

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
PLANNING COURT**

**IN THE MATTER OF AN APPLICATION FOR PERMISSION FOR JUDICIAL
REVIEW**

BETWEEN:

THE KING
(On the application of UCLU t/a STUDENTS' UNION UCL) **Claimant**

v

THE LONDON BOROUGH OF CAMDEN **Defendant**

v

(1) BIRKBECK COLLEGE

(2) THE UNIVERSITY OF LONDON

Interested Parties

STATEMENT OF FACTS AND GROUNDS

A. Introduction

1. UCLU trading as Students' Union UCL ("Students' Union UCL") applies for leave for judicial review of the decision by the London Borough of Camden ("the Council") in its decision letter dated 17 May 2023 ("the DL") that development has not taken place for the purposes of the Town and Country Planning Act 1990 ("TCPA") at the building known as Student Central.
2. The decision whether development has taken place is the precursor to the Council's powers under Part VII of the TCPA to take enforcement action. Previously Student Central was used for a variety of purposes, including for leisure and sport by London students and the local community.
3. Its use changed at or around 2021 to use for education, following Birkbeck College taking occupation of the building, having been granted a 99-year

lease by the freehold proprietor, the University of London (“UoL”), dated 23 July 2021.

4. Throughout 2021 to 2023, Students’ Union UCL made representations to the Council that a material change of use had taken place at Student Central such that a planning application for the new use was necessary. This culminated in the DL.
5. The decision by the Council that no development has taken place in these circumstances is unlawful because:
 - I. the Council considered the uses within other planning units, which were irrelevant considerations;
 - II. the Council considered the property title, which was an irrelevant consideration;
 - III. the Council failed to consider whether any educational use was taking place within Student Central, an obviously relevant consideration, and failed to provide adequate reasons;
 - IV. the Council reached a decision inconsistent with how historically it characterised the use of Student Central;
 - V. the Council reached a decision in a procedurally unfair manner; and
 - VI. the Council’s decision was irrational.

B. Background

Student Central

6. Student Central is a 6-storey building, located at Malet Street, London, WC1E 7H. The building has, or until recently had, the following facilities:
 - I. LG Floor: Swimming pool, gym, and two sports halls/studios;
 - II. Gd Floor: Café, shops and opticians;

- III. 1st Floor: Bars and live music venue; and
- IV. 2nd to 4th floors: offices, and student activity and meeting rooms.
[CB/2/44/§15-16], [CB/2/108/§20] & [CB/4/173/§6].
7. From the 1950s to 2013, Student Central was the base of the UoL Student Union (“ULU”) **[CB/2/44/§16] & [CB/2/106/§12]**. During this time the various leisure and sporting facilities within the building were run by ULU. The 2nd to 4th floors were used as the offices of the ULU, for student meetings and for activity spaces for clubs and societies and other student groups **[CB/2/44/§15]**. In 2013 ULU was disbanded, however the uses of Student Central remained broadly the same. Although a small amount of teaching was introduced into the building, this was confined to some of the student meeting rooms on the second and third floors. Several areas were leased to UCL, including some space on the fourth floor for UCL’s Career’s Service **[CB/2/44/§15]**.
8. The facilities within Student Central were, until 2020, available for use by students attending the member Universities of the UoL and by members of the public.
9. Between 2020-2021 the UoL invited bids from member Universities for a new lease on Student Central. Bids were made by Birkbeck College (“Birkbeck”) and by University College London (“UCL”) **[CB/2/45-46/§20-24]**. Following its successful bid, Birkbeck was granted a 99-year lease on the property dated 23 July 2021 **[CB/6/266-322]**.
10. The understanding of Students’ Union UCL and the Council is that Birkbeck wish to use Student Central primarily for the provision of teaching space and laboratories, and not for leisure or sporting purposes. This would appear to involve the conversion of previous student meeting rooms, sports facilities, bars and retail units to teaching spaces. Some of this work has already taken place with student activity rooms now being used exclusively for teaching, and retail units also converted for teaching purposes. Students’ Union UCL has been informed that conversion of further spaces in the building is now being planned **[CB/2/54/§56]**.

Students' Union UCL

11. The Claimant is a students' union, with the meaning of the Education Act 1994, devoted to the educational interests and welfare of students at UCL. It is a company and charity, and its membership includes students at UCL and the "Sabbatical Trustees", who are six elected student officers. The Chief Executive of Students' Union UCL, John Dubber, has provided a witness statement that gives the background to the Claimant, and addresses its interest in Student Central and the campaign it has coordinated, and continues to coordinate, to protect the facilities within it **[CB/2/41-56]**.

Liaison with the Council

12. No planning application has been submitted for a material change of use at Student Central.

13. Between 2021 and 2023 Students' Union UCL corresponded with the Council, and stated its position that a planning application was required to authorise the change of use of Student Central from a *sui generis* use to an educational use. The relevant correspondence is in the claim bundle and an overview is provided in the witness statement of Mr Dubber **[CB/2/51-54/§41-55]**.

14. In August 2022 Students' Union UCL commissioned DWD Property & Planning to prepare a planning due diligence report to establish the existing lawful planning use of the site. The key findings made in the report were that:

- I. the building comprises a single planning unit **[CB/4/243/§23]**,
- II. it has been used for a number of sporting, leisure, administrative and educational uses that mean its use was *sui generis*, i.e. not within any class within the Schedule to the Town and Country Planning (Use Classes) Order 1987 ("the UCO") ("the 2022 Report") **[CB/4/247/§46] & [CB/4/254/§87]**.

15. The 2022 Report was forwarded to the Council, and a meeting took place between the Council, DWD and Students' Union UCL on 7 February 2023

[CB/4/172/§1]. It was agreed that additional information would be compiled by DWD and sent to the Council to allow further consideration whether development has taken place.

16. An additional report was duly produced and sent to the Council dated 14 April 2023 (“the 2023 Report”) **[CB/4/172-237]**. The 2023 Report includes further analysis to support DWD’s conclusion that Student Central is the relevant planning unit **[CB/4/173-174/§4-9]**. It also provided a summary of the views of various stakeholders on the need and demand for the facilities within Student Central, and the impact of their loss, and enclosed correspondence from those stakeholders.

17. At the request of the Council, information was also provided on the business case for the continued operation of the facilities in Student Central, premised upon UCL taking a lease of some or all of the building to enable Students’ Union UCL to begin occupation and return the facilities to active use **[CB/4/189-190]**.

18. The Council’s correspondence indicate that it sought representations from Birkbeck on the concerns raised by Students’ Union UCL and these were provided but only to the Council: see its emails of 14 July 2021 **[CB/4/144]** 16 December 2022 **[CB/4/152]**, and 21 March 2023 **[CB/4/160]**. The 16 December 2022 email refers to “lengthy representations with letters of support” provided by Birkbeck and the 21 March 2023 email refers to a “response to the [Planning Contravention Notice]”. The representations have not been provided to Students’ Union UCL and no summary of the salient points that were made has ever been provided.

The DL

19. The DL **[CB/3/135-137]** communicates the Council’s final view, following consideration of all the evidence submitted, that:

“... the primary use of SC is F1 educational with ancillary office, leisure, retail and food and drink uses typically found in educational buildings and that its use for traditional class room teaching would not be a material change of use requiring planning permission...” **[CB/3/136]**

20. "F1 educational" refers to Use Class F1 set out in the UCO, which materially includes "use ... for the provision of education" **[CB/9/360]**.

21. The Council determined that there is a single planning unit for consideration, namely Student Central, as opposed to multiple planning units within the building, or a wider planning unit encompassing other buildings:

"...In this case although there are a number of different activities happening within the building the Council considers the whole building one planning unit because there is only one primary entrance and the different activities are accessible from a common core..." **[CB/3/136]**

22. The DL reveals three reasons why the Council found Student Central to be in use for education. The first is the view that the various leisure and sporting uses that previously took place are ancillary to the provision of education across a typical university campus:

"...the uses within SC are similar to the uses found on many other University campuses and I refer to *Young v Oxford City Council* 2010 where it was found that the use of a university campus, considered as a whole, was for the purpose of education and that despite the fact that members of the public could use the facilities for buying books, visiting the cafes or visiting the bank did not alter the ancillary status of the use since members of the university would predominate.

...

While it is clear that SC was used by the public, especially the swimming pool, the Council considers that the whole building was predominately for students general educational needs including the extra-curricular activities that are recognised as an integral part of a university education and common to the majority of universities..." **[CB/3/136]**

23. The second stated reason is difficult to discern but relates broadly to the freehold title that comprises Student Central as well as other areas of land, and a restrictive covenant affecting that title:

"...SC was constructed within the 'No 1 Estate' or the 'Precinct' and part of the wider freehold title of the University of London and subject to the restrictive covenants from that transfer between the Duke of Bedford and the University of London in 1927 that states '...no building shall at any time be used except for the purpose of such University and college Buildings'..." **[CB/3/136]**

24. The third relates to the Council's consideration of previous instances where the planning use of student union buildings had been considered:

"...You have provided the Appeal decision for 104-108 Bolsover Street (27/07/2001) to support your contention that SC should be considered a 'sui generis' use as the student union in that cases is described as 'sui generis' however there is no discussion of why the use did not fall within the then Use Class D1 (education) and as the appeal was concerned with a change of use from the Student Union to offices similar planning considerations would have applied if that building had been within D1 use. Furthermore the Council has been supplied with examples of where other student unions have been considered as D1 or F1 for the purposes of planning decisions. Likewise in the planning history of SC the use has been described variously as D1 (education) and D2 (local community) on separate occasions..." **[CB/3/136]**

C. Legal Framework

The TCPA

25. By virtue of s57(1) of the TCPA, subject to a number of exceptions which are not relevant, planning permission is required for "the carrying out of any development of land." **[CB/9/352]**.
26. Section 55(1) defines development as including (amongst other things) "any material change in the use of any buildings or other land." **[CB/9/349]**
27. Part VII of the TCPA provides local planning authorities with powers to take enforcement action where development is undertaken without planning permission, including through serving enforcement notices, stop notices and breach of condition notices and by applying for planning injunctions.
28. A decision not to take enforcement action can be challenged in judicial review upon the usual public law grounds (*R (Prokopp) v London Underground Limited* [2003] EWCA Civ 961 at [48] per Schiemann LJ). In particular, a challenge may be made to the decision by a planning authority that development has not taken place on the conventional grounds (*per Ouseley J R (Hammerton) v London Underground Ltd* [2003] JPL 984 at [187] and *per Patterson J in R (Licensed Taxi Drivers Association) v TFL* [2016] RTR 29 at [87-90])).

