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By email only



03/09/2024

Dear Christopher Smith,

**Planning Application 2024/1267/P: Response to the “Explanatory note to address construction impacts associated with Mary Ward House”**

1. Further to the Elliott Wood letter dated 30 August 2024, made public on the 2 September 2024, we write to inform the Council that it appears that the applicant has either entirely misunderstood the Impact of proposals on Mary Ward House or, as we suspect, entirely disregarded Mary Ward House and its employees.

2. In paragraph 1, entitled introduction, the applicant makes the wholly misleading statement:

*“We have undertaken a thorough review of the proposed construction with reference to Historic England’s consultation response and we confirm that, with the following safeguards and conditions, appropriate and adequate protection of the heritage asset would be achieved.”*

3. In their letter of 22 July 2024, Historic England clearly state that:

*“Safeguards through conditions and obligations should therefore be put in place to ensure Mary Ward House is preserved and sustained through the duration of the construction period and future occupation. Consideration should be given to how the existing use is conserving the building and how this can be safeguarded and supported. We would be happy to meet your Council, the Applicant and Mary Ward House to discuss how this may be achieved”*

4. The necessary safeguards will **not** be achieved under current proposals.

5. The applicant has made no effort to understand the true impact of the development proposals and has made no effort to avail of the offer by Historic England to meet with all parties.

6. In paragraph 7, entitled Impact of proposals on Mary Ward House, the applicant states that:

*"The proposals for the redevelopment of Tavis House have carefully considered the impacts on adjoining neighbours."*

7. This is a blatant distortion of the truth. The applicant and agents have disregarded neighbour's interests and have only given us any consideration as an afterthought following our objections.
8. The outline CMP in respect of planning permission to which the applicant refers does not deal with the substantial demolition and, in any case, will not alleviate the concerns by ourselves of Historic England.
9. Given the propensity of the applicant to act in what seems to be a misrepresentative manner, we have restated what Historic England noted:

*Section 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) sets out the obligation on local planning authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.*

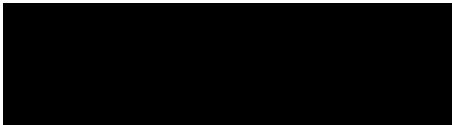
*Policy D13 of The London Plan relates to the Agent of Change principle. D13C sets out that new noise and other nuisance-generating development proposed close to noise sensitive uses should put in place measure to mitigate and measure any noise impact for neighbouring businesses. D13D2 sets out mitigation measures should be explored early in the design stage, with necessary and appropriate provision including ongoing and future management of mitigation measures secured through planning obligations.*

*Paragraph 193 of the National Planning Policy Framework (NPPF) states planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Paragraph 203 states in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use consistent with their conservation.*

10. The fact of the matter is that if this development proceeds as is currently planned, the impact will be ruinous. Mary Ward House will close, there will be a substantial number of jobs lost and it is very likely that if LB Camden grant such damaging planning permission, the property will return to the listed buildings at risk register in due course.
11. Finally, we are surprised that the council have shared the Historic England letter directly with the applicant rather than make it publicly available. This raises a number of very serious concerns including:
- 11.1. **Lack of Transparency:** By sharing information directly with the applicant and not making it publicly available, the local planning authority may be perceived as lacking transparency. This could lead to suspicions of favouritism or bias towards the applicant, undermining public trust in the planning process.

- 11.2. **Equal Access to Information:** All stakeholders, including community members and competing developers, should have equal access to relevant information. Withholding such information from the public prevents other interested parties from fully understanding the basis on which planning decisions are being made.
- 11.3. **Impaired Public Consultation:** Effective public consultation requires that all pertinent information be available to the community. Without access to all data, including communications like the Historic England letter, the public cannot provide informed feedback or effectively participate in the planning process.
- 11.4. **Potential Legal Ramifications:** If the withholding of information is viewed as non-compliance with statutory requirements for transparency and openness in governmental processes, it could lead to legal challenges against the planning authority.
- 11.5. **Erosion of Public Confidence:** The selective sharing of information can lead to a loss of confidence in the integrity of the planning authority. Public perception of procedural fairness is crucial for the legitimacy of planning outcomes.
- 11.6. **Precedent for Future Decisions:** This instance may set a concerning precedent for future interactions between the planning authority and developers or applicants, suggesting that important communications may not always be made public.
- 11.7. **Impact on Heritage Conservation:** If the letter from Historic England contains critical considerations about heritage conservation that are not publicly shared, there could be inadequate scrutiny of how heritage factors are being weighed in the planning decision.

Yours faithfully,



Crochan Murphy