oscar London')

an England and Wales registered company, Company Number: 09821650, VAT Registration Number: 224 8675 87
Registered Office Address: 21 Southampton Row, London WC1B 5HA

identified service entrance. A development of this scale with a predominantly new build element should accommodate an on-site loading bay.

- 1.2 The service entrance would be located directly opposite our main hotel entrance, where existing cars and taxis pick up and drop off guests and would therefore have a major and unacceptable impact on (i) highway safety (both vehicular and pedestrian) and (ii) the proper planning of neighbouring land uses.
- 1.3 In short it would create a farcical situation where large and noisy vehicles would, throughout the day and night, be driving across the entrance to a 5 star prestigious hotel, carrying out turning and reversing manoeuvres in the middle of Catton Street. This would totally undermine the prestigious nature, appearance and atmosphere which we have painstakingly designed and agreed with the Council as part of the successful L'oscar hotel development. It would not only have an impact on the commercial operation and viability of the high quality hotel but would equally create a noisy clash of activities in Catton Street, with the risk of vehicular and pedestrian accidents and affecting our guests sitting in the quiet café area on Catton Street.
- 1.4 It would also cause an undesirable build-up of traffic queuing to turn into or out of Catton Street, which in turn would create additional interference with traffic flows in the adjoining streets.
- 1.5 The submitted CMP proposes a hoarding line extending across Catton Street (effectively closing it off). The CMP identifies a small van hoist location and delivery of material to hoist by small van on Catton Street.
- 1.6 This is clearly not acceptable virtually opposite our main hotel entrance, where cars and taxis pick up and drop off guests and would be to the detriment of (i) highway safety (both vehicular and pedestrian) and (ii) the proper planning of neighbouring land uses.

2.0 Objection - Detrimental Bulk, Scale and Massing Impacts

- 2.1 The proposal is considered to represent an overdevelopment arising from the amalgamation of what are two distinct sites comprising 1 Fisher Street and 8-10 Southampton Row into a large singular island block. This approach does not respect the local context and character in terms of form or scale or preserve or enhance the historic environment and heritage assets in accordance with Policy D2 Heritage.
- 2.2 The significant detrimental impacts of the proposals bulk, scale and massing are evidenced by the impact it would have on neighbouring owners' daylight and Rights of Light.
- 2.3 We have undertaken our own analysis and the increased bulk and mass of the relevant buildings will result in injury to our Rights of Light. We are advised that these would give rise to injunction applications against the neighbouring owner.

3.0 Objection - Heritage Impacts

- 3.1 The proposals will lead to substantial harm to the significance of the Grade II Listed Building. The building has already been subject to extensive internal strip out and degradation as a result of the use by Crossrail. To exacerbate the damage by removing large parts of the rear façade and important internal features throughout the building is contrary to the NPPF and the Camden Local Plan.
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- 3.2 Paragraph K25 of the Kingsway Conservation Area Statement, which includes the application site, states that *'rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the Conservation Area'*.
- 3.3 The public benefits brought by the proposals are minimal. There can be no case for these benefits being of a scale and type that could outweigh the substantial harm in evidence. The NPPF is clear that in such circumstances 'local planning authorities should refuse consent'.
- 3.4 The scale and design of the proposal fails to preserve or enhance the character or appearance of the Kingsway Conservation Area in which the listed building is situated and to which the Council is required to pay special attention by virtue of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.5 Under Schedule 7 para 11(2) of the Crossrail Act the nominated undertaker (being Crossrail) owes a clear statutory duty to the Local Planning Authority to agree a scheme for the restoration of the site. To the extent that the nominated undertaker/owner has chosen unilaterally to remove parts of the site which were an integral part of the former residential dwellings, it must accept that it is obliged to agree a restoration scheme with the Local Planning Authority. Attention was drawn to this in Oldbourne & Oldbourne Hospitality Limited's letter dated 24 November 2017 in relation to the withdrawn application ref 2017/2914/P but despite this, the nominated undertaker/owner appear to have disregarded it.
- 3.6 It is not clear whether the necessary listed building consent to carry out these works has been obtained as required by Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990. We respectfully suggest that this should be investigated by the Local Planning Authority.
- 3.7 In any event, it is not clear how such destructive operations fall within the permitted use which was granted under the Crossrail Act 2008.
- 3.8 It seems to us that the statutory undertaker and/or the owner of the property may have gone beyond the extent of the permitted temporary use of the property. It cannot be right that an undertaker/owner is free to dismantle permanently the essential structural features of a property which are necessary for its continued use for residential dwellings and then to use such dismantling as one of the reasons for wanting to change the permitted use of the property. This would be self-serving and would set a very dangerous precedent indeed.
- 3.9 Notwithstanding the harmful works that have already occurred with the Listed Building at 8-10 Southampton Row, the proposals will further and unacceptably harm the listed building and affect its character as a building of special architectural or historic interest.
- 3.10 The proposed scheme as a result of its bulk, scale and massing would have a harmful impact on the setting of the Listed Building at 2-6 Southampton Row.
- 3.11 Accordingly, the proposal is contrary to Policy D2 Heritage and should be refused.