Material change of use

29. When determining whether a material change of use has taken place, the law requires the planning authority to identify the planning unit, and then compare the use or uses taking place within the planning unit now with the use or uses previously taking place (*per* Ouseley J *Beach v SSETR* [2002] JPL 185 at [18]).
30. The established tests for determining the planning unit were stated by Bridge J in *Burdle v SSE* [1972] 3 ALL ER 240 at p244. Where a building is physically separated from other land within the same occupation by a highway that is an important consideration suggesting it is within a separate planning unit (*per* Stuart Smith J in *Fuller v SSE* (1988) 56 P&CR 84 at p.91).
31. When determining the use of land, it is the character of the use of the land that must be considered, not the identity of the occupier or the particular purpose for which they use the premises (*per* Lord Parker CJ *East Barnet Urban District Council v. British Transport Commission* [1962] 2 QB 484 at p491 [**CB/9/369**]).
32. Where multiple different activities are taking place on land in use as a single planning unit, they may involve a primary use together with ancillary uses, or they may involve a mixed or composite use (*per* Ouseley J in *Sage v SSCLG* [2022] JPL 678 at [7-8] [**CB/9/404-405**]). An example of the former scenario was provided by Lord Denning in *Brazil (Concrete) Ltd. V Amersham RDC* (1967) 18P&CR 396 at p398:
- “Take, for instance, Harrods Store. The unit is the whole building. The greater part is used for selling goods: but some parts are used for ancillary purposes, such as for offices and for packing articles for dispatch. The character of the whole is determined by its primary use as a shop. It is within Class I of the Use Classes Order . The ancillary use of part as an office does not bring it within Class II: and the ancillary use of part for packing does not make it a light industrial building within Class III.”
33. Another example is the London County Hall in respect of which the Court of Appeal upheld a finding that it was used for “London governmental use” or a mixed use, with ancillary offices; rejecting the argument that its primary

use was for offices: *London Residuary Body v SSE* [1989] 3 PLR 105. Stocker LJ observed at p127:

"Without the local government functions the offices had no purpose to fulfil. The activities carried on in each of the offices were dictated by, and thus ancillary to, the decisions taken in the debating chamber and other committee chambers. Without those decisions, there was no function to be performed in the offices. Thus to characterise the functions of the whole complex as offices when that office use is for the sole purpose of implementing and administering local government decisions taken in the debating chamber and other parties of the Main Block to which the public had access would indeed be a case of the 'tail wagging the dog,' albeit that the tail was a long one."

34. Ancillary uses are limited to what can be regarded as reasonably incidental or ancillary to a primary use of land (*per* Schiemann LJ in *Harrods Ltd v Secretary of State for the Environment, Transport and the Regions* [2002] JPL 1321 at [22]). Thus, it was held in that case that a helicopter pad is not ancillary to retail use, because shops in general do not have helicopter pads.
35. The use of land cannot be ancillary to the use of other land within a different planning unit, even where the occupier is the same and where the planning units are contiguous (*per* Lord Bridge in *Westminster City Council v British Waterways Board* [1985] AC 676 at pp684-5 **[CB/9/386-387]**; *per* Sir Graham Eyre QC in *Essex Water Co v SSE* [1989] JPL 914 at p918 **[CB/9/390-391]**).
36. Where there are multiple uses that cannot be described as ancillary, there is a mixed or composite use. Such uses are *sui generis*, meaning that they are not within a Class within the Schedule to the UCO (*per* Richards J in *Belmont Riding Centre v First Secretary of State* [2004] JPL 593 at [31]).
37. By way of example, it has been held that land in use for car sales, servicing, repair and maintenance is within a mixed use, not a primary use for car sales, with ancillary uses (*Cocktails Ltd v SSCLG* [2009] JPL 7 at [26] *per* Pill LJ); and in another case it was held that a residential theological college is within a mixed use where it is used for public entertainment because such use is not ordinarily incidental to use for a residential theological college

(*International Society for Krishna Consciousness v SSE* (1992) 64 P&CR 85 at p.97 *per* Kennedy J).

Procedural impropriety

38. A public authority must reach decisions in a procedurally fair manner. All cases in which principles of natural justice are invoked must depend on the particular circumstances of the case but a question is whether the claimant has had “a fair crack of the whip” (*Fairmount Limited v. Secretary of State for the Environment* [1976] WLR 1255 at 1265H–1266A).

39. In *Castleford Homes v Secretary of State for the Environment* [2001] EWHC (Admin) 77, Ouseley J at [55] said:

“Did the Claimant have a “fair crack of the whip”? Was the Claimant deprived of an opportunity to present material by an approach on the part of the Inspector which he did not and could not reasonably have anticipated? Or is he trying to improve his case subsequently, having been substantially aware of, or alerted to, the key issues at the Inquiry? Did he simply fail to realise that he might lose on an aspect which was fairly and squarely at issue and hence fail to put forward his fall-back case? Those are the sort of questions which can be used to guide a conclusion as to whether the manner in which a particular issue was dealt with at an Inquiry involved a breach of natural justice and was unfair.”

Inconsistency

40. A planning authority must have regard to a previous relevant decision and the importance of consistency. Reasons must be given where a planning authority departs from a previous decision (*North Wiltshire DC v SSE* (1993) 65 P&CR. 137 at [112] *per* Mann LJ). This principle is capable of applying to a local planning authority (*per* Thornton J at *R (Davison) v Elmbridge Borough Council* [2020] 1 P. & C.R. 1 at [37]).

D. Grounds

Ground 1: unlawful consideration of other planning units

41. The Council found that the various leisure and sporting activities taking place in Student Central were ancillary to an educational use because the predominant users of the facilities were students.

42. The Council in finding the UCO Class F1 to apply to Student Central must have applied the definition of education found therein: “the provision of education”. However, the Council reached no finding that any education was being provided in Student Central before Birkbeck began occupation, or the extent of any education use taking place, and the evidence prepared by DWD suggested that there was limited use for classroom teaching [CB/4/239/§5-6]. The Council in concluding that there was an educational use, to which the uses in Student Central were ancillary, must have been referring to the educational use taking place in buildings in the wider campus and which are within separate planning units, i.e. within lecture halls and tutorial and seminar rooms in other buildings.
43. The Council were in fact explicit that its finding was based upon consideration of other planning units, referring to the UoL Campus in the DL on multiple occasions, as well the freehold title thereof. That this was the Council’s approach is further demonstrated by its reliance upon the *Young v Oxford City Council* case [CB/9/393-400]. The shops that were perceived by the claimant in that case to involve retail use were part of a proposed “Teaching Building” (set within a wider redevelopment of part of the Oxford Brookes campus) that would also include a new lecture hall, library and other educational facilities. By applying this case to Student Central, the Council treated Student Central as part of a campus planning unit that involved teaching.
44. That the student users of Student Central received teaching within other buildings was an irrelevant consideration however because Student Central was determined by the Council to be the relevant planning unit, not any wider area. The finding on the planning unit was rational and inevitable on the facts (see *Fuller v SSE* (supra)). Having made that finding, the Council were in error in treating the uses taking place in Student Central as ancillary to an education use taking place outside of that planning unit altogether.
45. This is demonstrated by the cases of *Westminster City Council v British Waterways Board* (supra) and *Essex Water Co v SSE* (supra). In *Westminster*, the House of Lords rejected the council’s contention that the

use of the planning unit in question was not a stand-alone use as a transport depot but was ancillary to the use of a number of other planning units in its possession as part of its wider local government functions. The House of Lords held that the use was not dependent on the overall nature of the user's business; the test involves looking at the use of this planning unit alone. Similarly, in *Essex Water Co*, the High Court classified land as in use for general storage, not storage ancillary to a waterworks, notwithstanding that the land was owned by the water company and the waterworks were adjacent.

46. The Council ought to have directed itself to consider only the character of the use within Student Central, and to ignore the fact the particular occupiers also make use of other land (*per* Lord Parker CJ *East Barnet Urban District Council v. British Transport Commission* [1962] 2 Q.B. 484 at p.491 [CB/9/369]).

Ground 2: unlawful consideration of the property title

47. The second reason for the decision, relating to the freehold title and a restricted covenant, was a further irrelevant consideration. On the facts of this case, if not generally, the determination of the use of land depends upon consideration of the character of the use; and analysis of the activities that may lawfully take place upon land is irrelevant.

Ground 3: failure to consider whether educational use takes place at Student Central and inadequate reasons

48. The Council provided no analysis of the extent (if any) to which education was provided within Student Central. This was obviously required in order for the Council to properly answer what it identified as the "pertinent question ... whether the different activities are incidental or ancillary to one primary use".
49. An understanding of the extent of the use perceived to be the "primary use" must rationally be undertaken for the Council to find that other uses present in the building are ordinarily incidental to it.

50. The Council decided that the leisure and sporting activities “were extra-curricular activities that are recognised as an integral part of a university education”. However, the characterisation of the activities as ancillary was not based upon any finding that University education *per se* was taking place within the building or that the activities had an ancillary relationship to that education use.
51. The information compiled by DWD and shared with the Council suggests that there was little use of the building for providing education: see Figure 2 [CB/4/240]. The many leisure and sporting facilities that took place within Student Central could conceivably be ancillary to educational uses, but they clearly do not involve the provision of education *per se*. The careers service offices were also ancillary, or at least arguably ancillary, in that they do not involve the provision of education.
52. The Council in the DL lists the various leisure and sporting activities taking place in Student Central, but fails to mention the pertinent point, which was that they comprised the balance or totality of its use. This can be contrasted with the *Young v Oxford City Council* (supra) case. The teaching building under consideration in that case involved teaching facilities, for example a new lecture hall. No such facilities existed within Student Central. Further, the area that the Claimant perceived to be retail use in *Young* measured only a small element of the total floor area of the building (1,776 sqm within 20,277 sqm). At least the balance of the floor area of Student Central was dedicated to leisure and sporting facilities.
53. Alternatively, in so far as the Council did identify and assess the extent of educational use taking place within Student Central, there was a failure to present adequate reasons to explain its findings on these matters. Given the position of Students’ Union UCL, and the evidence it provided, this was a principal controversial issue that required reasons to be stated within the DL. The Claimant is substantially prejudiced because it cannot understand the evidence or reasoning on which the Council relied in identifying that an educational use previously existed within Student Central.

Ground 4: inconsistency

54. DWD drew the Council's attention to the manner in which it described the use of Student Central within previous planning decisions **[CB/4/244-245/§32-34]**.
55. The use was classified as UCO Class D2 (local community) within recent decisions before Birkbeck began occupation: in 2013 (2013/4254/A) and in 2014 (2015/4058/A). In earlier decisions the use was classified as D1 (education): for example in 2010 (2010/0895/A).
56. There was clearly a change of opinion in 2013 that the use of the site was now D2 (community) or the Council considered that the use changed in 2013 from D1 to D2. The DL amounts to a departure from that decision, however no reasons are given for this, and that renders the DL unlawful (*North Wiltshire DC v SSE* (supra)). It was insufficient for the Council to merely note the fact it had characterised the use as D2 in earlier decisions within the DL. The reasons why it had departed from that use classification ought to have been explained.

