

## Comments Form

Name..... BØRGE MADSEN & BRIT MÜHLEISEN .....

Address..... 16 BROWNLOW MEWS WCTN2LD .....

Planning application number..... 2014/1621/P .....

Planning application address..... 22-23 & 21A BROWNLOW MEWS .....

~~I support the application (please state reasons below)~~  
WE object to the application (please state reasons below)

☐  
☐

Your comments

SEE 2 ATTACHMENTS

**We are opposing the plan for change of use.**

The swap

Nr 22-23 is classified as B1. A change of use to sui generis will allow for expansion of business: storage and distribution.

The last month there are new people employed by the courier company although they claim there will be less activity, so as they have always have done, they are expanding. The traffic in the Mews has steadily increased over the years, more big vans, less motorbikes and now recently more people working for the company. In addition the increased floorspace in 22-23. These are signs of expansion.

If 21a gets B1 classification the following will happen:

The garage door can be closed on 21A, on and of loading can be done without anybody being able to see it.

Now storage and distribution can be done from 3 buildings. All buildings are linked through internal doors.

Furhter 21A can now be used 24/7.

This swap is detrimental for amenities of the resident. Our sleep will be disturbed by vehicles comings and goings, people talking smoking outside at nights and week ends. Our front doors blocked, Vans double parked and pedestrians not able to squeeze through. This is not theory, this is what we had for years until we complained to Camden council.

Our complaint: when the Courier operation moved into the mews in 2001:

21A was a B1. The courier company claiming it was only a telephone centre. First after lots of complaints from people living in the Mews proving that the buildings was used as a courier operation, the inspector said it can no longer be seen as B1, and it was changed to sui generis courier business. In this context:

*The inspector could see that the residences had to be protected from the constant activity and saw it necessary to restrict the time of use from 21A, and not allow any person to be in the building after 8PM until 7AM including week-end.*

We see it necessary to uphold this restriction, as it is not possible to enforce the breaches.

The Company must have enforceable guidelines when they can work otherwise they will work anytime from any building day, night and week ends and there will be people and vehicles coming and going any time and this is does not fit in with the user profile of the Mews and certainly is not good for our sleep.

When we proved that they did work unsocial ours we were told this:

That at night and week end the "courier operators" are just "office" workers and the letters delivered or collected by couriers to waiting couriers in surrounding streets are "not couriers" and not "letters" just "personal shopping"

And they will claim that when we see a vehicle is just "imagination" it was not them.

For years we were disturbed by courier operation staff using the garage at nights and week end, driving 5.30 am out of 21A's garage, banging garage doors, talking to staff outside etc. Starting to work 12am again arrive on a motorbike. This stopped with the time restriction.

This company's operation does not fit comfortably into a residential area and restrictions will help the company to fit in more with the other users.

When it is claimed that other company's has no restrictions it is because it's not necessary that they do. After 14 years of continuous problem with the courier operation we hope there will be no "swap" or unlimited use of any of the buildings.

The expansion will lead to chaos in the Mews with more double parking's, blockades of entrances and the Public not being able to squeeze between he cars.



Foto: Blocked Mews/ and blocked front door by Courier Vans:



21A garage daily used as depot:





### **Comments to the operational management statement**

**1.4** 22-23 was in 2010 presented by the Courier Company as an *office use only* to the inspector with the just occasional chauffeur arriving for a payslip, the company said it was no reason for the chauffeurs to be in the Mews because they have modern communication, and the cars had no need to be in the Mews. In that context, and 22-23 was classified as B1.

But the usage B1 is a classification where the use fits into a residential area. Their usage is noisy, the limousine service operation checks the cars outside, staff like: drivers, people who load and unload, office people are all at different times throughout the day on the street. 67 people for the company.

**1.5** With a time restriction on 21A, as the Inspector saw necessary in 2011, it can be enforced that nobody should be in the building after the restricted time. The Inspector saw it necessary that in a Mews with Mixed use nights and week ends needs to be quiet time for the 70% residences.

**1.8** *We are promised there will be no increase in amount of vehicles from 21A.*

There will be an increase in storage space therefore more vehicles. The company's policy is to buy up similar businesses. There are proximately 13 company's melted into one in the same building

We were told in 2001 this was just a telephone centre.

We proved to the Council that it was a courier operation. Then the company downplayed the amount by saying "there was no need for vehicles to be in the Mews because they had modern brand new communication system"

We proved to the council that we did have a problem with lots of vehicles coming and going.

Then, the Courier company downplayed the number and they do the same now.

The council does not know the correct number of vehicles at the moment without that information they will not know what is an increase.

