
From: Tim Eyles [mailto:tim.eyes@camden.gov.uk]
Sent: 14 March 2021 16:01
To: Marfleet, Patrick; Planning
Subject: 1 x Response - 18/3/2021 - Objection to Applications 2020/2226/P and 2020/2606/L (Boston House Fitzroy Square W1)

Follow Up Flag: Follow up
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Dear Mr Marfleet

I write to object to this further planning application, the latest in a series made by the owner and prospective occupiers without any prior public or other consultation with local residents or business owners.

In terms of reason for objections I would mention the following:

a) the reasons outlined in my email below sent in July and November 2020 in respect of previous applications

b) Significant loss of office space (contrary to Policy E2)

The applicant, in their second planning application, went to great lengths to say they were seeking to maximise office space with the inclusion of County House and Bedford Square properties.

However, both County House and Bedford Square are now omitted from this Application meaning there is now a significant loss of office space which is clearly contrary to LB of Camden local planning Policy E2.

This is not because the property is no longer sought after for office use as the Applicant tries to suggest. It is simply that the building has not been refurbished. You will recall previous evidence from JLL surveyors that it is this lack of investment which is preventing this building from being attractive to potential office users - not because there is a lack of demand for offices in central London, especially as London recovers from the Covid pandemic.

c) No identified occupier and adverse potential impact

There are many unknown implications of an application which does not identify the end user or the number of people who would occupy the building.

The absence of a known occupant makes a nonsense of so much of this latest Application. As just one example, it renders misleading and spurious the various statements about the impact of the proposals. Absent such a user being specified, how would the Applicant be able to support the statements as to the extent of operating hours, office jobs, cycle parking (paras 3.4, 6.4 and 6.57 of the Planning Statement respectively)?

These are just some of the factors relevant to an Application which would have a fundamental effect on this quiet, largely residential square; there is simply no evidence whatsoever to support the Applicant's statements.

d) Not suitable for education use in a Conservation Area with listed buildings

LB of Camden has heard from many sources that Fitzroy Square and therefore this building is not at all well suited to educational use - and for many reasons.

In the context of a quiet central London square which is residential with some commercial occupiers these reasons include

- the potential for huge numbers of people moving in and out of the square;
- activity spilling out into the square given inadequate congregation spaces within the building itself; and
- students and typical student behaviour not being suitable for this quiet and virtually pedestrianised environment.

I urge LB of Camden to reject this latest application which has considerably less merit than the two previous applications – and given the defects of previous Applications, that is really saying something.

Best Wishes

Tim Eyles

From: [REDACTED]
Date: Tuesday, 10 November 2020 at 20:15
To: <Patrick.Marfleet@camden.gov.uk>, <planning@camden.gov.uk>
Subject: Re: Objection to Applications 2020/2226/P, 2020/2606/L, 2020/2319/P (Boston House 36-38 Fitzroy Square W1T 6EY and County House Conway Mews W1T 6AA)

Dear Mr Marfleet

I am one of the many business owners and residents of Fitzroy Square who have filed objections to this application. My email to Rachel English of 10 July and follow up email to you on 17 August are below for ease of reference.

I now understand that you are intending to put forward this application for discussion at a planning committee meeting scheduled for 9 December. This seems to me to be premature and inappropriate for the reasons outlined below.

In brief:

1. The proposals will generate a disastrous impact on amenity with no explanation from the applicant on how they would appropriately manage up to 1200 students without causing huge adverse consequences for the square, its business occupiers and residents;
2. The applicant has failed to justify why there should be a loss of offices for the local area;
3. The applicant has failed to justify why there should be a breach of Fitzrovia Area Action Plan Principle 6; and
4. The applicant has failed to properly market Boston House on suitable commercial terms.

In addition to the points made in previous correspondence I would therefore emphasise the following:

Adverse impact on amenity: in the neighbourhood, on residents and business occupiers and intense scale of student numbers

There is a huge gulf in size between tiny NCH as the purely nominal applicant and its owner, the vast commercial entity, North Eastern University which has over 26,000 students. To compare this proposal with NCH's current position in Bedford Square therefore lacks any credibility.

