

---

**APPENDIX 1**

**REPORT ON**

**Proposed Change of Use at Boston House, 36-38  
Fitzroy Square, London, W1T 6EY**

**Objection to Planning Application ref: 2020/2226/P  
Objection to Listed Building Consent Application ref:  
2020/2606/L**

**Proposed Change of Use at County House, Conway  
Mews, London, W1T 6AA  
Objection to Planning Application ref: 2020/2319/P**

**SEPTEMBER 2020**





45 Welbeck Street  
London W1G 8DZ  
020 3409 7755  
info@hghconsulting.com  
hghconsulting.com

Ms R English  
Planning – Development Management  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AG

10 July 2020

Dear Ms English,

**1.0 Proposed Change of Use at Boston House, 36-38 Fitzroy Square, London, W1T 6EY  
Objection to Planning Application ref: 2020/2226/P  
Objection to Listed Building Consent Application ref: 2020/2606/L**

**Proposed Change of Use at County House, Conway Mews, London, W1T 6AA  
Objection to Planning Application ref: 2020/2319/P**

These objections are submitted on behalf of the Fitzroy Square Frontagers' and Garden Committee

- 1.1** They relate to a complex proposal submitted by New College of Humanities (NCH), for change of use of Boston House from office to a non-residential education institution (Class D1) including internal alterations, and the change of use of three floors of County House from Class D1 to office. The applicants are proposing a use swap, which they say would involve a loss of office floorspace of 521sqm, but which we submit would amount to a loss of 1,451sqm, for reasons which will be explained.
- 1.2** This is effectively a resubmission of a proposal originally submitted by the same applicants last year references 2019/3961/P and 2019/4256/L). Our clients and many others objected to that proposal, and it was withdrawn.
- 1.3** That being the case, and in the interests of promoting clarity around a submission that is somewhat obscure, I append our previous letter of objection (Appendix 1), which applies equally to the current Boston House applications. In this letter, I will concentrate on additional points which now require to be made.

**2.0 Introduction**

- 2.1** It seems the intention of the applicants is clear. NCH has become part of a very large commercial US university; their new parent wants to expand its London operations considerably, and would like to do so at Boston House. They realise that this is contrary to planning policy (particularly Local Plan Policy E2, but also Principle 6 of the Fitzrovia Area Action Plan), and would also be entirely inappropriate in a Grade

**Fitzroy Square Frontages and Garden Committee**

- 1.0** The gardens are for the sole use of residents, with the exception of the times and dates hereunder:

There are few residents of the Square, and even on the days when the weather is suitable other parties can only use the square between midday and 3pm, between the 12 May, and 30 September.

That would have included parties who would have used the square when the building was offices, and if it were offices in the future, especially co working or serviced, they and their visitors may use the square more than the single office Tenant who used to occupy the building.

- 1.1** We note and agree that the loss of space will be 1,451 sq m, but there needs to be consideration that any educational user will require office space within the building, likely to be at least 20%, and it is understood that NCH intend to use the entire 3<sup>rd</sup> floor for administrative purposes, and accordingly, the loss of office space, in reality, is less.
- 1.2** I have checked with Mr Minty who has confirmed that this planning application differs from the previous submission. The application has been amended to address the concerns surrounding the potential loss of employment/office space through a proposed land use swap incorporating the change of use of floorspace at County House to office space.

**1.3**

**2.0 Introduction**

- 2.1** It is odd that HGH characterise one of the global leading universities, as a 'Commercial University'. Whilst we have not seen any information suggesting they want to expand their operations considerably, in London, their interest in the building, supports our view that the educational market remains in substantial demand with limited supply, and is stronger than the office market - and their occupancy if permitted will