Ground 5: procedural unfairness

57. The Council's correspondence reveals that Birkbeck provided written representations and evidence to the Council. These were not shared with Students' Union UCL **[CB/2/53/§47 & 53]**. DWD specifically requested a copy of the response from Birkbeck to the Planning Contravention Notice which the Council also refused to disclose **[CB/4/158-160]**.
58. It is apparent that Birkbeck's representations had a significant impact. The provisional view that the Council reached, before Birkbeck's representations were considered, was that that the use of Student Central "*might be sui generis and that a change of use to solely a teaching facility may be a material change of use requiring planning permission*" **[CB/4/144]** and the Council subsequently issued a Planning Contravention Notice **[CB/4/161-162]**. Further, it would appear that Birkbeck were the source of the examples referred to in the DL of other instances where student unions that had apparently been considered as D1 or F1.

59. These examples were not provided to Students' Union UCL to comment upon, before the Council reached a concluded view. The Claimant is not in a position even today to understand why these examples were considered to be more persuasive than the Bolsover Street decision **[CB/4/256-261]** that DWD relied upon in its report.
60. The Claimant expects the Council to provide full and frank disclosure of the representations from Birkbeck and / or the UoL, and reserves the right to advance further submissions on that material when disclosed.
61. Students' Union UCL were thus deprived of an opportunity to present material on matters that had a clear impact on the Council's decision but which it was not made aware of in advance. For these reasons, the decision was procedurally unfair. The result is that Students' Union UCL were substantially prejudiced, because it would likely have been in a position to challenge the representations and evidence supplied by Birkbeck if they had been provided for its comment.

Ground 6: irrational

62. The Council's judgement that the use of Student Central was an educational use was irrational, in light of the relevant facts and legal principles identified in the submissions above. The only rational finding on the evidence is that Student Central was in a mixed use.
- I. The Council determined that Student Central is the planning unit for the purposes of assessment. Thus, it would not be lawful to approach the determination of the use of Student Central by having regard to how the students who used it received teaching within other buildings across the UoL campus.
 - II. There was little evidence (of which the Council was seized) that Student Central was used for teaching or educational purposes and the Council made no finding that any educational use took place there prior to Birkbeck beginning occupation or the extent of that use.

- III. The bulk of activities that took place at Student Central were leisure and sporting, and had no ancillary relationship with the limited teaching that took place within the building.

E. Discretion and relief

Relevant law and principles

63. The High Court must refuse to grant leave and relief on a judicial review application where it is highly likely that the outcome for the applicant would not have been substantially different (Senior Courts Act 1981, s31 (2A) and (3D)).
64. The Court must necessarily undertake its own “objective assessment” of the decision-making process, in order to determine what the result would have been if the decision-maker had not erred in law (*per* Sir Terence Etherton MR, McCombe LJ and Lindblom LJ in *R (Goring-on-Thames Parish Council) v South Oxfordshire District Council* [2018] 1 WLR 5161 at [55]). The objective assessment must be focussed upon the reasoning of the public authority for its decision (*R (Gathercole) v Suffolk CC* [2021] PTSR 359 at [40] *per* Coulson LJ).
65. When exercising its discretion as to relief, the court must not cast itself in the role of the planning decision-maker: *per* Lindblom LJ in the *R (Williams) v Powys CC* [2018] 1 WLR 439 at [72]. Nevertheless, in appropriate circumstances the Court can provide a declaration as to whether or not development has taken place and whether it was in breach of planning control (*per* Ouseley J *R (Hammerton) v London Underground Ltd* [2003] JPL 984 at [189]).

The relief that is sought

66. In the event that ground 6 is upheld by the Court, Students’ Union UCL seeks a declaration that “Student Central had a mixed use for the purposes of the Town and Country Planning Act 1990 before Birkbeck College began occupation”.

67. If any of the grounds are upheld, a declaration is sought that the DL is unlawful. Alternatively, an order is sought to quash the DL.

68. Further, a direction is sought that the Council reconsider whether to take enforcement action in light of the Court's judgement within a further reasoned decision letter that addresses whether or not development has taken place and expediency.

The outcome may have been different but for the errors

69. It cannot be said to be highly likely that, had the Council determined that Student Central was within a mixed use, the outcome would have been the same for Students' Union UCL. The Council would have had to go on to consider whether a material change of use has taken place. This is not considered in the DL.

70. There is evidence that a small amount of teaching use in specific parts of the building began to take place before Birkbeck began occupation, namely after 2014 following the disbanding of the ULU [CB/2/44/§15]. However, if the use of the building changed in 2014, it would not follow that the lawful use of the building in 2020 was a mixed use including education (see the comments of Ouseley J in *Beach v SSETR* [2002] JPL 185 at [18]).

71. In any event, even if the Council had found there to have been educational use taking place within Student Central before Birkbeck began occupation, it could have concluded that a material change of use has taken place, because the other uses have ceased, and the educational use has intensified.

72. It is established that the cessation of one primary use within a mixed use can as a matter of fact and degree amount to a material change of use where the component use that continues intensifies to a sufficient extent to amount, as a matter of fact and degree, to a change of use (*Wipperman & Buckingham v Barking LBC* 1966 17 P&CR 225 at p229 *per* Widgery J, followed by the Court of Appeal in *Philglow Ltd v SSE* (1986) 51 P&CR 1; see *per* Stephenson LJ at p6).

73. The Council thus might have reached the view that it should take enforcement action in respect of development at Student Central, and that would represent a difference in outcome (see Lang J's remarks in *R (Save Britain's Heritage) v Herefordshire CC* [2022] EWHC 2984 (Admin) at [44]).
74. One possible outcome is that Birkbeck may have been prompted to make a planning application. Schiemann LJ commented in the *Harrods Ltd* case (supra) at [23] that where the use of premises materially changes following new occupation, the public have a reasonable expectation that they should be able to force the owner to go through the appropriate procedures to get planning permission. If the proper process had been followed, DWD's analysis suggests that there would be valid and substantial grounds for Students' Union UCL to oppose a grant of permission [**CB/4/251-254/§68-85**].

F. Aarhus Convention Cap

75. This claim is an Aarhus Convention claim within the meaning of CPR rule 45.41(2)(a). It is a claim "brought by one or more members of the public by judicial review or review under statute which challenges the legality of any decision, act or omission of a body exercising public functions, and which is within the scope of Article 9(1), 9(2) or 9(3)".
76. It is submitted that the claim falls within Article 9(3) of the Aarhus convention which refers to challenges to "acts and omissions by private persons ... which contravene provisions of its national law relating to the environment". As the Court of Appeal has recognised, 'the environment' is a term to be interpreted broadly (see *Venn v SSCLG* [2014] EWCA Civ; [2015] 1 WLR 2328 at [10] - [12]). In that case, it was conceded by the Secretary of State that "the definition of "environmental" in the Convention is arguably broad enough to catch most, if not all, planning matters" (para 11).
77. In order to determine whether a claim is within the scope of Article 9(3) of the Aarhus Convention, the Court is to look at the nature of the legal provision which is said to have been contravened to determine whether it relates to the environment (*per* Eyre J in *R (Lewis) v Welsh Ministers* [2022]

EWHC 450 (Admin) at [32]). This claim concerns the provision in s57(1) of the TCPA that, subject to a number of exceptions, planning permission is required for “the carrying out of any development of land.” This is concerned with the regulation of development, and thus clearly relates to the environment.

78. There is no requirement that the grounds of challenge have to engage directly with environmental matters. Such a requirement would deprive the broad interpretation of the scope of Article 9(3) of the Aarhus Convention endorsed by the Court of Appeal in *Venn v SSCLG* of much of its force, as judicial review is inevitably focused on procedure rather than substance. In that regard, it is useful to consider the comments of Haddon Cave J in *R (Plantagenet Alliance Ltd v SSJ)* [2013] EWHC 3164 (Admin) at [35] made in the context of assessing whether a claim raises an issue of public importance. The Judge rejected the argument that:

“because the challenge is merely a challenge to the process by which the reburial decision was arrived at, ergo there is no point of public importance raised by this case because the issues relating to process are settled law... [this] argument seeks, illegitimately, to divorce the decision from the process. The two aspects are, however, inextricably linked and cannot properly be viewed with blinkers or in separate silos. The more important the decision, the more important the public interest in adherence to the proper lawful process.”

79. Similarly, where a decision to grant planning permission is related to the environment, so too is the process by which it was reached.

80. Furthermore, the decision under challenge here is related to the environment. The Decision means the Council refuses to exercise its powers to prevent a new use taking place at Student Central.

81. The cessation of the sporting and leisure facilities as part of the material change of use has had, and will continue to have, environmental implications. It means that students and members of the local community must travel further to find such facilities, as there are no alternatives within this part of Central London. The travel that is involved can result in increased

traffic congestion and air emissions. The benefits of such facilities towards enabling a healthier lifestyle also have environmental implications.

82. More broadly, the termination of these uses at Student Central may prompt UCL to build a new building to provide similar facilities for the benefit of UCL students, and that too would have environmental implications.

83. Thus, the claim is an Aarhus Convention claim within the meaning of CPR rule 45.41(2) as defined in *Venn v SSCLG*. It concerns development that, if not stopped, will give rise to a range of environmental impacts.

84. Accordingly, Students' Union UCL is entitled to a costs cap of £10,000 recoverable against it subject to reciprocal costs caps of £35,000 recoverable against the Council and the Interested Parties.

G. Conclusion

85. For the reasons state above, Students' Union UCL seek permission for judicial review. It ultimately seeks relief against the Council and costs for bringing this claim.

Horatio Waller
Francis Taylor Building, Inner Temple
27 June 2023

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
PLANNING COURT

Claim No. CO/_____/2023

In the matter of an application for permission for judicial review

BETWEEN:

THE KING
(on the application of UCLU t/a STUDENTS' UNION UCL)

Claimant

-and-

LONDON BOROUGH OF CAMDEN

Defendant

-and-

(1) BIRKBECK COLLEGE
(2) UNIVERSITY OF LONDON

Interested Parties

**FIRST WITNESS STATEMENT OF
JOHN GEORGE HENRY DUBBER**

I, John George Henry Dubber, Chief Executive of UCLU, 25 Gordon Street, London, WC1H 0AY, state as follows:

1. I am the Chief Executive of UCLU trading as Students' Union UCL ("**Students' Union UCL**"), the Claimant in this application for permission for judicial review. I have worked at Students' Union UCL as Chief Executive since February 2019. Previously, I have held roles as Head of Policy & External Relations at the British Council, as Director of the National Secretariat for the English Regional Development Agencies, and have held various other roles in Local Government. I am authorised to make this statement on Students' Union UCL's behalf.
2. The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.

3. There is now produced and shown to me a paginated bundle of true copy documents marked Exhibit JD1 to which I will refer in the terms **[JD1/page]**. There is now also shown to me a paginated bundle of true copy documents relevant to this claim marked "Index to Core Bundle" to which I refer in the following terms **[CB/tab/page]**.
4. I make this witness statement to set out facts relevant to this claim and in support of Students' Union UCL's application for costs protection in this Aarhus Convention Claim. The application for costs protection is elaborated in the statement of facts and grounds.