The Planning Statement itself mentions that NCH has only 250 full time students but under NorthEastern's ownership there are aspirations for the college in Fitzroy Square to educate up to 1,200 students – a colossal influx and wholly different from the situation in Bedford Square.

The international corporate nature of the applicant may explain why their approach has been characterised by a complete indifference to the impact of their proposals on the local neighbourhood.

In this respect there is a glaring omission in the planning application: a total absence of any information on how the 1200 students using the building will be managed when they are congregating in Fitzroy Square before, during and after they come for classes.

The failure to supply this information demonstrates that North Eastern has little concern for the upkeep of the square or for existing residents and businesses who currently live and work here. It also underlines the fact that the square is an unsuitable location for a large college with over 1200 students.

The information supporting the planning application states that the operational hours will be from 8am to 10pm, Monday to Friday. This is an additional 4 hours later than any other business locally (weekdays) and will also inevitably create additional noise and disruption during the evening as students and teachers arrive and leave lectures. Furthermore, as far as I am aware, the applicants are not offering to be bound by any conditions relating to operating days and hours, so the actual position could be even worse.

The likely situation will be a 'litter nightmare' with students leaving cigarette butts, drinks bottles and cans, sandwich wrappers and general rubbish in the square and spoiling it as a visitor attraction and damaging the setting of the square and its listed buildings.

There is currently a happy mix of residents and business occupiers in Fitzroy Square which works harmoniously and well. Turning the Square into a student campus would change this happy balance utterly.

Even 600 students ie half the proposed number (and staff) would represent a considerable intensification of use. Boston House has previously employed only around 200 office workers.

Other colleges like SOAS have areas within the campus itself where students can congregate. What North Eastern are proposing is to use a public square as its own outside congregating space. That is setting a dangerous and unacceptable precedent - in a way this is a form of privatising public space and the Council should resist it.

In any event I would question how the Council via the planning committee can even properly consider the planning application without full information about how the applicants intend to address this major flaw in their proposals.

Impact on a Conservation Area, lack of outdoor space & inadequate cycle parking

Fitzroy Square is part of a Conservation Area. I understand that the Council's planning policy seeks to preserve or enhance the special qualities of such Areas. Their character depends upon how they are used as well as the built fabric.

Council policy would require nearly 900 sqm of outdoor space to support a university facility of this size, and none is proposed. The proposal is therefore contrary to **Local Plan Policy A2**.

The proposals set out wholly inadequate parking proposals for cycles, by far underestimating the spaces that will be required. They suggest only 45 spaces will be needed. I've seen estimates that the true number needed could reach nearly 300 – a huge discrepancy.

Incidentally Northeastern/NCH have also audaciously suggested they could use the garden within the Square, but this is private property - precious garden space for the houses, flats and offices - and not available to their students.

Loss of Office Space – in breach of Camden Policy E2

The Council should be as concerned now as they apparently were last year at the prospective loss of office space. Policy E2 is a key policy of Camden's Local Plan, and the Council has hitherto applied it consistently.

The latest application seeks a change of use of Boston House from office to a non-residential education institution (Class D1) and the change of use of three floors of County House from Class D1 to office. The changes of use do not balance out – there would be a significant net loss of available sqm for offices.

Inappropriate location for education use - in breach of Fitzrovia Area Action Plan Principle 6

Principle 6 is that "*...the Council will guide development of large scale institutions as follows: ...• education and research uses to the area east of Tottenham Court Road and to the Howland Street Character Area.*" Fitzroy Square is in neither of these areas. Instead it is in the heart of Fitzrovia, where "*any proposal should be **at an appropriate scale and character for the area in which it is situated**, and will be **assessed having regard to the full range of its impacts** and the concerns identified by Camden's Core Strategy, **including impact on residential amenity***" (my emphasis).

The fact that in one case (Cambridge House, at the extreme northern end of Cleveland Street) Camden made an exception to that policy doesn't invalidate the policy. The Birkbeck building is right on Euston Road so the educational use is not being introduced into Fitzrovia proper.

Marketing of Boston House

In any event a key component of seeking a change of use here is evidence that the applicant has marketed the building properly (in this case as offices) for the requisite period.