The Courier operation's policy is to Expand.

In 2012 they bought Pink. Express increasing their profit with 3 million according to their own statement for 2012, for the Company House. Since they bought Pink Express the traffic noticeable increased. How much increase in traffic can a cobbled stone Mews with no pavement take?

Therefore with the company's own plan of expansion, we are asking the council for "damage control" and protection for the residences. There is regular double parking blocking pedestrians and cyclist, our front doors are regularly blocked and too many vans are parked along the Mews. There is a real problem which needs to be addressed.

We do understand that business needs to be done but this is

Extreme. And to the detriment of other users.

**1.9** They are now talking about a restrictive use 5 days a week but with the swap it is with no restrictions, there can be 7 days a week, so we are talking about a potential doubling of vehicular movement.

Even with 5 days a week the traffic is steadily increasing. The vans are getting bigger and hundred of more packages are on and offloaded in the middle of the street.

**1.11** *We are promised the floor space is reduced.*

The representation of floor space used for storage in 21a is incorrect. Most of the space is used by telephone operators. It is not floor space in itself, which is important. It is the convenient on and off loading and the extra 140 square meters, which at present cannot be used in 22-23, which motivates this application.

The potential use of 22-23 will enable them to expand massively through the convenient on and offloading and extra space. In addition they can use 21A for storage and distribution without anybody being able to monitor this. The directors often daily have their car illegally parked in the mews or they are away in meetings and when the garage in 21A is empty, often after 4.30 it is a constant on and of loading from the garage. The busiest time is between 4.30 and 7.30.

**1.12** *The historic use of the Mews* is indeed historic since the Mews has changed significantly in the last 20 years and is today more Residential than business and should therefore be rezoned. It is mentioned that other companies in the Mews has no restriction. The other companies have the staff inside the building in contrast to the courier operation who's staff is hanging around outside in groups off 3-7 throughout the day being a nuisance. The other small companies are not courier companies working nights and weekends. They are not disturbing anybody.



*The Mews has become the courier's backyard: 5 people*

**1.13** *We are told "As at the present time only two Directors will use the garage"*

The garage in 21A is not used only by the 2 Directors.

Between 4.30 and 7.30 it is constant use by couriers vans etc

Packages are stored and distributed to the vans through the garage.

The cars parked normally in the garage is moved to the street and parked illegally.



*Photo: Garage used by couriers.*

There are not only 10 vehicular movements, as the couriers claim, in and out of the garage per week. There is a constant on and of loading

**1.15 Staff is formally advised not to park in the garage**

Over the years the garage is in constant use.

**1.16** Couriers does, have time at hand waiting for jobs an their deliveries. They regular and daily have lunch, read newspaper, smoke chat, drink coffee and shout outside 21a and it is a gathering and meeting point were they are always pleased to talk to the annoyance of their neighbours. Office staff is also congregating outside in addition all the people involved in emptying the vans with hundreds of packages and letters are waiting outside and considerable amount of people are involved in controlling incoming and outgoing cars on and of loading. We should also not forget the chauffeurs, private car hire often illegally parked; they are also ready for a chat. Day after day we have the noise right in front of our house and never has any of the managers intervened.



*Photo: 7 people gathering*



*Photo: Double Parking:*

**1.17** With the use of 22 and 23 the gathering of people will cover a wider stretch of the Mews and be of a greater disturbance. The company's promise that the vehicles will leave promptly is empty we daily experience the opposite.



*Vans double Parked you can see 2 pedestrians with umbrellas trying to get through*

**1.19** The operational management plan is full of promises, which are incorrect, and the increase in business and load on the Mews cannot be monitored. Therefore the council has to dismiss the application.



*3 Cars parked so close nobody can get through.*

Brit Muhleisen  
16 Brownlow Mews  
WC1N 2LD London



I am opposing the proposed change of usage of 21a & 22-23 Brownlow Mews.

A quick and initial reading of this application – the cover letter and the Operational Management Plan – gives the impression that the couriers want to reduce the amount of storage they have presently. This is achieved by moving the depot function into the ground-floor of 22-23 and by converting 21a ground-floor from mixed storage and operation to operation only. We are assured that this SWAP will not imply any increase in vehicle traffic. Before we challenge this framing of the application we need to see the application in its historical context since the couriers arrived in 2001. Failing to do this would render it impossible to understand the issues carefully concealed by this application.

### **The history**

**In 2001** Camden Council opposed that the couriers moved into 21a Brownlow Mews.

The couriers claimed that 21a was a *telephone and control centre only*. It would not be used for storage and distribution (depot function). The traffic generated – they gave the number of about 200 vehicles a week – was not related to *sui generis courier business*. They claimed only "occasionally" there would be a package delivery to the premises.