1 Listed building in a quiet square containing a high proportion of residential properties.	only strengthen NCH themselves.
<b>2.2</b> They have chosen to appoint as their planning adviser a former senior officer of L B Camden.	<b>2.2</b>
<b>2.3</b> His first attempt downplayed the involvement of Northeastern University and suggested that there was not a direct conflict with policy because the change of use was to office or educational use. The latter claim was clearly disingenuous, and I am pleased to see the applicants have abandoned this tactic.	<b>2.3</b> It is unclear what relevant point this statement relates to, unless it purports that there to is something improper with Mr Minty's appointment – it seems misguided and without foundation since he is an independent and impartial planning expert.
<b>2.4</b> This second attempt also obscures the involvement of Northeastern University; it now seeks to avoid Policy E2 primarily by offering a use swap. I shall address this in more detail below, but in brief, this tactic is destined to fail too, in that there would still be a loss of 1,451sqm of office space (and even by their own admission the applicants accept a loss of 521sqm). Furthermore, it does nothing to address Principle 6.	<b>2.4</b> <b>I am advised by Stuart Minty, and it is also my view, that the application does not seek to avoid Policy E2. The submission addresses the aims of the policy by demonstrating, through marketing evidence, that the site is no longer suitable for its existing business use, and that the possibility of retaining, reusing, or redeveloping the site, has been explored. The application therefore demonstrates compliance with Policy E2. Principle 6 of the Fitzrovia Area Action Plan (FAAP) has been addressed as part of the submission (please refer to Planning Statement para 7.25 and supporting marketing evidence by RIB) which identifies that there are no self-contained properties, comparable to Boston House, available within the character areas specified within Principle 6.</b>
<b>2.5</b> As a second strand of argument, the applicants have put forward a marketing report which claims that the building is no longer attractive to office use. I attach an update from JLL (Appendix 2), who are market leaders in office agency, which demonstrates the lack of credibility of this claim.	<b>2.5</b> I have provided cross representation analysis of both JLL's (Appendix 2) and RIB's (Appendix 3) marketing reports.
<b>3.0 Previous Objections re Boston House</b>	<b>3.0 Previous Objections re Boston House</b>
<b>3.1</b> The previous objections can be summarised as follows:	<b>3.1</b> I comment as follows:-
<b>3.1.1</b> 1. Impact on the character of the Listed Building and its setting, and the Conservation Area, arising from the considerable intensification of use, as well as the probability of pressure for future alterations to the physical fabric. The proposal is contrary to <b>Local Plan Policy D2</b> .	<b>3.1.1</b> 1. I fail to see how a higher education occupier will impact on the character, and physical fabric of the Listed Building. We do not see why there should be future alterations to the fabric, anymore than an office Tenant would require.
<b>3.1.2</b> 2. Impact on residential amenities, as a result of increased activity of many types, and the potential for invasion of privacy. The proposal is contrary to <b>Local Plan Policy A1, Section 2 of the Amenity CPG, and Principle 6 of the Fitzrovia Area Action Plan (2014)</b> .	<b>3.1.2</b> 2. Unlike an office building, which enjoys 24 hour access, educational premises, will for the most part be closed outside the normal classroom hours, and one questions why an educational user would negatively impact residential amenities in the Square or any invasion of privacy.  I repeat the gardens can only be used between 12:00 – 15:00 hours between 12 May 2020 and 30 September 2020.
<b>3.1.3</b> 3. Inadequate cycle parking. The proposal is contrary to <b>Camden Planning Guidance on Transport</b> .	<b>3.1.3</b> 3. Unable to comment.
<b>3.1.4</b> 4. Inadequate open space. The proposal is contrary to <b>Local Plan Policy A2</b> .	<b>3.1.4</b> 4. Unable to comment.
<b>3.1.5</b> 5. Loss of office floorspace that appears perfectly capable of being re-occupied for office purposes, and which has only been out of office use for a few months. The claim that the change of use is to alternative uses and that there would be no loss of office space is spurious, and should be completely disregarded. The proposal is contrary to <b>Local Plan Policy E2</b> .	<b>3.1.5</b> 5. In my cross-representation comments, against both the JLL and RIB marketing reports, I disagree with the claim that the premises "appear perfectly capable of being occupied for office purposes" for various reasons including: -  a. Condition