Background - Students' Union UCL

5. Students' Union UCL is a students' union, within the meaning of the Education Act 1994, devoted to the educational interests and welfare of students at University College London ("**UCL**") (i.e. individuals who are formally registered for an approved programme of study provided by UCL).
6. Students' Union UCL is the incorporated successor of the unincorporated association known as University College Union which was a federation of two unions: the Men's Union Society (formed in 1893) and the Women's Union Society (formed in 1897).
7. Students' Union UCL is a company limited by guarantee (company number: 07635628) registered with the Charity Commission (charity number: 1142404). UCLU's objects, as set out in its memorandum and articles of association are the advancement of education of students at UCL for the public benefit by:
 - (a) Promoting the interests and welfare of students at UCL during their course of study and representing, supporting and advising students;
 - (b) Being the recognised representative channel between students and UCL and any other external bodies; and
 - (c) Providing social, cultural, sporting and recreational activities and forums for discussions and debate for the personal development of its students.
8. Students' Union UCL's members are the students at UCL (unless they have opted out of membership by notifying UCL or Students' Union UCL) and the "Sabbatical Trustees" (who are six elected student officers).
9. Students' Union UCL employs over 90 career staff and over 250 part-time student staff. These are organised into four Directorates: Student Experience; Policy, Governance and Advocacy; Operations and Finance. Students' Union UCL is the largest students' union in the UK by membership. It also has one of the widest portfolios of services of any students' union, including:
 - Managing the majority of UCL's extensive extracurricular activities programme, including sport, music and performing arts provision

- Over 380 student clubs and societies, with over 20,000 members
 - Supporting student campaign groups and networks
 - A large student volunteering service, with over 2,000 students volunteering in community projects across London
 - Support to 1,800 elected student representatives across all university departments
 - Five cafes, four bars and three student shops
 - Student advice and information centre
 - Student media and radio station
10. Students' Union UCL's Vision is to provide "An outstanding experience for all UCL students and to be one of the best students' unions in the UK and the world." Its Mission is to: "Build a vibrant and empowered student community with real influence in UCL and beyond, that enables students to enjoy their time at university; pursue their interests and passions; see the world in new ways; and develop the skills and experience to change the world for the better." Its objectives from its Strategic Plan 2022-225 are: 1. Effective Influence; 2. Amazing Experience; 3. Vibrant and Inclusive Community; and 4. Excellent Union.
11. As Chief Executive of Students' Union UCL, I have overall responsibility for the organisation's strategy, operations, performance, staffing, finances and service delivery. I am accountable to Students' Union UCL board of trustees. I am also a member of the UCL Professional Services Leadership Team.

Student Central – community facilities

12. This claim for judicial review concerns the use of Student Central, Malet Street, London, WC1E 7H ("**Student Central**") which is the former University of London Students' Union ("**ULU**") Building located on the corner of Malet Street and Byng Place. I have been aware of the Student Central building since 2001, when I served as President of the University of Warwick Students' Union and I attended several national student protest marches which began outside the building. However, it is only since joining UCL in 2019 that I became familiar with the history of the building and its full range of services and facilities.
13. Student Central is a 6-storey building which was occupied from the 1950s to 2013 by the now defunct ULU and was subsequently used as a students' union building which was run by the University of London ("**UoL**"). From 2014 the building's uses remained largely the same with a range of sporting, cultural, leisure, administrative, retail and education facilities managed directly by the UoL up until its closure in March 2020.

14. Student Central is located within the administrative boundaries of the London Borough of Camden (“**the Council**”) and is at the heart of a number of universities which reside in the vicinity of the Site, which include Birkbeck College (“**Birkbeck**”), UCL and School of Oriental and African Studies (“**SOAS**”), amongst others. Whilst the property is not listed, it is located in the Bloomsbury Conservation Area and is listed in the Bloomsbury Conservation Area Appraisal and Management Strategy (2011) as being a ‘positive contributor’ to Sub Area 2: ‘Gordon Square/Woburn Square/Byng Place’.
15. As set out in the Planning Due Diligence Report dated 17 August 2022 prepared by UCLU’s planning consultants Dalton Warner Davis LLP [**CB/4/239-240**], the property accommodated a wide range of uses including a swimming pool, gym, bar, student activity spaces and meeting rooms for clubs and societies, a large live music venue, performance spaces as well as offices used by the students’ union. From the 1950s until the closure of ULU in 2013, I have been informed by previous staff that the building was used exclusively as a students’ union, with only occasional external room hire. After 2014, when ULU ceased to exist, the UoL continued to use the building as a students’ union but with staff employed directly by the university rather than via a separate students’ union. However, I understand that some changes were made over time to the offices on the fourth floor. In particular, office space was allocated to the UoL Housing Services and UCL’s Career’s Service. Further, UCL was granted a number of leases by UoL for various parts of Levels 2-4 of Student Central; most recently a lease was granted for parts of Level 2, Level 2 Mezzanine and Level 3 on 10 September 2019. All of these leases have now ended. I also understand some limited teaching and external room hire took place in the student activity rooms which are situated in specific areas of the second and third floor, which also continued to be used for student club and society activities.
16. When operational, the uses within the Student Central consisted of:
 - (a) Lower ground floor - Swimming Pool, Gym, and two sports halls/studios
 - (b) Ground floor – Café, shops and opticians
 - (c) First floor – Bars and large live music venue (the bars were called the Gallery Bar and the Library Bar – the latter was called the Library because of wallpaper resembling a book case)
 - (d) Second Floor to Fourth Floors – Students’ Union Offices, student meeting rooms and activity spaces for clubs and societies and other student groups. From 2014, the UoL began to gradually use these spaces for other purposes, as noted above, and for a limited amount of teaching and external room hire. Opportunities to hire spaces were advertised on the Student Central website, historic copies of which I have seen using the Internet Archive at www.webarchive.org [**CB/8/333-336**].

17. The swimming pool situated within Student Central is the largest pool in central London (it is 33m long and extends to a depth of 3.4m in its deepest part) [CB/8/338] and was used by thousands of students, local residents and members of the community. Students' Union UCL's Union Affairs Officer obtained data for the usage of Student Central's facilities from UoL in August 2021 through a freedom of information request [CB/7/327-328]. The data disclosed shows that, up to the end of the academic year 2018/19 when data ceases because of the pandemic impact, usage of the facilities at Student Central had been at a constantly high level with only small fluctuations between years with thousands of members and day access users using the facilities every year [CB/7/329].
18. The pool served students and staff of all of the universities located in the immediate area including UCL, the SOAS, Birkbeck, the School of Hygiene and Tropical Medicine and the Royal Academy of Dramatic Arts as well as being well-used by members of the local community. The depth and size of the pool make it suitable for a wide range of activities including swimming, diving, life saving (sport), lifeguard training, underwater hockey, water polo and canoe polo. In particular, I understand that diving, water polo and underwater hockey have specific requirements for depth which cannot be met by other pools in the local area.
19. I note also that Birkbeck's own website setting out what makes London unique explains that "*The University of London has high-quality facilities for most sports and currently has over 4000 students regularly competing in intercollegiate sports leagues across London ... Right next door to Birkbeck at [Student Central](#), you can use a 60-station gym and 33-metre swimming pool, or join some of the 50 fitness classes held every week*"¹ [CB/8/346].

Tender process

20. Following the closure of Student Central in 2020, the University of London undertook a tendering process which offered all member institutions of the University of London the opportunity to lease Student Central. I was not privy to the details of Tender Process, but it was described to me by the UoL's Pro-Vice Chancellor for Strategy, Planning and Partnerships, who informed me that the process set no requirement for the building to continued to be maintained as a student facility. I questioned this at the time but was informed that providing students' union facilities for the University of London Federation (i.e. the UoL's constituent colleges) was no longer part of the UoL's Strategy.
21. I have subsequently seen responses to freedom of information requests made by members of Students' Union UCL which indicate that the tender process was launched at some point before 22 October 2020, bids were submitted in December 2020 and a decision that Birkbeck was the preferred bidder was taken at some point before 27 January 2021.

¹ <https://www.bbk.ac.uk/international/london-life>

22. I understand that Birkbeck submitted their bid in December 2020. I also understand from reviewing minutes of a meeting of Birkbeck's Governing Body held on 26 November 2020, obtained by Students' Union UCL following a freedom of information request, that Birkbeck's objective in acquiring Student Central as stated in paragraph 18.3 of the minutes was:

"18.3 Governors discussed the benefits of acquiring the Student Central building, eg. It would enable the College to consolidate its teaching into one headquarters building; and help contribute to the deficit of space. It was noted that there was a lot of work to be done and the timescale was short for the College to submit its bid. Governors considered it was a great opportunity for the College."

23. This was subsequently described in a report to the meeting of Birkbeck's Governing Body on 24 March 2021 as a "*primary objective to maximise teaching space within affordability criteria*".
24. I understand that UCL also made a bid for the lease. I was informed by UCL's Director of Estates Development that their intention was to retain the swimming pool and that they were considering the building as a potential home for Students' Union UCL, which would have involved a refurbishment of the facilities. Consultation was undertaken by UCL with Students' Union UCL regarding our priorities for the use of the building as a students' union if their bid had been successful.
25. Following the tender process, Birkbeck was selected as the successful tenderer and UoL entered into a 99-year lease with Birkbeck for Student Central on 23 July 2021 [CB/6/269-325].

Student Central – Campaign to preserve the community facilities

26. During 2020-21, I was invited to join a review group convened by the UoL to decide on the future of their student clubs and societies. At one of these meetings Professor Matthew Innes, Deputy Vice Chancellor at Birkbeck informed the group that Birkbeck were bidding for a lease on the building, with an aim to expand teaching spaces for their students.
27. In or around January 2021, Students' Union UCL was informed by UCL that their bid had been rejected and that Birkbeck had been selected as the successful bidder for the lease of Student Central.
28. Students' Union UCL was informed by UCL's Chief Operating Officer and Director of Estates Development that they had been informed that Birkbeck intended to convert Student Central primarily into teaching space and that the swimming pool, gym, sport hall, live music venue, activity rooms, shops and bars located in Student Central would be closed permanently. I was also told this by the UoL's Pro-Vice Chancellor for Strategy, Planning and Partnerships. This caused great concern to students and local residents as the Student Central building is a key facility for all students in

Bloomsbury and the swimming pool is a unique facility used by thousands of students and local residents in the area.