An inspector overruled Camden's decision and gave permission for *sui generis courier business* restricted to business hours.

The couriers did not respect the time restrictions and moved subsequently into 24/7 business. Packages were delivered to the site concealed under coats and operators were entering and leaving the building 24 hours a day. The residents in cooperation with Camden's Enforcement department managed to contain this to levels which were bearable.

**In 2009** the couriers expanded into 22-23. It was claimed that this would not mean an expansion of vehicle traffic. Residents showed that courier based traffic had doubled since 2001 to 400 vehicles in 2010, which was about 80 % of all traffic in the Mews. Camden dismissed the couriers application again but an inspector ruled in 2011 that 22-23 could not be seen as connected to 21a in planning terms – despite the couriers had made a concealed(!!!) opening between 21a and 22-23 - and accordingly gave permission for B1 usage.

The couriers hereafter used 22-23 as the entrance for their night and week-end operator team. They entered 21a (all windows are covered at night) through the internal opening and in this way circumvented the time restrictions on 21a. This was documented by residents but the Enforcement team was powerless.

**In 2011** the couriers tried to legalize their actual use of the premises of 21a: they asked for permission for a few deliveries outside business hours and that three staff could operate the 24/7 business from 21a. This was dismissed as detrimental to residential amenities: NO staff should be at the premises outside business hours. However the couriers continued their night business. When inspected by Camden's Enforcement team, the operator staff would move into 22-23 and claim they were administrators doing "overtime" (8 hours every day the whole year!).

**In 2012** the couriers expanded their usage of the depot function noticeably in 21a. Previously couriers would deliver or collect packages in smaller amounts. This now changed dramatically: large vans arrived (small trucks so tall that a person can stand upright within) exchanging **hundreds** of parcels per visit. Late afternoon would witness the Mews entirely blocked by 3-5 big vans while staff were carrying parcels to and fro often using trolleys. Suddenly residents witnessed literally small mountains of parcels stored inside 21a. This is the background for this application arriving **in 2014**.

### The core argumentation of the application

This application repeats the usual pattern of assurances from the couriers seen through the years. We are assured that this is not about expanding the courier business. The motives behind the change of usage is really down to *convenience* according to the application: the parked cars in the garage are hindering quick and smooth deliveries and collections of parcels to the small storage room behind the garage. However we are not explained why do the couriers want to change the usage of the ground-floor of 21a from sui generis courier business back to B1.

We are only assured that the change of use of the ground-floor of 22-23 to courier business does not constitute an expansion of business and hence cannot be detrimental for residents. This is the main argument of the application. It is supported by three postulates:

1. The swap of usage of the ground-floors actually means a "reduction" of the courier's storage area (from 230 to 140 sq. metres)
2. There is no increase in vehicle traffic – this assurance seems to be based on that there is a reduction of storage space (otherwise we would not know why there is no increase in traffic to be expected).
3. We are told that despite we are talking about a single owner and a single application for 21a and 22-23 this identity cannot be taken into consideration: "identities are not a material condition because permission runs with land and not with owners" (the couriers are here quoting the planning inspector). Thus even if the applicant and the residents treat and see this as a single case/application the planners cannot.

Let us now discuss the arguments.

#### Ad 1. Are we talking about a reduction of storage?

Right now the ground-floor of 21a is mainly used by operators. *Some storage is also taking place but this is not the main usage of this ground-floor.*

Packages are stored in three places:

1. Primarily in a room behind the garage (say 25 sqm.)
  2. At the back of the garage
  3. In the telephone operator room along a wali (just inside the main door entrance to 21a)
- So there is not much space set aside in 21a for storage ONLY. My estimated is that they probably use max 25 sqm. which at peak times are expanded by using some few sqm. of the garage and the operator room.

The application however claims that 230 sqm. are used for storage and forget to inform that most of the space – say 90% – is actually used for telephone operators.

This viable storage function is relatively new – maybe 1-2 years. The company now needs more space for this new expanded and expanding depot function. By using the 140 sqm. in 22-23 the company clearly gets more space for package storage – not less. So we are facing an **increase in storage capacity of a factor of almost 6** (from 25 to 140 sqm.).

Hence we can dismiss the postulate about the *reduction* of the storage function as being factual misleading. The application enables the couriers to *expand* their depot function.