- b. Specification
  - c. Location
  - d. Style
  - e. C. Current demand
- 3.1.6** 6. It is contrary to policy to locate a large educational use to the west of Tottenham Court Road, and outside the Howland Street Character Area. The proposal is thus further contrary to **Principle 6 of the Fitzrovia Area Action Plan (2014)**.
- 3.2** All these objections apply with equal force to the current applications.
- 4.0 Amplification of Previous Objections**
- 4.1 A) Policy E2**
- 4.1.1** I understand, and am unsurprised that, the Council were previously particularly concerned at the prospect of the loss of office floorspace. Policy E2 is a key policy of the Local Plan, and the Council has understandably been consistent in applying it and guarding against establishing any precedent that might undermine it.
- 4.1.2** Despite the applicant's claims, the current proposal involves a loss of office floorspace, and is thus contrary to Policy E2.
- 4.1.3** The applicant's agent claims that the loss is 521sqm, and then goes on to suggest that it might in practice be less than this because some space within Boston House might be used as ancillary offices by NCH/Northeastern. This latter argument should be completely disregarded. It is always possible for space within a non-office building to be used for ancillary office purposes, but it is equally open to the owner to reduce or eliminate such use at any time, without any need for planning approval.
- 4.1.4** The loss of 521sqm is predicated upon there being a use swap involving both County House and 19 Bedford Square, secured by a s106 agreement. However, to be effective, a s106 agreement would need to bind all the parties with legal interests in all three properties. This might be achievable in the case of Boston House and County House (though even this has not yet been demonstrated by the applicants), but seems very unlikely to be achievable in the case of 19 Bedford Square. I would be surprised if the freeholder would be prepared to sign such a s106 agreement, given that NCH only have a short time left on their lease, and that it would be binding the building in perpetuity. This view is supported by the Opinion of Andrew Byass of Counsel, which is attached (Appendix 3).
- 4.1.5** On this basis, the best the applicants can achieve is the loss of 1,451sqm of office space, which is a substantial quantity.
- 4.1.6** The applicant's agent refers to "improved office space provision" (para 7.5 of Planning Statement), and

- 3.1.6** 6. I am advised by Mr Minty, and I agree, that Principle 6 of the FAAP has been addressed as part of the submission (please refer to Planning Statement para 7.25 and supporting marketing evidence by RIB). In response to Principle 6 of the FAAP which, as a preference, seeks to locate educational uses in specific character areas, a search was carried out by Robert Irving Burns Property Consultants on 28th April 2020 for self-contained premises between 19-23k sq ft. This confirmed that no self-contained properties, comparable to Boston House, were available within the identified character areas.
- 3.2**
- 4.0 Amplification of Previous Objections**
- 4.1 A) Policy E2**
- 4.1.1** Whilst I accept this point, any occupier of the building would need to use a proportion for office space, which cannot be completely disregarded.
- 4.1.2** I am advised by Mr Minty, and I agree, that the applicant has addressed the aims of Policy E2 by demonstrating, through marketing evidence, that the site is no longer suitable for its existing business use, and that the possibility of retaining, reusing, or redeveloping the site has been explored. The application therefore complies with Policy E2.
- 4.1.3** This is no longer a point, as it has been agreed that the loss of office space will equate to 1,451 sq m. See my comments here above in Paragraph 1.1. I consider this to be negligible in the context of office accommodation, especially when taking into account the devastation that the Covid-19 Pandemic is continuing to cause in the office sector, where it is inevitable in my judgement that vacancy rates will substantially increase.
- 4.1.4** I am unable to comment on the s106 agreement. However, I understand and I am advised by Mr Minty the applicant has now confirmed, and withdrawn, the offer of 19 Bedford Square as part of the proposal.
- 4.1.5** No comment.
- 4.1.6** Unable to comment.

implies that some qualitative enhancement might help to justify the quantitative loss. I fail to see how this can be. It is acknowledged that "internal alterations" may be required at County House, but these are not specified, and - although play is made in the RIB report of the cost of works to upgrade Boston House to a lettable office standard - there is no indication of the cost and how the cost would be met. I suspect that the quality of office accommodation at County House is not particularly high. As for 19 Bedford Square, no indication is given as to how this space would be converted back to office space and "improved".