4.0 Conclusion

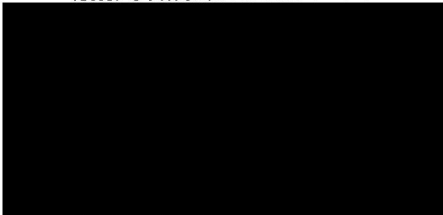
- We have serious concerns regarding the servicing of the proposed hotel and residential scheme which would be undertaken on-street, on the north side of Catton Street, next to the service entrance. A development of this scale with a predominantly new build element should accommodate an on-site loading bay. This service entrance would be located

virtually opposite our main hotel entrance, where cars and taxis pick up and drop off guests and would be to the detriment of (i) highway safety (both vehicular and pedestrian) and (ii) the proper planning of neighbouring land uses.

- The submitted CMP proposes a hoarding line extending across Catton Street (effectively closing it off). The CMP identifies a small van hoist location and delivery of material to hoist by small van on Catton Street. This is clearly not acceptable virtually opposite our main hotel entrance, where cars and taxis pick up and drop off guests and would be to the detriment of (i) highway safety (both vehicular and pedestrian) and (ii) the proper planning of neighbouring land uses
- The proposed scheme as a result of its bulk, scale and massing would have a harmful impact on the setting of the Listed Building at 2-6 Southampton Row.
- The NPPF has a strong presumption against development that would cause substantial harm to designated heritage assets. This is particularly the case in the absence of any significant public benefits that might begin to outweigh that harm which is the case here.
- The significant detrimental impacts of the proposals bulk, scale and massing are evidenced by the impact it would have on neighbouring owners' Rights of Light.

In the light of the above analysis we respectfully request that, the Council **refuse** the planning application and listed building consent application.

An Appendix containing copies of the statutory excerpts in the Crossrail Act 2008 referred to in this letter is attached for ease of reference.



Gafar Gurbanov
Director

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Crossrail Act 2008 c. 18
Schedule 5 TEMPORARY POSSESSION AND USE OF LAND
Occupation and use for construction of works

This version in force from: **July 22, 2008 to present**

(version 1 of 1)

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(1) The nominated undertaker may, in connection with the construction of the works specified in column (1) of the following table (or any works which are necessary or expedient for the purposes of or in connection with those works)–

- (a) enter upon and take possession of the land specified in relation to those works in columns (2) and (3) of that table for such purposes as are so specified in column (4) of that table, and
- (b) for such purposes as are so specified–
- (i) remove from the land any structure or vegetation, and
- (ii) construct on the land temporary works (including the provision of means of access) and structures.

(1)	(2)	(3)	(4)
Works	Area	Number of land shown on deposited plans	Purpose for which temporary possession may be taken
1/3A and 1/3B	City of Westminster	217	The provision of a working site.
1/3A and 1/3B		451	The provision of a working site.
1/3A and 1/3B		692	The provision of a working site.
1/9D		30c	The provision of a working site.
1/3A and 1/3B	City of London	104a and 104b	The provision of a working site.
1/3A and 1/3B		104c	The provision of a working site.

(1)	(2)	(3)	(4)
Works	Area	Number of land shown on deposited plans	Purpose for which temporary possession may be taken
Proposed Whitechapel Station comprised in Works Nos. 1/3A and 1/3B	London Borough of Tower Hamlets	245b	The provision of access for construction.
Any of the works authorised by this Act	London Borough of Tower Hamlets	972 and 976	The provision of access and a working site.
Any of the works authorised by this Act		753, 774, 775, 788, 789 and 796	The provision of access and barge loading facilities.
1/7, 1/33A and 1/33B	London Borough of Greenwich	160, 165 and 170	The provision of a working site.
Any of the works authorised by this Act	London Borough of Bexley	83a	The provision of a working site.
The provision of overhead electrification equipment and works to Maidenhead Bridge	Royal Borough of Windsor & Maidenhead	62 and 72	The provision of a working site and access for construction.
3/3A	Borough of Slough	81	The provision of access and a working site.
3/6		172 and 173	The provision of a working site.
3/7A and 3/7B		187	The provision of a working site.
The provision and renewal of railway systems and station facilities for operational purposes (Ealing Broadway Station)	London Borough of Ealing	111	The provision of a working site.

(2) Not less than 28 days before entering upon and taking possession of land under this paragraph, the nominated undertaker shall give notice to the owners and occupiers of the land of its intention to do so.

(3) The nominated undertaker may not remain in possession of any land under this paragraph after the end of the period of one year beginning with the date of completion of the works specified in relation to the land in column (1) of the table in sub-paragraph (1) unless the owners of the land agree.