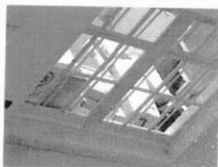


Figure 1 Operator room in 21a used for storage



**Figure 2 Trolleys used to load hundreds of packages**

#### **Ad 2. Are we assured no increase in vehicle traffic?**

This application enables the couriers to *expand* the storage and distribution function despite their denials. The implications of this are:

1. Increased storage capacity in 22-23 enables an increase in traffic volumes
2. The release of scarce space from being used as storage in 21a enable the courier to expand the telephone centre which in itself generates more traffic. Courier head offices do generate traffic. We saw that in 2001 when the couriers claimed that the telephone and control centre (with no depot function) in itself generated 200 vehicle visits a week.

*We accordingly can conclude that the application **enables** a possible increase in vehicle traffic generated by expanding the storage capacity and the control operation.*

According to the couriers own numbers vehicle traffic has already increased from about weekly 200 vehicles in 2001 to about 400 vehicles in 2014 - i.e. doubled. (The number 400 is probably taken from residents' traffic survey done in 2010 - today after the acquisition of the similar sized Pink Express - it is most probably even higher.)

Of course the couriers are assuring us that there will be no further increase in this. Can we rely on this assurance?

Any business is normally striving to expand - not to remain in status quo. How many companies are NOT trying to grow business given a chance? If you look in the official company records (from Company House) you will see that the company in 2012 acquired the similar sized Pink Express and states that they have major expansion plans for the coming years. Can a courier company expand without increase of traffic? The Mews certainly experienced the arrival of huge vans with hundreds of packages to be loaded and unloaded. Leaving this aside we can ask if this assurances in the application imply that given a chance for expansion the company will refrain from exploiting such an opportunity? We clearly expect not! *This assurance is not only an empty gesture but it is also improbable - businesses always want to grow and the company in fact has actual plans to do so according to their own publicised records.*

What happens if the traffic expanded despite empty assurances of the opposite? Traffic has already doubled over the years - at least. This application enables a new wave of expansions. Traffic could double once more to 800 vehicles a week. Can the Mews handle say 800 vehicles a week? At what number of vehicles do we reach "critical mass"? In other words is there a limit for how much courier traffic the Mews can handle and before this amount of traffic become detrimental to residents' amenities?

Further using 22-23 for storage and deliveries will mean that the staff and vans will spread over a large part of the Mews. Now they tend to concentrate around 21a.

How will Camden prevent the couriers to reach this point of "critical mass" in the Mews if this expansion of capacity potential is permitted? How much does the couriers' present assurance help us when we have reached critical mass and residents want to leave the Mews due to unbearable conditions?

Clearly a permission cannot be given on the basis on an empty assurance of no increase in traffic volumes.



*Figure 3 Loading vans double parking*



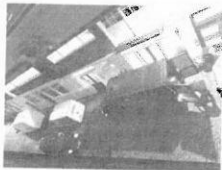
*Figure 4 Congestion at 21a - it would be nice to be able to also use 22-23*



*Figure 5 Loading volumes involves several staff*



**Figure 6** *Hundred of parcels being loaded late afternoon daily*



**Figure 7** *Has the Mews already met its capacity limits for loading?*

### **Ad 3. What if we treated this case as *not* being a single identity?**

Let us follow the claim in the Cover Letter that we should *not* treat this application as a single case ("identity") as planning permission is following land and not owners. Logically we are then in reality dealing with two applications for two pieces of land which we are not allowed to consider as a single case. This claim seems to make the whole application and its argumentation redundant. How can the couriers for instance argue that there will be no increase in *overall* traffic if we are not supposed to evaluate the two cases *together*? When the couriers submit a single application – as they do – arguing along the lines of a single identity, how can they then also claim that the two planning sites should not be treated as a single identity? Would we not expect two separate applications then?

Leaving this problem aside we can then of course follow the couriers' suggestion that we in fact are talking about two *separate* planning sites. In such a situation the first application is about changing 22-23 from B1 to *sui generis* courier use. Courier depots generate traffic – full stop. This change of use will hence mean an increase in traffic in the Mews. Camden would now have to investigate how much traffic would increase and if this increase of traffic would fit into the life of the residents of the Mews. Here Camden probably would have to consider that there already is a *separate* courier site in 21a in the Mews generating 400 vehicle visits (at least) a week.

Then Camden would have to consider a separate application for 21a. Here in this second application a *sui generis* courier site wants to change its usage back to B1. However already in 2001 the inspector decided that this courier company (which in 2001 claimed to be only a telephone and control centre generating 200 vehicle visits a week) required a *sui generis* courier business permission. As *nothing has changed* according to the couriers own claims (in 2001 it was only a telephone centre and in 2014 it wants to continue as a telephone centre) Camden would logically have to dismiss such a re-classification to B1.