**4.1.7** Looking at quality from a different perspective, Boston House and County House are not at all comparable. Boston House is a prestige building, located in a commanding position overlooking one of London's most beautiful squares; it would be well suited to headquarters office use. I am prepared to believe it requires refurbishment, but JLL's view is that the cost of such refurbishment would easily be justifiable in investment terms. County House, by contrast, is a rather lacklustre 1970s building, squeezed into a backland site, with no street presence and a rather forbidding approach. Furthermore, it is partly in residential use. Even if it were substantially improved, it would never be an office comparable in stature to Boston House.

## 4.2 B) Principle 6

**4.2.1** Principle 6 continues to stand and, as far as I am aware, has been consistently upheld by the Council to date. As you will appreciate, it seeks to guide educational uses to the area east of Tottenham Court Road and to the Howland Street Character Area.

## 4.3 C) Intensity of Use

**4.3.1** The Planning Statement refers to 250 full time NCH students and 300 Northeastern students (para 7.42). In contrast, the Transport Statement talks first about 600 students and 60 staff, then goes on to say "There are aspirations for the college to educate 1,000-1,200 students in the long term" (para 4.1.4). Such inconsistency inevitably fuels suspicion about the applicants' intentions.

**4.3.2** The Planning Statement refers to 250 full time NCH students and 300 Northeastern students (para 7.42). In contrast, the Transport Statement talks first about 600 students and 60 staff, then goes on to say "There are aspirations for the college to educate 1,000-1,200 students in the long term" (para 4.1.4). Such inconsistency inevitably fuels suspicion about the applicants' intentions.

**4.3.3** Even 550 students (plus staff) would represent a considerable intensification of use (noting that Boston House has previously employed around 200 office workers), before even beginning to take into account the fact that university use is likely to be inherently more disruptive than office use. Expansion to anything approaching 1,200 students would be quite overwhelming.

## 5.0 D) Cycle parking provision

**5.1** A specific consequence of the ambiguous position on student numbers is that only 45 cycle parking spaces are proposed. By our calculation, even the short term requirement is 71, and the long-term

**4.1.7** It is clear in my cross-representations, that I disagree that Boston House is a prestigious building, which would suit a headquarters office use – as is it would struggle, as proven by RIB's marketing campaign, to let on even a floor by floor basis, without unjustifiable costly works being undertaken.

I do agree however, that Fitzroy Square is a prestigious address with beautiful features

## 4.2 B) Principle 6

**4.2.1** I am advised by Mr Minty, and I agree, that, as outlined above, Principle 6 of the FAAP has been addressed as part of the submission (please refer to Planning Statement para 7.25 and supporting marketing evidence by RIB). In response to Principle 6 of the FAAP which, as a preference, seeks to locate educational uses in specific character areas, a search was carried out by Robert Irving Burns Property Consultants on 28th April 2020 for self-contained premises between 19-23k sq ft. This confirmed that no self-contained properties, comparable to Boston House, were available within the identified character areas.

## 4.3 C) Intensity of Use

**4.3.1**

**4.3.2**

**4.3.3** We would add that an office building that houses say 200 office staff, will have many visitors for meetings throughout the day, and accordingly, the footfall of the office building could easily be 400 to 500 people, and therefore, an educational building servicing even as many as 1,200 students, would not exceed the intensity of use as an office building, as not all students will be attending daily, nor at the same time – the building deeming full at perhaps 100 to 150 students, plus 35 teachers.

## 5.0 D) Cycle parking provision

**5.1** Cycle provisions would neither satisfy an educational use, nor an office use, and see my comments here above with regard to number of students who may be visiting the building, as opposed to office workers



requirement is 281. There is thus a considerable shortfall, and no obvious way in which this could be addressed.

## 6.0 E) Marketing evidence

6.1 A letter from JLL is attached, which updates the report they produced last year. It reminds readers of the depth of their knowledge of the London office market in general and Fitzrovia in particular. They note that office vacancy levels are very low, and demand remains strong, despite the market disruption of recent months. They refer to the "flight to quality" which has been seen in recent times, and explain that Boston House is a "quality" building, whereas County House is not. In their view, the owner of Boston House could easily justify the cost of upgrading the building to a standard befitting its location and status.

6.2 They are clear that the requirements of Local Plan Policy E2 have not been met. The applicants have not demonstrated that there is no realistic prospect of demand to use the site for an employment (i.e. Class B) use.