To satisfy the Council on this point NorthEastern would need to show that the basis of that marketing was on appropriately commercial terms. In this case that would mean having offered a sufficiently long lease term to financially justify the capital expenditure required to refurbish Boston House.

Again, where is the necessary evidence of appropriate action by the applicant on this? I suggest there is none.

On the contrary the applicant has done nothing to make the inside of the building attractive; instead this appears to have been an exercise in making the building as unattractive as possible. One can kill off apparent demand very easily in this way.

Clearly since the pandemic began marketing will have been impractical. With a Covid vaccine now in prospect and a return to normal working anticipated however, the demand for offices in this most special of Fitzrovia locations is highly likely to increase. Even at the height of lockdown Netflix moved to Berners Street. Many commentators expect that there will be a transfer of demand towards smaller, prestige offices, and Boston House has the ingredients to fulfil such demand.

The applicant should be obliged to demonstrate that it has marketed the building properly on commercially sensible terms failing which the application should be rejected until it has done so.

Conclusion

I urge the Council to reject this misleading application which if granted would have disastrous consequences for residents and business occupiers alike and upon the amenities in the Square.

If however the application is to be considered in planning committee, the relevant meeting should be deferred until the applicant has produced the requisite evidence mentioned above. I strongly suspect it will be unable to do so.

Best Wishes

Tim Eyles

From: [REDACTED]
Date: Monday, 17 August 2020 at 17:12
To: <planning@camden.gov.uk>
Cc: <Patrick.Marfleet@camden.gov.uk>
Subject: FW: Objection to Applications 2020/2226/P, 2020/2606/L, 2020/2319/P (Boston House 36-38 Fitzroy Square W1T 6EY and County House Conway Mews WIT 6AA)

Please see below my email to Rachel English of 14 August and my original email of 10 July by way of objection to this planning application.

Please could you add my email to those other objections which have been published on the Council website (unlike mine so far).

Best Wishes
Tim

From: [REDACTED]
Date: Friday, 14 August 2020 at 17:39
To: "English, Rachel" <Rachel.English@camden.gov.uk>
Subject: FW: Objection to Applications 2020/2226/P, 2020/2606/L, 2020/2319/P (Boston House 36-38 Fitzroy Square W1T 6EY and County House Conway Mews WIT 6AA)

Dear Ms English

My email below still does not seem to have been published on the Council website in relation to this application despite being sent over a month ago. Please could you kindly acknowledge receipt and let me know when it will be published in that way?

Best Wishes

From: [REDACTED]
Date: Friday, 10 July 2020 at 19:02
To: "English, Rachel" <Rachel.English@camden.gov.uk>
Subject: Objection to Applications 2020/2226/P, 2020/2606/L, 2020/2319/P (Boston House 36-38 Fitzroy Square W1T 6EY and County House Conway Mews WIT 6AA)

Dear Ms English

Introduction

I wrote to you in 2019 in respect of the Applicant's previous application which was withdrawn - I believe following discussions with you and your colleagues. The latest application has done nothing to allay the concerns and objections previously expressed by many businesses and residential occupiers in Fitzroy Square. On the contrary: the same - and indeed additional issues - now arise from these further applications. I am therefore writing to express the strongest possible objection to these rehashed and misleading proposals.

Loss of Office Space – in breach of Camden Policy E2

I suggest the Council should be as concerned now as they apparently were last year at the prospective loss of office space. Policy E2 is a key policy of Camden's Local Plan, and my understanding is that the Council has hitherto applied it consistently. There appears to be no good reason to change that approach now.

The latest application seeks a change of use of Boston House from office to a non-residential education institution (Class D1) and the change of use of three floors of County House from Class D1 to office. The Applicant pretends that by this means the issues over loss of office have been dealt with but that is emphatically not the case. The application acknowledges that there are no occupiers for the office spaces they are proposing. This structure appears in fact to be a disingenuous attempt to deal with prior concerns over the loss of office use – but singularly fails to do so .

The latest proposal involves a material loss of office floorspace, and is thus contrary to Policy E2.

On any basis the Applicant's proposals will result in the loss of 521sqm of office space. That itself would fall foul of Policy E2 and is grounds enough for the application to fail. However in fact the position is even worse because the loss of 521sqm assumes a use swap involving both County House and 19 Bedford Square, secured by a s106 agreement.