29. In particular, the loss of the swimming pool caused great concern. As I explained above, the pool is heavily used by students and the local community and, whilst there are some limited alternative pools in the local area, they are not able to accommodate the users of the pool at Student Central. In effect, a much loved and used community facility would be lost without any alternative provision being available. Students' Union UCL also believed that the loss of this facility would have a detrimental impact on the mental and physical wellbeing of students and the local community due to the positive impact such facilities have and the negative impacts the Covid 19 pandemic had had on students' mental and physical wellbeing.
30. Students' Union UCL also felt that the loss of the community and sports facilities was contrary to the following policies in the Camden Local Plan:
- (a) Policy C2 "Community facilities" which sets out how the Council will protect community facilities and states that existing facilities will be retained unless they meet one of two exceptions, "*a replacement facility of a similar nature is provided that meets the needs of the local population or its current, or intended, users*" or "*the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area*" **[CB/9/420]**; and
 - (b) Policy C3 "Cultural and leisure facilities" which sets out the Council's aims to "seek to protect cultural and leisure facilities" and states that where proposals involve the loss of such facilities, the Council will consider:
 - "a. whether the premises are able to support alternative cultural and leisure uses which would make a positive contribution to the range of cultural and leisure facilities in the borough;*
 - b. the size, layout and design of the existing facility;*
 - c. proposals for re-provision elsewhere;*
 - d. the impact of the proposal on the range of cultural and leisure facilities; and*
 - e. the mix of uses in the area".*
- [CB/9/428-429]**
31. Students' Union UCL therefore launched the "Save our Pool" campaign to garner support (e.g. through a petition) and campaign to save the swimming pool in Student Central.
32. As part of Students' Union UCL's campaign, on 15 June 2021, Students' Union UCL's Activities Officer wrote to the Vice Chancellor of the UoL, Wendy Thomson, to ask what assessments had been undertaken to determine the impact of the closure of the swimming pool and what steps had been undertaken to explore financing the

renovation and maintenance of the pool **[CB/5/266-267]**. Wendy Thomson responded on 18 June 2021 to say there is perceived to be a need for refurbishment for the pool to be reopened and the funding is not available **[CB/5/265-266]**.

33. On 21 June 2021, the Students' Union UCL Activities Officer responded to Wendy Thomson to reiterate the importance of the swimming pool at Student Central to its thousands of users and to highlight that lack of available alternatives in the local area. As no answer had been provided to the requests for information, the Activities Officer again asked for information on assessments undertaken to assess the impact on users (both generally and from an equality of the closure of the sporting and social facilities (or if they had not been undertaken for them to be undertaken), on steps taken to explore external financing for the renovation or maintenance of the pool and on why the lease did not contain clauses to retain sports and social facilities **[CB/5/263-265]**.
34. Further, on 25 June 2021, the Students' Union UCL Activities Officer wrote to Wendy Thomson on behalf of 1,300 signatories asking University of London to reconsider its decision to lease Student Central making similar requests and highlighting the importance of the pool to thousands of students, local residents and members of the community and the negative impact its closure would have **[CB/5/268]**.
35. On 30 June 2021, Wendy Thomson responded to Students' Union UCL Activities Officer explain the benefits, as UoL saw it, of the Birkbeck proposal and to say as follows:

I appreciate that for those who use the building at the moment this will be a disappointment, and I know that having to seek other facilities is not your preferred option. There are other facilities nearby that will provide very similar options for those who want to use the gym and pool facilities, and I hope that in time these will become the preferred option of all students

[CB/5/263].

36. Students' Union UCL also pursued an application for the Building to be Listed to help protect its facilities. This was unsuccessful, with Historic England stating that its inclusion within the Bloomsbury Conservation Area already offered "a level of protection which respects the unity of the grouping [of surrounding buildings] as well as the divergent nature of their dates and forms." UCLU appealed this decision in March 2022 and we are awaiting an outcome.
37. Students' Union UCL also took advice and formed the view that it was likely that any change in use of the building from being a students' union to being primarily used for teaching would likely require planning permission.
38. Therefore, in August 2022, Students' Union UCL instructed Dalton Warner Davis LLP ("DWD") (planning consultants) to prepare a Planning Due Diligence Report to ascertain the planning use of Student Central as Students' Union UCL was concerned that Birkbeck was planning to make changes to Student Central without

planning permission. This due diligence report concluded that the planning use of Student Central was *sui generis* composite use and that an application for planning permission would be required to change its use to primarily an educational facility with teaching classrooms (Use Class F1) **[CB/4/248/§50]**.

39. In February 2023, following discussions with the Council, Students' Union UCL gathered evidence from student groups who had previously used the facilities or who would like to use the facilities. Students' Union UCL also worked with David McBay, a leader of the one of the student groups based in the building, who had organised a previous petition to try to prevent the loss of the facilities, to communicate with former users of the building to ask for statements from them about the importance and value of the facilities. We also contacted several national organisations who had an interest in the building, such as Sport England and UK Music who we felt would be concerned by the closure of the building and plans to convert it into a teaching facility. Students' Union UCL collated responses from these stakeholder groups and individuals who used the facilities at Student Central. The results of the stakeholder engagement are set out in detail in DWD's Additional Information Planning Note dated 14 April 2023 at paragraphs 11-24 and Appendix 2 **[CB/4/174-188,192-237]**. However, in summary the feedback was:

- (a) artsUCL at University College London which represents 6,000 students involved in arts societies, explained that there was a commitment to grow the arts community at UCL to 12,500 and more room was needed to facilitate this. They were devastated by the loss of "*a historic hub of student-led music and performance to be turned into teaching space*".
- (b) British Naturism which represents 24,000 people who had historically used the swimming pool at Student Central for weekly hour long naturism sessions which were in high demand explained the devastating impact closing the pool would have on its ability to provide these sessions.
- (c) Featured Artists Coalition which represents 4,000 artists highlighted the importance of the live music venue to the development of important artists such as Kaiser Chiefs, Joy Division, Sonic Youth, Rage Against the Machine, MUSE, The Creatures, Bauhaus, Jesus and Mary Chain, Teenage Fan Club, Pavement and My Bloody Valentine and highlighted the loss of the venue as impacting the development of grass roots music in the UK.
- (d) Music Managers Forum which represents 1,400 music managers and Music Venue Trust highlighted the impact the loss of the live music venue would have on the development of grass roots music.
- (e) Out to Swim which is the largest LGBTQ+ swimming club which represents 300 members highlighted that the swimming pool at Student Central was one of a few pools in London over 25m, highlighted the harm its closure would have on the London swimming community and explained that the closure of

the 33m pool had led to the fragmentation of the club due to the inability for cross discipline sessions to occur in a single venue.

- (f) SOAS Students' Union which represents 5,500 students highlighted the important role Student Central had played in fostering cohesiveness across the University of London and detailed the harm caused by the loss of the swimming pool, gym and sports hall which has resulted in having to go further afield to private facilities to offer those activities and the loss of the facilities at Student Central meant the community outreach of its clubs had to be scaled back.
- (g) Students' Union UCL, which represents 48,000 students, highlighted the important role that Student Central played in student life, the devastating impact that the loss of facilities (in particular the swimming pool and extra-curricular space) would have given the lack of appropriate facilities available, and the loss of the live music venue would have given that it was the only dedicated live music venue for students in the Bloomsbury area.
- (a) Sam Blaxland developing 'History of Student Life at UCL' representing 50 UCL Alumni highlighted the importance of Student Central to student life for over 60 years, particularly its live music venue, bars, sports facilities, and particularly its swimming pool. In particular, the pool was highlighted to have been crucial for physical and mental wellbeing of students.
- (b) UCL Careers which represents 70 team members providing 12,000 appointments per year explained it had been an anchor tenant of Student Central supporting the students who passed through. They highlighted the detrimental impact on UCL students caused by the loss of the facilities as the swimming pool, gym and bars were all well used and the live music venue was student friendly and popular.
- (c) UK Music, the collective voice of the UK's music industry, highlighted the importance of ULU to the UK music industry, being the location of an iconic photoshoot with The Beatles in 1963 and home to legendary concerts from The Clash, The Sex Pistols, Joy Division, Led Zeppelin, The Smiths, Scritti Pollitti, My Bloody Valentine, Coldplay and Blur, mainly in the early stages of their careers, and being the home to Sueded and Elastica. They highlighted the loss of the venue would be detrimental from a cultural perspective and to the future talent pipeline.
- (d) City, University of London, Students' Union which represents 21,000 students highlighted how well the facilities had been used, in particular the live music venue that has its own rich history as part of the British music scene, the largest swimming pool in central London as well as a wide range of student meeting rooms and activity spaces for community activities like debates, dance, music and drama. They explained how the facilities are needed and their loss would be detrimental to students and the local community.

- (e) Sports England confirmed that in the event planning permission was required for any works, then the onus is on the applicant to demonstrate that the proposal meets the requirements of Local Planning Policy and Paragraph 99 of the National Planning Policy Framework which requires the protection of sports and recreational buildings unless (i) an assessment clearly shows the building is surplus to requirements, (ii) the loss would be replaced by alternative equivalent or better alternative provision or (iii) the development is for alternative sports or recreational provision the benefits of which outweigh the loss.
40. In addition, individual stakeholders raised the following broad themes:
- (a) Lack of suitable alternatives to swimming pool facilities
 - (b) Loss of student focused services
 - (c) Negative impact on health and wellbeing
 - (d) Loss of sporting and cultural uses which have social and cultural significance
 - (e) Impact on groups with protected characteristics
 - (f) Financial impact on the student body
 - (g) Loss of facilities being contrary to Camden's Local Plan Policies

Background – correspondence with Council's planning enforcement officers

41. On 22 June 2021, Students' Union UCL's Sports Development Manager reported a possible change of use and demolition works at Student Central to the Council's planning enforcement team **[CB/4/139-140]**:

I have been made aware that demolition works have recently commenced at this building, which will result in a change of use of the building (currently housing a swimming pool, sports hall, gym amongst other community sporting facilities). I wanted to understand if a planning request would be required for these works to be undertaken as there is already a significant level of unease amongst the local community about the plans to remove the sporting facilities, so wanted to understand if there was a formal point in the planning process where local residents would be able to officially voice their opposition to the plans. Thank you

42. On 14 July 2021, following a holding response the Sports Development Manager wrote to the Council to explain that UCL's estates team understood that the whole building would have a *sui generis* use due to the blended nature of the of the activities within it and that a change of use to use the whole building for teaching (Use Class F1) would require planning permission and consultation **[CB/4/145-146]**.
43. On 14 July 2021, the Council responded to say that they had written to Birkbeck to inform them that the Council considered the use of Student Central "*might be sui*

generis and that a change of use to solely a teaching facility may be a material change of use requiring planning permission” but that Birkbeck had responded to say no works had commenced. The Council explained, however, that they could not state that the use of the above is certainly sui generis but that the line being taken was to try and keep Student Central as a Student’s Union [CB/4/144-145]

44. On 11 March 2022, following emails chasing the Council for a response, the Council wrote to the Sports Development Manager to say that as an application for Student Central to become a locally listed building had failed, internal works could be undertaken without planning permission but that a change of use would require planning permission [CB/4/142-143].
45. On 11 October 2022, the Sports Development Manager again notified the Council of a breaching of planning control following commencement of works at Student Central after members of Students’ Union UCL had seen an announcement on Birkbeck’s website that Student Central had been partially opened as a new teaching facility following “*the introduction of ten refurbished teaching rooms and a new ground floor café*” with further refurbishment planned² and requested that the Council issue a Planning Contravention Notice [CB/4/149-150].
46. The Council’s planning enforcement officer inspected the potential breach at some point in late 2022 and reported his findings to the Sports Development Manager on 16 December 2022 as follows:

I visited a couple of weeks ago and planning agents for Birkbeck have since been sent in a lengthy representation with letters of support from University of London and other parties who have visited the site. The premises appeared largely untouched, the 4th floor was still laid out with housing and career services offices, the 3rd and 2nd floor (and mezzanine) appeared mostly teaching space and offices, apparently these floors were leased by the School of Tropical Medicine and UCL Film and Media School.