Thus according to the logic of the planning laws we are now dealing with "two courier sites". The 21a-site *must* keep its classification and restrictions. The 22-23-site must be considered as another environmental stress load on the Mews. Camden must ensure that the Mews can carry two courier-sites with no future detrimental effects for the amenities of the residents. As this cannot be assured Camden should dismiss that application for 22-23-site

Having argued against the main arguments of the application I would like to return to some specific issues in the application.

#### **The issue of the couriers' 24/7 business**

As mentioned the residents and Camden has over the years struggled to contain the company from not using the 21a site 24/7. Any uncertainties of interpretations were clarified in the planning inspectors June 2012 decision.

Here it is stated that the couriers are not allowed to have ANY personnel at 21a outside business hours because it is detrimental to amenities and not enforceable (see § 11-16 of the June 2012 decision). The inspector's argument is only related to the nature of *sui generis courier business* usage - it does not apply to B1 usage.

If the ground-floor of 21a is changed to B1 status the present restrictions becomes impossible to control and enforce. B1 usage means that staff can enter the premises as and when they want - this we know from the regulations of 22-23. This leaves us in other words in a *non-enforceable situation* which the inspector in June 2012 decision argued is unacceptable.

So this present application will enable the couriers to get around the existing restrictions in 21a on their 24/7 business: this is why they want a SWAP and not just an upgrade of 22-23 from B1 to *sui generis courier business* status.

*The inspectors argument also implies that 22-23 should not be allowed to have sui generis courier business on the ground-floor and B1 upstairs for the same reasons: the situation is not enforceable and is detrimental to the amenities of the residents.*

#### **Comments to singular points in the cover letter and Operational Management Plan.**

1. The cover letter (page 5 last paragraph) claims that the number of vehicles using 21a only will be "negligible" when turned into B1 usages. They claim that this will not be comparable to the traffic generated in 2001. *However we are not told why there is such a dramatic difference: in 2001 the telephone and control centre generated 40 vehicle visits a day (only a few of them we were told were so called "occasional" courier deliveries).* What guarantee us that this number is going to become "negligible" in 2014 as the couriers claim? If modern communication techniques means, as the couriers argue, that drivers do not need to visit head office anymore, how come that the amount of traffic has doubled since 2001? Based on our experience a telephone and control centre generate a large amount of vehicle traffic and we should stick to that fact instead of relying of empty promises.



**Figure 8 The "Negligible" use of 21a**

2. The cover letter (page 5, third and second last paragraph) says that drivers on a "one-off" basis might access 21a. Again in 2001 the number of visits was certainly not - as said above - a "one-off" situation: there was 40 a day. Or is 40 the number we should understand as the meaning of "one-off"? Further how can we know whether a person entering or leaving 21a is a driver or a B1 operator. This again is an empty gesture.

3. The Operational Management Plan says in 1.13 that the garage "usually" is only used by the directors. We can inform that when directors are not parked there it is used by other employees. So what does "usually" tells us? We know that if we return to B1 status then the garage can be used for deliveries – as it did before – by couriers who pretend and claim they are B1 staff "unusually" using the garage. By accepting the word "usual" combined with B1 status the usage of the garage becomes impossible to enforce.



**Figure 9** The director's car or a courier van parking in the garage?

4. The Operational Management Plan says in 1.17 that there will be no "excessive" staying in the Mews of drivers and staff. This will be enforced by the managers. Again what is meant by "excessive"? Residents since 2001 have NEVER experienced that managers have instructed staff to leave the Mews. Often we have witnessed that managers have to navigate crowds of staff in order to enter the site without saying a word. Some staff smoking, some waiting for new business, some having their vehicles controlled – who is going to decide if they have spent "excessive" time in the Mews? Until now managers never found this to be the situation.

### **Conclusion**

1. The upgrade of the ground-floor of 22-23 to *sui generis* business should be dismissed. This will increase the storage capacity of the company possible generating increased heavy van traffic in the Mews. This will also means that the staff and vans associated with this activity now will spread down the Mews where they before were clustering around 21a.
2. The site of 22-23 should not be allowed to operate with two different usage classifications as they are impossible to enforce. This could lead to that the premises cannot have any necessary time restrictions attached as these cannot be enforced.
3. The same argument apply to 21a. By allowing it to return to B1 status for the ground-floor no enforcement of time restrictions are possible.
4. Further and finally the inspector in 2001 already decided that the couriers – also at that time framing themselves as a B1 telephone centre – need a *sui generis* courier business permission for 21a. As nothing has changed this classification must remain.