## 7.0 F) Other remarks

7.1 The information regarding opening and closing times is unclear. There are troubling references to "occasional evening activities" but no clarity is provided. The document issued as part of the public consultation (Appendix 4) makes reference to monthly social events running until 11:00pm, whereas the Operational Plan submitted to accompany the application states that these monthly events run until midnight. Previously, the applicants had said the premises would be open until 10pm.

7.2 At para 7.78 there is a reference to the applicants' willingness to discuss "further contributions... to support the proposal and make the development acceptable". Although the applicants' agent will be well aware of the CIL regulations and the unacceptability of any attempt at "buying planning permission", their parent organisation may not be fully aware.

## 8.0 G) County House

8.1 Our clients only object to this application insofar as (a) it is intended to support the Boston House applications, and (b) it would result in the eviction of an accountancy college that has proved itself to be a benign neighbour and beneficial part of the local community.

## 9.0 Conclusion

9.1 The latest attempt to repurpose Boston House is just as objectionable as the previous one.

and their visitors.

Students do not have visitors.

## 6.0 E) Marketing evidence

6.1 My cross-representations on both the JLL report, and RIB report, strongly disagree with these comments for numerous reasons – to say that the cost of upgrading the building is easily justified is not supported or probably evidenced by the JLL evidence whatsoever. I am not surprised because it is inherently implausible.

Neither JLL, HGH, or RIB have promoted a development appraisal based on post Covid-19 rents, anticipated voids, and the like.

By way of a simple illustration, if the office market falls to £45.00 per sq ft exclusive overall, this will lead to a headline rent of £900,000 per annum, and a building which was only worth £20-22 million, dependant on how yields will undoubtedly increase because investors will have to budget for future unexpected dilemmas, let alone the economic uncertainty which most business operations could face.

6.2 **I am advised by Mr Minty, and I agree, that the submission addresses the aims of Policy E2 by demonstrating, through marketing evidence, that the site is no longer suitable for its existing business use and that the possibility of retaining, reusing, or redeveloping the site has been explored. The application therefore demonstrates compliance with Policy E2.**

## 7.0 F) Other remarks

7.1 If an occupier of a commercial building is likely to host the occasional evening event, they may occur as regularly as student events.

Furthermore, a HQ office building would technically be open 24/7 for members of staff to be able to work out of normal hours – this would highly unlikely be the case with an educational user, since once classes are finished, I suspect from a certain time in the evening, the doors are shut.

## 7.2

## 8.0 G) County House

8.1 It is interesting to note that the occupant of County House is referred to by HGH as being a "benign neighbour and beneficial part of the local community".

Why should one suspect that if D1 use were permitted in Boston House, that the same responsible occupant should be anything different?

## 9.0 Conclusion

9.1 I have set out my reasons above. I pause to observe that I am puzzled that a planning partner who has

The proposed 3-way use swap is not credible. Even if it were credible, there would be a substantial loss of office floorspace, that would make the proposals unacceptable in terms of Policy E2. A 2-way use swap results in the loss of 1,451sqm of office floorspace, which is a considerable quantity. The applicants' marketing evidence is entirely unconvincing and does nothing to advance the applicants' case.

- 9.2** It remains the case that the proposed university campus use is entirely unsuitable for Boston House, and that it would be likely to bring considerable disturbance to an important London square characterised by residential and quiet commercial uses.

I look forward to receiving written confirmation that this objection has been received and registered.

Yours faithfully

**Roger Hepher**  
Director  
hgh Consulting

not established his expertise in another field, would be knowledgeable enough to provide an expert assessment, as to whether marketing evidence is convincing or unconvincing; but in any event I have based my expert opinion upon robust and up to date evidence.

193 viewings suggest that the marketing was carried out in a forceful and proactive manner.

In my opinion, even a loss of office floor space of 1,451 sq m is insignificant, when considering not only the extensive marketing, which failed to deliver a new tenant, but even more importantly, the challenges the office market faces as a result of the Covid-19 Pandemic, where there is no doubt that vacancy rates will increase significantly.

- 9.2**





**CONCLUSION**

**SIGNED:**

.....

**DATED:**

.....