To be effective a s106 agreement would need to bind all the parties with legal interests in all three properties. In respect of Bedford Square, NCH has only a short period before its lease expires. There is no reason to think that the freeholder of Bedford Square would, contrary to its own interests, be prepared to sign such a s106 agreement (which would be binding the building in perpetuity).

On this basis, the best the Applicant can achieve is the loss of 1,451sqm of office space.

Further, there is no credibility in the Applicant's claim that office demand in Fitzrovia is limited – this is a vibrant area for office workers and the building's owners have simply failed to market the property properly.

Finally, the proposals would also incidentally result in the regrettable eviction from County House of an accountancy college (First Intuition) that has proved itself to be a benign neighbour which provides educational services to the local Camden community.

The real Applicant is a large profit making US based organisation, Northeastern University

As before, the application has been submitted on its face by the **New College of Humanities** (NCH). However this is misleading and in reality the application is being made by a large American institution, **Northeastern University**.

Northeastern University has 26,000 students and has global expansion ambitions, as part of which they acquired NCH.

In truth, the campus would simply be a global outpost for Northeastern's US students. This application therefore represents international educational tourism of the worst kind. It would do nothing to widen access to education for the people of Camden.

Adverse impact on the neighbourhood, residents and business occupiers

Turning Fitzroy Square into a university campus is wholly unsuitable and would have a considerable & detrimental impact upon the neighbourhood. There is currently a happy mix of residents and business occupiers in Fitzroy

Square which works harmoniously and well. Turning the Square into a student campus would change this happy balance utterly.

Intensity of Use - enormous scale of the student numbers involved and adverse consequences

The Planning Statement refers to 250 full time NCH students and 300 Northeastern students but the Transport Statement refers to aspirations for the college to educate 1,000-1,200 students – a colossal influx.

Even 550 students (plus staff) would represent a considerable intensification of use. Boston House has previously employed only around 200 office workers. In addition, university use is likely to be inherently more disruptive than office use.

Students sometimes have unsociable habits, and when they congregate, there will inevitably be noise, litter, inappropriate behaviours and all this would also change the character of the Square in a very unwelcome direction.

The information supporting the planning application states that the operational hours will be from 8am to 10pm, Monday to Friday. This is an additional 4 hours later than any other business locally (weekdays) and will also inevitably create additional noise and disruption during the evening as students and teachers arrive and leave lectures.

In summary their proposal is also contrary to **Local Plan Policy A1, Section 2 of the Amenity CPG, and Principle 6 of the Fitzrovia Area Action Plan (2014).**

Negative impact of large numbers of deliveries

The pedestrianisation of Fitzroy Square involved a great deal of work and expense, and it is maintained by a partnership between the Council and residents (with unemployed/homeless people employed); the huge growth in deliveries together with large scale student activity would reverse all that has been achieved.

It is claimed that NCH currently have 5-10 deliveries a day, and this would not be expected to increase. However, this is just not credible, given the six-fold increase in activity proposed, and the fact that a "campus" is likely to develop other facilities over time.

Impact on a Conservation Area, lack of outdoor space & inadequate cycle parking

Fitzroy Square is part of a Conservation Area. I understand that the Council's planning policy seeks to preserve or enhance the special qualities of such Areas. Their character depends upon how they are used as well as the built fabric.

Council policy would require nearly 900 sqm of outdoor space to support a university facility of this size, and none is proposed. The proposal is therefore contrary to **Local Plan Policy A2.**

Northeastern/NCH have audaciously suggested they could use the garden within the Square, but this is private property so that is not available to them.

The proposals sets out wholly inadequate parking proposals for cycles, by far underestimating the spaces that will be required. They suggest only 45 spaces will be needed. I've seen estimates that the true number needed could reach nearly 300 – a huge discrepancy.

Conclusion

The proposed university campus use is entirely unsuitable for Boston House and would bring considerable disturbance to an important London square characterised by residential and quiet commercial office use.

I urge the Council to reject this misleading application which if granted would have disastrous consequences for residents and business occupiers alike, upon the amenities in the Square and for an important Listed building without any corresponding benefit for Camden.

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

Best Wishes

Tim Eyles