The first floor still has the purpose built bar and auditorium with the later cafeteria at the rear. The ground floor was still laid out with student services and sports facilities in the basement. Can you please provide details about the general public using the sport facilities and bar/music venues.

The layout of the upper floors and ground floor appeared fairly typical of other Universities and Colleges, it would be difficult for the Council to defend at appeal a notice stating teaching and ancillary office use could not take place at all. The basement and 1st floor is not so clear cut.

I understand Birkbeck has no intention of reopening the sports facilities, they claim it would be too expensive to bring them up to code since Covid and it is not part of their business plan. The Council could not make Birkbeck bring the swimming pool back into use, potentially just stop the basement and first floor being used for teaching purposes.

² <https://www.bbk.ac.uk/news/refurbished-birkbeck-central-building-opens-its-doors-to-the-campus-community>

I have advised that Birkbeck make an application for a Lawful Development Certificate then the evidence they provide can be shared publicly and a decision made.

[CB/4/152].

47. UCLU has never been provided with copies of the “*lengthy representation*” from Birkbeck of the letters in support from the University of London or other parties.
48. On 5 January 2023, DWD wrote to the Council to set out that their view was that Student Central “*is composite planning use with the building containing a mix of uses which are functionally and physically interlinked, operating at different intensities but as a single planning unit, providing services predominantly to the wider student body*” and to explain that whilst teaching had taken place on part of the upper floors, this was intermittent and did not begin until 2014 **[CB/4/167-168].**
49. In February 2023, one of UCLU’s staff noticed work being undertaken in Student Central by contractors. They asked the contractors what they were doing and was told that the contractors were undertaking demolition and preparatory works of a new internal layout **[CB/4/164-166].**
50. On 6 February 2023, I went to Student Central to speak to the contractors about what they were doing. They told me that they were converting the ground floor into teaching space and I saw that they also seemed to be undertaking some surveying on the outside ramp going down to the basement of the building where the swimming pool is located. I told DWD who then wrote to the Council that day on our behalf to ask the Council to take enforcement action and issue a Stop Notice **[CB/4/163].**
51. On 7 February 2023, DWD, Katie Sykes, Students’ Union UCL Head of Sport and Physical Activity, Mary McHarg, Students’ Union UCL Activities and Engagement Officer, and I, met with Gary Bakall from the Council. At that meeting, Mr Bakall listened to our concerns and agreed to issue a Planning Contravention Notice. He also requested further information from us regarding our views on the lawful use of the building.
52. Following that meeting, DWD emailed the Council on 22 February 2023 **[CB/4/162-163]** to provide them with a copy of the Planning Due Diligence report and explained that their view was that the building was *sui generis* use and that the Council had not, in previous applications considered by the Council, treated the building as Use Class F1a. DWD therefore asked the Council to issue a Planning Contravention Notice to Birkbeck.
53. The Council issued a Planning Contravention Notice shortly thereafter and explained to DWD that they wanted to explore how the facility was used by non-students **[CB/4/161-162]**. Birkbeck’s response to the Planning Contravention Notice was received by the Council at some point thereafter but was not shared with DWD despite their requests for a copy of it **[CB/4/157-158].**

54. Following some further correspondence, on 18 April 2023 DWD sent the Council (i) a covering letter **[CB/4/170-171]**, (ii) the Additional Information Planning Note **[CB/4/172-237]**, (iii) a further copy of the Planning Due Diligence Report **[CB/4/238-255]** and (iv) a copy of the Appeal Decision Notice for 104-08 Bolsover Street (ref: APP/X5990/A/01/1059794) **[CB/4/256-261]**. These documents set out Students' Union UCL's position on why there had been a change of use together with additional information about the use and continued viability of the existing facilities.
55. On 17 May 2023, the Council wrote to DWD to explain that in their view the existing use of Student Central was Use Class F1a and that there would, therefore, be no material change in use if the building is used for educational purposes with teaching facilities **[CB/3/135-137]**.
56. Students' Union UCL are bringing this claim because we believe the Council's decision opens the way for irrevocable changes to Student Central, which are likely to result in the loss of much needed community facilities which were well-used and will be needed even more in the future with rising student numbers in the Bloomsbury area, without any consultation. It has been difficult for us to understand the full nature of Birkbeck's plans as they have not agreed to meet us (for example in June 2021) or share detailed information about their intentions for the building. However, we have been repeatedly told by multiple sources that Birkbeck intend to convert the building for primarily teaching purposes, including ultimately removal of the swimming pool and conversion of the bars, sports hall, fitness studio, gym, live music venue, retail units and student activity rooms to teaching spaces. We believe that there has already been development in the building and that the building is now being used for large scale teaching, which is a change of use from what we believe is its core use (i.e. a students' union comprising multiple sports and leisure facilities). In October 2022 Birkbeck announced that they had opened 10 teaching rooms in the building³ and since then we understand that Birkbeck have converted some of the ground floor retail units into teaching spaces. There is now a high risk of further changes being made, including the potential loss of the swimming pool. The live music venue is also at risk, which Birkbeck have said they intend to convert to a lecture theatre and conference space. It is therefore believed that a change of use has already occurred which constitutes development without planning permission. We believe that if a planning application were submitted, as DWD have shown **[CB/4/251-254, §68-85]**, there would be valid and substantial grounds to oppose the grant of planning permission.

Aarhus Convention claim

57. I am told by Students' Union UCL's solicitors that in order to apply for costs protection in this Aarhus Convention claim, UCLU is required to file a schedule of its financial resources. As Students' Union UCL is a company limited by guarantee, I exhibit a copy of Students' Union UCL's accounts for the year ended 31 July 2022 **[JD1/1-43]** which were submitted to Companies House on 9 March 2023 and the Charity

³ <https://www.bbk.ac.uk/news/refurbished-birkbeck-central-building-opens-its-doors-to-the-campus-community>

shown to me a paginated bundle of true copy documents relevant to this claim marked “Index to Core Bundle” to which I refer in the following terms **[CB/tab/page]**.

4. I make this witness statement to set out relevant facts in support of UCLU’s claim for judicial review.

Background – University of London Student Activities Group Representative and Honorary Life Member

5. I was a student user and community activity organiser in the Student Central building for 8 years between 2011-2019. In several different guises, following the dissolution of the University of London Union (“ULU”) in 2013, I have acted as a representative of both my sports club at the time, and on behalf of all pool and building user groups in internal forums.
6. I was an active member in the leadership of the University of London (“UoL”) Canoe Polo Club, which used the swimming pool at Student Central for training sessions up to three days a week. Within this club, I held various committee roles, including Club Captain, which required me to liaise directly with the Student Central Activities staff to help facilitate welcome fayres, book our use of the pool for the year, ensure members were signed up to Student Central and the club, and ensure appropriate insurance and safeguarding measures were in place, amongst other things.
7. In addition to my club roles, I volunteered as student representative on multiple forums concerned with the operation of the facilities at Student Central, in particular the pool. In the most formal of these roles, I was one of the two Student Activity Representatives on the UoL Student Advisory Group from 2017-19: a group formed by the UoL to consult on the operation, funding and governance of the student activities groups to bridge the gap left following ULU’s dissolution, including the operation and use of the Student Central facilities. This forum brought together senior university roles, and was chaired first by the Director of Property & Facilities Management of the UoL. It would regularly discuss the direct and indirect impact the Student Central facilities had.
8. In 2017, I was awarded an Honorary Life Membership to the University of London in recognition of “outstanding and exceptional service to the Student Central University of London” as a result of considerable efforts made to progress forward Student Activity governance, safeguard funding for the clubs, societies and facility operation for the community, in addition to the successes achieved by my own sports club.
9. As a long-term student user, community activity coordinator and Student Central/UoL volunteer I have extensive familiarity with how the community facilities were being utilised, including in the period just prior to pandemic closure. I have intimate knowledge of how 18 university clubs and societies utilised the varied facilities from my interaction with them. I also have knowledge of how the operations department of Student Central and Energybase (the gym, pool and sports facilities) operated from hours of forum meetings as a volunteer student representative and through the running of my own club. In the 10-year period of 2011-2021 I was in the building an

average of three times a week. I saw use of the facilities fluctuate over time, through renovations and changes in student social trends, but the building always appeared to be busy and always served as a hub for the community.

10. During the first lockdown of the Covid-19 pandemic in March 2020, UoL closed the Student Central building in line with government guidance. For a significant period after the first lockdown, UoL staff directly communicated with me that assessments were underway to safely reopen the building relating to safe ventilation. During this period, UoL stated its clubs and societies were to be dissolved. However, following consideration of a petition by students and the community protesting against this proposal, which I coordinated, UoL undertook a review of the governance of the operation of the clubs and societies. I acted as a Student Representative in this process, which over several months led to the ultimate decision in June 2020 by the UoL to try to transfer 23+ student user groups, many of which utilised the building's varied facilities for their activities, to other universities. Throughout this process, UoL representatives were evasive on the reopening of the Student Central facilities or their availability for Clubs & Societies, a key aspect of whether they would be able to operate if transferred. However, a statement released in June 2020 did state that Energybase would restart operations once allowed.
11. In January 2021, I learned from friends that had been involved in the 2020 campaign by clubs and societies that UoL had decided, without student or community consultation, not to re-open the building and, instead, would lease the building to Birkbeck College ("**Birkbeck**") to be used as a teaching facility. This was subsequently confirmed by UoL. I believe that UoL directly sought to remove the University Clubs & Societies that used the building as the most significant coordinated obstacle to sale of the building including a potential change in use, utilising the passage of time closed in the pandemic to lessen likelihood of community uproar. I was deeply concerned about the immediate and long-term impact that this would have on students and the local community. The building and its uniquely located facilities acted as an unparalleled social meeting point and intersection for a wide and diverse array of students, staff and the local community with unique centrally located facilities available to all. Loss of these facilities would severely impact the student experience offered in London as well as the fostering of inter-university and community relationships in the Bloomsbury area, with significant impacts on health and wellbeing. Since the 2021 decision, I have been coordinating student and community voices to campaign for continued access to this vital leisure resource. This campaign started with an online petition on the 14 June 2021, independently of a subsequent Students' Union UCL led petition.

