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Town Planning - Planning Law

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Director of Culture and Environment

London Borough of Camden

Camden Town Hall, Judd Street,

London WC1H 9JE Attn: Nanayaa Ampoma

Your reference 2014/6039/P

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Dear Sir

Change of use from offices (Class B1A) to residential (Class C3) comprising 8 x 1 bed and 8 x 2 bed units. 8-12 Camden High Street NW1 – prior approval under class J Town and Country Planning Use Classes Order 2013 ('the Order')

I am instructed by Lewis Nedas Law and Birnberg Pierce, two solicitors' practices located at this building. They object strongly to the current prior approval application. It is capable of causing very significant transport and parking problems in the area, as well as leading to a very unattractive external appearance. The application is inadequate, factually wrong and lacking in detail in relation to critical matters.

In addition my clients, who are writing separately, occupy the building currently and would find it very difficult under the circumstances to relocate in the area, and it is plain that the consequences of their ceasing to be in the area would be very serious indeed for the Camden Town area.

Nature of the Area

The bottom end of Camden High Street is complex and sensitive from the point of view of transport and depends significantly on Bayham Place which lies at the rear of the prior notification property. It is also an area where there is a great deal of change arising from introduction of residential uses especially in Bayham Place and the changes to the Cobden Junction which is located to the front, where it is proposed there will be an extensive

pedestrianised area. The area includes the KoKo music venue, formerly the Camden Palace. This venue attracts large numbers of guests and creates extensive queues throughout the afternoon and evenings, before the events commence. It is also a fact that Bayham Place is used for the fire exits and the clearance of the substantial refuse created as a consequence. There are large refuse facilities in Bayham Place, and the traffic considerations occasioned by the removal of rubbish are well-known to the users of Bayham Place, particularly after concert nights.

Conservation Area considerations

The site is also in the Camden Town Conservation Area. The Council is under a general obligation under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as follows

- 72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- (2) The provisions referred to in subsection (1) are the planning Acts and Part I of the Historic Buildings and Ancient Monuments Act 1953 and sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993.*

The Order is a provision under the Planning Acts referred to in this section and the Council must therefore, in making a prior notification decision, where relevant pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. It would be unlawful for it to do otherwise, as the point here is relevant.

The building, which was principally constructed in the post war period, and added to in 2007, retains its original fenestration, and cannot be converted to residential so that it will meet the requirements of the building regulations or provide satisfactory residential accommodation without the installation of new windows. This is a detail which should be provided to the Council so that it can discharge its duty under the 1990 Act before it makes the prior notification decision.

Moreover given the leasehold structure of the current occupation of the building, there is a significant possibility that if the prior notification is granted, only part of the building could be converted before the changes to the Order expire, with only some of the front façade windows being altered, and an appearance which will potentially be very unattractive. With this as a possibility the Council cannot discharge its responsibility to preserve or enhance the conservation area as required by the 1990 Act.

The Council should refuse the prior notification and require the application to deal with fenestration and use in a single application.

The application is inadequate as to transport and parking

The Transport Statement forming part of the application does not deal with Bayham Place although the Council is well aware of the importance of this both as a mews and a street and the changes which are taking place there which have very considerable implications.

Bayham Place provides rear access to Sainsburys and Boots, which occupy the ground floor of no 8-12 Camden High Street and currently provides the facility for the removal of the Sainsbury's refuse, which is trollyed out of the car park, which is gated, to the skip facility which lies at the rear of Boots.

Bayham Place is located on both sides of Bayham Street, and on the western end it is a cul-de-sac terminating behind 8-12 Camden High Street. 48-56 Bayham Place, which is on the corner of the cul-de-sac part, is currently the subject of a prior approval application for change of use to 29 studio flats. It was previously granted prior approval for 9 flats. Nos 61 and 57, which are located on the opposite (eastern) side of Bayham Street have each been the subject of prior approval applications, each to 1 unit. No 57 was initially refused as the Council said that a s106 agreement would be required to ensure car free development to allow it to proceed. Subsequently it was granted with a s106 agreement. No 61 had no such restriction.

There is a real danger of a proliferation in the Bayham Place area of residential units many of whose occupants will want cars, which will place severe pressure on residents parking in the area. The Council has wisely taken the view that a s106 agreement would be required to ensure car free housing at 57 Bayham Place. There are realistically only 7 off street car spaces associated with 8-12 Camden High Street. There are parking machines installed which would theoretically double this, but people do not like using them and they are not realistic for use by residential occupiers.

The Council should not permit this prior approval to go forward without reassurance as to the future operation of Bayham Place and a s106 agreement to ensure car free housing for more than 7 of the proposed 16 residential units. Moreover it should be identified which of the units are to be car free. My clients and other occupiers of the building will need to be party to such an agreement as they are leaseholders and the Council, in accordance with its usual practice will want to bind all owners of the property.

Background

Council will find the background to this objection of significant interest. Lewis Nedas Law and Birnberg Pierce are two law firms who still provide legal aid on the limited possible basis that is available in the Camden Town area. (Lewis Nedas Law has been in the Camden Town since 1983, and Birnberg Pierce since 1999) Lewis Nedas Law accounts for some 30 jobs on the premises, and Birnberg Pierce some 60, so if they had to move there would be a loss of some 90 jobs and some of the remaining free or appropriately priced access to justice in the Camden Town area.

Conclusion - what the Council should do now

This is not a straightforward case and it would not be lawful for the Council simply to pass it on the basis of what has been submitted. The Council cannot discharge its duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 without knowing about the design of the fenestration. Moreover the Council should have more information about how Bayham Place would function if permission were granted.

This is not a case for a quick prior approval with light touch regulation. The situation is far too complex and the Council should refuse this application. The applicant should be asked to reapply as a planning application giving detail of the proposed fenestration, and with fuller Transport Statement detailing with the functioning of Bayham Place. In any permission the Council should require a s106 agreement to secure car free housing identifying which flats are to be allocated car spaces at the rear. The Council should point out that Lewis Nedas Law and Birnberg Pierce will need to be parties to such an agreement.

Naturally I or my clients would be pleased to discuss the situation.

Yours faithfully



Ian Trehearne