(4) The nominated undertaker shall pay compensation to the owners and occupiers of land of which possession is taken under this paragraph for any loss which they may suffer by reason of the exercise in relation to the land of the power or powers conferred by this paragraph.

(5) Any dispute as to a person's entitlement to compensation under sub-paragraph (4), or as to the amount of compensation, shall be determined under and in accordance with Part 1 of the Land Compensation Act 1961 (c. 33).

(6) Nothing in this paragraph shall affect any liability to pay compensation under section 10(2) of the Compulsory Purchase Act 1965 (c. 56), as applied to the acquisition of land under section 6(1), or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (4).

(7) In this paragraph, "structure" includes any erection.

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Subject: Real property **Other related subjects:** Transport

Keywords: Compensation; London; Occupation; Powers rights and duties; Public works; Railways; Statutory undertakings

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Crossrail Act 2008 c. 18
Schedule 5 TEMPORARY POSSESSION AND USE OF LAND
Occupation and use for construction of works

This version in force from: **April 11, 2018** to **present** (version 2 of 2)**2**

(1) Before giving up possession of land of which possession has been taken under paragraph 1, the nominated undertaker shall, in accordance with a scheme agreed with the owners of the land and the relevant planning authority, put the land into such condition as the scheme may provide.

(2) If, in relation to any land of which possession has been taken under paragraph 1, no scheme has been agreed for the purposes of this paragraph within 6 months of the date of completion of the works specified in relation to the land in column (1) of the table in paragraph 1(1), the scheme shall be such as may be determined by the appropriate Ministers after consultation with the nominated undertaker, the owners of the land and the relevant planning authority.

(3) Unless the owners of the land and the nominated undertaker otherwise agree, a scheme determined under sub-paragraph (2) shall provide for land to be restored to its former condition.

(4) Unless the nominated undertaker otherwise agrees, a scheme determined under sub-paragraph (2) shall not provide for the nominated undertaker to replace any structure removed under paragraph 1, other than a fence.

(5) Where the appropriate Ministers ask the relevant planning authority for assistance in connection with the carrying out by them of their function under sub-paragraph (2), they may require the nominated undertaker to reimburse to the planning authority any expenses which it reasonably incurs in meeting the request.

(6) The duty under sub-paragraph (1) in relation to any land shall be owed separately to the owners of the land and to the relevant planning authority.

(7) Where a scheme for the purposes of this paragraph provides for any step to be taken by the nominated undertaker before a specified date and that step has not been taken before that date, the relevant planning authority may—

- (a) enter the land concerned and take that step, and
- (b) require the nominated undertaker to reimburse to it any expenses which it reasonably incurs in acting under paragraph (a).

(8) In this paragraph—

"*appropriate Ministers*" means the Secretary of State for [Housing, Communities and Local Government] ¹ and the Secretary of State for Transport acting jointly ;

"*relevant planning authority*" means—

- (a) in relation to land in the area of a unitary authority, the local planning authority;

(b) in relation to land not in the area of a unitary authority, the district planning authority;

"structure" includes any erection.

Notes

1. Words substituted by Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018/378 Sch.1(1) para.14(c) (April 11, 2018)

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Crossrail Act 2008 c. 18
Schedule 7 PLANNING CONDITIONS
Part 2 DEVELOPMENT IN THE AREA OF A UNITARY AUTHORITY
Conditions: general

This version in force from: **July 22, 2008 to present**

(version 1 of 1)

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(1) Where development consists of or includes the carrying out on any site of operations ancillary to the construction of any of the scheduled works, those operations shall be discontinued as soon as reasonably practicable after the completion of the relevant scheduled work or works.

(2) The nominated undertaker shall, following discontinuation of the use of any site for carrying out operations ancillary to the construction of any of the scheduled works, restore the site in accordance with a scheme agreed with the local planning authority.

(3) If, in relation to a site used for carrying out operations ancillary to the construction of any of the scheduled works, no scheme has been agreed for the purposes of sub-paragraph (2) within 6 months of the completion of the relevant scheduled work or works, the scheme shall be such as the appropriate Ministers may determine after consultation with the nominated undertaker and the local planning authority.

(4) Where, independently of any consultation under sub-paragraph (3), the appropriate Ministers ask the local planning authority for assistance in connection with the carrying out by them of their function under sub-paragraph (3), they may require the nominated undertaker to reimburse to the planning authority any expenses which it reasonably incurs in meeting the request.

(5) Sub-paragraph (2) shall not apply to a site to the extent that it consists of land to which a scheme under paragraph 8 applies.

(6) Sub-paragraph (2) shall not apply where the site is one in relation to which the nominated undertaker is subject to an obligation under paragraph 2(1) of Schedule 5.

(7) In this paragraph, references to the relevant scheduled work or works, in relation to any site, are to the scheduled work or works to which the operations carried out on that site were ancillary.

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Subject: Planning **Other related subjects:** Transport**Keywords:** Development; Discontinuance; London; Public works; Railways

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