Student Central

Use before and after ULU was disbanded

12. Between the 1950s and 2013, Student Central was home to the ULU which was the federal student union to its constituent members. ULU was disbanded in 2013/14. When ULU was disbanded, I was as a junior student who used Student Central.

next five years to move out of Student Central.” [DM1/13] It was also noted that there were approximately 1,200 members of these clubs.

17. A briefing for the UoL Collegiate Council meeting on 8 May 2018 outlined the unique benefits of the Student Central facilities provided, including (i) the facilities such as the Swimming Pool, Gym and Large Sports Halls not available at member institutions, (ii) the ability to draw from a wider pool of students to make specialist clubs viable, and (iii) the ability to create a stronger community across Bloomsbury [DM1/21].
18. During the time I have used and been involved with Student Central, the building was utilised extensively by: University Staff and Students from all surrounding institutes for social purposes, most obviously lunch in the various catering spaces and socialising in the multiple bars and grand hall; intercollegiate sports clubs and societies and community sport and society groups, utilising the grand hall, multi-use rooms, sports hall and swimming pool.
19. At the building’s closure in March 2020, the following intercollegiate student clubs, which members of the public could also join (whether on a membership basis or by joining sessions on an ad hoc basis), utilised facilities in the building for their activities: Archery, Canoe Polo, Chamber Choir, Dancesport, Fencing, First Aid, Gymnastics, Ice Hockey, Law, Judo, Koinonia, Mountaineering, Overseas Christian Fellowship, Rifle, Shaolin Kung Fu, Swimming, Symphony Orchestra, Volleyball. These groups used the space at Student Central for a wide range of purposes from storage of their equipment to hiring the multi-use spaces/sports hall/swimming pool to engage in their activities. Rental of these spaces was provided free of charge for many of these groups. In addition, multiple other student groups from the surrounding university unions rented the spaces for regular or one-off use.

Organisation, structure, occupiers and facilities

20. Following ULU being disbanded, from 2014 Student Central was run by the UoL who directly operated the Student Central mezzanine offices on the second floor Mezzanine, the multi-use activity rooms on floors 2&3, the three food and drinks areas (ground floor café, renowned for its affordable jacket potato lunches, and the Gallery bar & the Library bar both of which were located on the first floor) and the grand hall multi-use space on the first floor which was used for nightclub nights and music gigs). There was also a shop, selling branded UoL merchandise and basic student supplies on the ground floor. The swimming pool, sports hall, gym and two fitness class rooms in the basement were accessible on a membership basis or for single use to students, staff and the local community. Areas of the building were rented, primarily by businesses or groups providing related community services including: an opticians; ‘CopyCats’ which was a printing and binding shop on the ground floor; and the UCL Careers Service on floor 4.

Student Central – use by non-students

21. All members of the public had direct access to the building and its facilities [CB/8/330], and I briefly utilised them myself in this manner following the completion of my degree. There was no gated entry or check at the front door and any member of the was welcome to enter. As a result, the cafés and bars were a vital mixing pot between students, staff, alumni from surrounding and distant universities in London and the local community. Staff and members of the public could book the multi-use rooms, hire out the grand hall or Energybase facilities [CB/8/333-343]. Single day or membership access to the gym and swimming pool were available [CB/8/344] and advertised under separate rates from students at the reception desk. Student Central members had some perks, such as a discount at the bar, but the spaces were open to all. Diverse non-student community groups utilised the facilities, including women’s and nudist swimming sessions, choirs and arts groups.
22. Further, events held at Student Central, such as gigs, could be attended by members of the public by purchasing tickets on online booking platforms such as Ticketmaster – i.e. gigs were not limited to attendance by students. By way of example, I attended a Newton Faulkner gig in 2017 by purchasing tickets on Ticketmaster.

Student Central – use for the provision of education

23. Whilst I used Student Central, I was not aware of any regular teaching taking place in the building. The available rooms did not appear to be suitable for use as teaching spaces, as they were set up for sports or social community activity use. They were flat floored rooms, with limited seating, tables or plug availability. While they passed as potential meeting rooms, with basic AV equipment, I would not have thought them to have been designed or suitable for regular teaching. As a whole, the building’s facilities and spaces appeared very clearly designed and operated to provide accessible social spaces and uniquely accessibly sized, positioned and versatile muti-use rooms and sporting facilities. However, following a recent conversation with former Student Central employees I understand that some limited teaching did take place in Student Central. I am told that teaching was restricted to the multi-use rooms and to times within the working day. These rooms were then used for sports and social use in the afternoon/evening.

Statement of truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed

Date: 28 June 2023

Student Central

UCL Careers was based on the 4th floor of Student Central from 2005 until July 2022. The space was the 'headquarters' for the c.70 team members. UCL students and recent graduates attended events in the 60-seater seminar, as well as appointments and use of the Careers library. Footfall of students using UCL Careers was high, typically there were c.12k student appointments annually and c.200 events held in the seminar room.

The benefit was mutual for Student Central (UoL) and UCL students. UCL Careers was an anchor tenant, supporting a constant daily footfall through the building. For the students, the amenities in the building made it a 'hub' to come to – café / bar / gym / print room etc. In addition, many students also felt more relaxed coming to a 'student union building' for careers support as they felt it was a safe space to have open conversations that were sometimes quite daunting for them.

The change of building purpose has been a detriment to UCL students and indeed the wider community. The swimming pool, was well used, as were the gym and the bars. The building was also a venue for bands, a 'student friendly', local venue which was popular not just with students but also local residents. Many people knew 'ULU' as it was previously known, due to the gigs they attended. Given the number of students in the immediate area, it is a great loss that these amenities are no longer available to them. It is also a loss to those living and working in the Bloomsbury area, who enjoyed the range of facilities that Student central offered. Student wellbeing and 'belonging' is incredibly important for all universities and not least, those that are based in the middle of large cities such as London. Student Union buildings and their associated activities are often seen as a hub to support these aspects of student life. Student Central was no exception to that and the change of purpose is therefore a loss to the student community and also to those living and working in the area who made good use of the facilities and extended activities that Student Central provided.

Karen Barnard
Director, UCL Careers



Featured Artists Coalition Ltd
103 Gaunt Street,
London
SE1 6DP

Monday 27th February 2023

Re: ULU Venue Closure

To whom it may concern @ Camden Council,

It has been brought to our attention that Camden Council is gathering information on the proposed closure of the historic live music venue at ULU.

The Featured Artists Coalition is the UK not-for-profit trade body representing the rights and interests of music artists. With a global membership of 4000 artists, the FAC represents the music creator community through education, research, lobbying, advocacy, networking and policy development.

ULU played an important part in the development of many now legendary bands over the years, in particular during the New Wave / Post-Punk era. It is beyond a shame that any organization would consider gutting such a historic venue, which has hosted bands such as the Kaiser Chiefs, Joy Division, Sonic Youth, Rage Against the Machine, MUSE, The Creatures, Bauhaus, Jesus and Mary Chain, Teenage Fan Club, Pavement and My Bloody Valentine.

Historic live music venues like ULU have provided artists with spaces to perform and grow their fanbases. The closures of historic and grassroots venues affects the live music business and the broader ecosystem, ultimately weakening the UK's status and cultural offering, as well as the ability of artists to develop and sustain careers. So, we support the preservation of ULU and other historic and grass root live music venues.

Kind regards,

A handwritten signature in black ink, appearing to read 'D. Martin', written in a cursive style.

David Martin, CEO, Featured Artists Coalition
david@thefac.org
www.thefac.org



February 24, 2023

Dear Camden Council,

The Music Manager Forum is a trade body representing over 1400 Music Managers in the UK.

Since our inception in 1992, the MMF has worked hard to educate, inform and represent UK managers, as well as offer a network through which managers can share experiences, opportunities and information.

The MMF is a founding member of UK Music, the European Music Managers Alliance (EMMA), the Council of Music Makers (CMM) and Live Music Industry Venues & Entertainment (LIVE).

The MMF engages, advises and lobbies on issues relevant to managers. It has been brought to our attention that Camden Council is gathering information on the proposed closure of the historic live music venue at ULU.

Historic live music venues like ULU have provided artists with spaces to perform and grow their fanbases. The closures of historic and grass root venues affects the live business of some of our membership, so we support the preservation of ULU and other historic and grass root live music venues.

Best Regards,

A handwritten signature in black ink, appearing to read 'Anneliese Harmon', with a long, sweeping horizontal stroke extending to the right.

Anneliese Harmon

GM

Music Managers Forum

28th February 2023

Music Venue Trust is a UK charity founded in 2014 with the aims of protecting, securing and improving Grassroots Music Venues in the UK. Music Venue Trust is also the representative organisation for the Music Venues Alliance which is a network of 900 Grassroots Music Venues across the country. Grassroots Music Venues are spaces that are core to their local creative communities and act as places where artists hone their skills, build their audiences and create a sustainable career in live music.

Alongside our work to protect, secure and improve current Grassroots Music Venues, it is the desire of the charity to see spaces that were once flourishing venues return so that they can continue their function as vital creative hubs. Music Venue Trust supports the aims of the UCL campaign to ensure that live music programming remains at ULU Live.

- Clara Cullen, Venue Support Manager, Music Venue Trust



24 February 2023

To whom this may concern.

UK Music is the collective voice of the UK's world-leading music industry. We represent all sectors of the music industry, bringing them together to collaborate, campaign and champion music. Since our formation 15 years ago UK Music has forged a reputation with policymakers to provide the best possible insights into the music industry in order to power its economic potential and ability to bring communities together through music. Our ground-breaking report *This is Music* is regularly sighted by ministers, MPs and Peers in Parliament. We have worked closely with regional, devolved and local authorities across the country to develop strategies and approaches to make the most of what areas can offer their local music industries.

I am writing in relation to the University of London Union (ULU) in Malet Street to set out my view that the venue plays a significant part in the UK's music heritage and should remain protected as a cultural venue. Failure to do this would be an act of cultural vandalism which could be determinantal to the future talent pipeline of our sector. There is a strong correlation between those that have acted as sabbatical officers or events organisers at universities that then go on to become incredibly successful in the music industry. Stuart Galbraith, founder of Kilimanjaro Live, and Stevie Wonder's manager Keith Harris are just two of many examples. Losing venues like ULU will deny future promoters and agents the ability to cut their teeth and should therefore be resisted.

ULU has particular significance for the UK music industry, being the location of an iconic photoshoot with The Beatles in 1963 and home to legendary concerts from The Clash, The Sex Pistols, Joy Division, Led Zeppelin, The Smiths, Scritti Pollitti, My Bloody Valentine, Coldplay and Blur, mainly in the early stages of their careers. It is also in many respects the spiritual home of two of the most successful bands of the 1990s Britpop era, Suede and Elastica.

If you require more information in support of this position please do not hesitate to contact me.

Yours faithfully,



Tom Kiehl

Deputy CEO & Director of Public Affairs

M: 07720 496 555

E: tom.kiehl@ukmusic.org

A: UK Music | Work.Life | 33 Foley Street | London | W1W 7TL

UK Music is a company limited by guarantee (registered in England and Wales No [3245288](#)) at Work.Life, 33 Foley Street, London, W1W 7TL

FOIA - Student Central Usage

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Total membership	15,000	15,000	17,000	19,000	15,500	**	**
Members (staff and students)	10,300	12,000	11,000	14,000	12,100	**	**
Sports and clubs	1,200	1,400	1,700	1,700	1,200	**	**
Gym and pool membership	3,000	3,300	1700*	1,700	3,000	**	**
Per day access	3,000	3,000	3,000	3,000	3,000	**	**

* Pool closure periods for refurbishment for 2016-17

** Pandemic impact

Welcome to **STUDENT CENTRAL**


[About](#)
[Sports & Activities](#)
[Food & Drink](#)
[Shops & Services](#)
[Energybase Gym](#)


What is Student Central?

Welcome to Student Central, the home of all London students. We're the home for all students studying towards a degree at any London University Institute/ College. Do you want to meet other fun and like minded London students - well that's what we are here for. We're different to other student unions- we organise sports and societies across the entire University of London as well as niche societies you might not find elsewhere.

We're host to three bars, a fully equipped gym, fitness classes and the largest indoor pool in central London! Our Sports and Activities department also has you covered, Jui-Jitsu or Jazz, you can get involved!

Despite our name, the general public can use our facilities too. We've got the largest indoor pool in Central London, a fitness suite, up to 50 classes a week and two multi-purpose studios, you're covered health and fitness wise!

Are you looking for a a room? Well, is it a room to stay...a room to host a lecture or room advise? We have it all. Find inside the University of London housing services, they will help you find a place to stay or even give you legal advise. Then there's alway Conferences Central for the more ambitious wanting to rent a room for a society, a lecture or even a conference.

Why not pop in and say hi to our reception and they will help you set up your free membership giving you access to all of this and more! In the mean time you can also click [here](#) and do the registration online.

- **Scroll down this page to find more information on the individual services we offer.**
- **If you want to see what Student Central looks like on the inside click here!**
- **Click here to sign up for your free membership.**



We have over 40 clubs and societies available and if we don't have what you're after, you can always set up your own! If you are a member of a group at one of the constituent colleges and want to collaborate with similar groups to yourselves, perhaps you should consider creating a Student Central Network.



Ground floor - Friendly, professional quality binding, photocopying or printing services.



First Floor - Chilled drinks on the balcony in the summer to karaoke and quiz night in the winters, whatever you fancy, we've got you.



First Floor - Part of the Gallery bar. We screen live sports all year round! If we are not showing your favourite sport then request it. We also have several pool tables to challenge your mates. So what ever your mood bring on the good!



Ground Floor - Serving a selection of sandwiches, baked potatoes with various fillings, sushi, cakes, new product ranges and drinks. We have free wifi available. Find us on the ground floor next to Student Central reception.



Health and fitness club having 53 station fitness suite, 33m swimming pool, up to 50 classes per week, remedial treatments, a sports hall and a multi purpose studio.



Whether you want to hold a large board meeting, a lecture, open day or a live music event or party the Conferences Central can offer you a great room at a reasonable price.



As the college-based service, UCL Careers is the main point of contact for careers support for current UCL students, staff and GradClub members.



We have registration schemes for private landlords, letting agents, private halls and other providers of private accommodation for students and staff.



First Floor - Tickets for live events – we've had the likes of Radiohead, Coldplay and U2.



Extensive range of uniquely designed University of London branded clothing and insignia products. Located next to reception and sharing a space with Copycats or shop [online](#).



Receive parcels - no more missed deliveries!



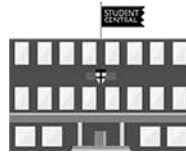
A well established opticians, we provide an excellent service in both eye testing and supplying our customers with only the highest quality eyewear.



Sign up for your free membership!



More on membership?



What's inside?

[CONTACT US](#)

[TERMS & CONDITIONS](#)

[JOBS](#)

[ADVERTISE WITH US](#)

[OPENING HOURS](#)

[SITE MAP](#)



Malet Street, London, WC1E 7HY

02076648127

studentcentral@london.ac.uk

© 2021 University of London

Powered by MSL

Accessibility



A A



Our website uses cookies to enhance your experience, for analytics & personalisation. If you click the 'I Agree' button you agree to having these cookies set on your device. You can adjust your browser settings to control cookies. [Please see our terms and conditions for more information.](#)

CONFERENCES CENTRAL

[Home](#)[Catering](#)[Rooms](#)[About](#)[Contact Us](#)

Rooms

First Floor

Hover your mouse over rooms in the map to view more details.

- Capacity**

Theatre: 200
Classroom: 90
Boardroom/Horseshoe: 50
Exam: 80
Standing: 600

View rates



Second Floor

The five rooms on the second floor, apart from the Malet Suite, are smaller rooms seating a maximum 20 people boardroom style and are perfect for breakout rooms or smaller meetings. The Malet Suite is the newest result of our on-going refurbishment plan. Having three rooms knocked into one large room, the maximum capacity boardroom style is 50 and theatre style 150. Now a great meeting space for larger meetings and workshops. The next step for this room is the installation of a ceiling mounted data projector and PA system to add to the pleasure of being able to hire a great value for money meeting room.

Hover your mouse over rooms in the map to view more details.

- Capacity**

Theatre: 150
Classroom: 90
Boardroom/Horseshoe: 60
Exam: 50

Registered Charity?

10% off ALL ROOM
CHARGES + NO VAT

Call us now

0207 664 2020
0207 664 2021
0207 664 2022

Your Feedback

CONFERENCES
CENTRAL

Malet Street, London, WC1E 7HY
0207 664 2021 / 2020



[Contact Us](#)
[Booking Policy](#)
[Jobs at Student Central](#)

View rates



- **Capacity**
Theatre: 30
Classroom: 21
Boardroom/Horseshoe: 20
Exam: 10

View rates



- **Capacity**
Theatre: 40
Classroom: 24
Boardroom/Horseshoe: 20
Exam: 15

View rates



- **Capacity**
Theatre: 40
Classroom: 24
Boardroom/Horseshoe: 20
Exam: 15

View rates

- **Capacity**
Theatre: 40
Classroom: 24
Boardroom/Horseshoe: 20
Exam: 15

View rates

- **Capacity**

Theatre: 40
 Classroom: 24
 Boardroom/Horseshoe: 20
 Exam: 15

View rates**Third Floor**

There are six rooms on the third floor seating maximum numbers of 25-70 boardroom style, and 70-200 theatre style. Most notably on the 3rd floor is the Upper Hall. Most notably on the 3rd floor is the Upper Hall, a versatile room that features sprung flooring, a ceiling mounted data projector and PA system. Seating up to 200 people it is suitable for presentation style events and workshops.

Hover your mouse over rooms in the map to view more details.

- **Capacity**

Theatre: 200
 Classroom: 90
 Boardroom/Horseshoe: 70
 Exam: 90
 Standing: 350

View rates

- **Capacity**

Theatre: 75
 Classroom: 60
 Boardroom/Horseshoe: 30
 Exam: 35

View rates



- **Capacity**
Theatre: 70
Classroom: 50
Boardroom/Horseshoe: 25
Exam: 30

View rates



- **Capacity**
Theatre: 70
Classroom: 50
Boardroom/Horseshoe: 25
Exam: 30

View rates



- **Capacity**
Theatre: 90
Classroom: 60
Boardroom/Horseshoe: 30
Exam: 35

View rates

- **Capacity**
Theatre: 110
Classroom: 70
Boardroom/Horseshoe: 40
Exam: 40

View rates



Our website uses cookies to enhance your experience, for analytics & personalisation. If you click the 'I Agree' button you agree to having these cookies set on your device. You can adjust your browser settings to control cookies. [Please see our terms and conditions for more information.](#) **I Agree**

ENERGYBASE MEMBERSHIP PLANS

[Privacy Policy](#)

[Terms and Conditions](#)

Membership Plans

Non-Student membership is available to the general public. There is a one-off joining fee of £50

Membership Type	Day Pass	1 month	3 months	6 months	9 months	12 months
Student	£8	£27	£80	£145	£210	£240
Non-Student	£10	£35	£90	£170	£250	£310
Halls/Student Homes	N/A	N/A	N/A	N/A	N/A	£180
Corporate	For corporate memberships, please contact brenda.francis@london.ac.uk					

* All day passes require photo ID at purchase. Memberships are non-refundable and non-transferable.

** Non-student membership are subject to £50 one off joining fee. Student Central cards are free



Sign up for membership at the Energybase reception desk. Don't forget to bring your

Energybase offers a variety of gym memberships to suit the needs of all, including day passes to annual memberships, from student rates to private rates.

All membership to Energybase include:

- Full use of the gym and swimming pool during our opening hours
- Access to all fitness classes, seven days a week
- Free advice and gym inductions** with skilled Energybase instructors

Energybase offers discount rates for students, graduates and staff of the University of London, as well as other selected institutes. To qualify for certain rates, you will need to get a **Student Central Card** from Student Central's main reception. These are printed free for students of UoL and non-student members, and cost £40 for staff and graduates of UoL and students of universities or colleges outside of the UoL.

Student Central card!

Please be aware, all memberships and day passes are to be purchased before the last hour of our opening times (Monday - Friday before 9pm and Saturday - Sunday before 8pm) - During the last hour, all who wish to use the facilities must have a valid membership.

Last Entry Mon - Fri 9:30pm Saturday - Sunday 8:30pm

If you are interested in having a tour of the facilities before deciding on a membership, please feel free to pop in and request for a member of staff to show you around.

* Class timetables subject to change during Easter and Christmas period

** Sessions subject to availability

*** Please take note that membership is strictly non-transferable.

**** Lockers can only be used whilst you are training in Energybase. No overnight or day storage is allowed in Energybase. Where lockers have been used in breach of our terms and conditions, a fee of £15 is payable for retrieval of any items left in the lockers. There is a separate charge of £15 for replacing lost locker keys.

ABOUT US

MEMBERSHIPS

CLASSES

FACILITIES

About Us

Privacy Policy

Our Fitness Instructors

Gym Base

Competitions

Terms and Conditions

Types of Classes

Swimming Pool

Frequently Asked Questions

Class Timetable

Studio Base 1

Inductions and Personal Training

Studio Base 2

Move More

Treatments

Opening Hours



Energybase
Student Central
Malet Street, London, WC1E 7HY
020 7664 2002 / 2091 energybase@london.ac.uk