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Ms Nanayaa Ampoma
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22nd January 2015

By email

Dear Ms Ampoma,

113 Regent's Park Road, London NW1 8UR
Application 2014/7695/P

On behalf of the applicant, Bibendum Wine Ltd (Bibendum), I am writing to respond to the letter of objection submitted by Mr Cowan to application ref. 2014/7695/P, dated 18th January 2015.

In his letter, Mr Cowan sets out 4 reasons for objection which I address in turn below.

1. The Application

Mr Cowan questions the office use of the ground floor of 113 Regent's Park Road.

Under Class J of the Town and Country Planning General Permitted Development Order 1995 (As Amended), 113 Regent's Park Road should have been used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use.

As explained in the covering letter to this application and in my email of 7th January, the ground floor of 113 Regent's Park Road has been used as offices since 1999, when Bibendum started to operate their business through online sales and mail orders. This is also indicated on Bibendum's website: <http://www.bibendum-wine.co.uk/about-us/our-story>. Indeed, the applicant advertises its business as a wine merchant with no reference to any retail operation taking place at its Regent's Park Road offices.

It should also be noted that Bibendum sold its private client business in 2013 and since then it cannot legally sell products to private customers.

Evidence of the office use of the building prior to 30th May 2013 has already been provided in the form of three valuation reports dated April 2007, May 2010 and March 2013 (strictly private and confidential).





I understand that you wish to see further evidence and this is provided below.

A data search of the Valuation Office Agency (VOA) online records has been undertaken, which confirms that the ground floor of 113 Regent's Park Road has been rated as offices since September 2005 (earlier valuations are not available online): in April 2005 the ground floor was rated as warehouse / showroom but this was rectified in September of the same year.

Table 1 below details the use of each floor according to the current VOA rating (April 2010). Further rating details are appended to this letter.

Table 1: Valuation Office Agency, current rating

Floor	Description	Area (sqm)	Value
Ground	Office	264.90	£88,575
Ground	Kitchen	8.20	£2,742
Ground	Internal Storage	7.10	£1,187
First	Office	244.90	£85,989
First	Kitchen	14.60	£5,126
First	Server Room	6.80	£2,388
First	Internal Storage	5.00	£878
Second	Office	198.60	£62,932
Second	Kitchen	22.60	£7,161

The VOA clearly distinguishes office rates from those of shops, such as Nos. 115 or 109 Regent's Park Road. There is no doubt that the VOA confirmed that the use of the ground floor is Class B1(a) offices.

An existing plan dated 1989 is appended to this letter showing the retail layout at ground floor before the shop ceased to operate in 1999.

Existing and proposed plans of the ground floor, dated 2004, are also appended. These were prepared prior to the erection of the mansard storey in 2005 and demonstrate the change of use of the ground floor to offices (Class B1(a)).

Finally, a statutory declaration will also be sent to the Council confirming the office use of the ground floor since 1999.



In his letter, Mr Cowan states: *"There is clear evidence that the ground floor of the building was in fact used for retailing up until the end of 2014 which culminated in a bin end sale of wines to the general public who could freely go into the premises to make purchases."*

I confirm that a temporary wine sale took place at 113 Regent's Park Road between 16th October and 5th December 2014. This was organised by The Wondering Wine Company, a trading arm of Bibendum, and it occupied some 1.4 % of the ground floor (4.4 sqm of the total 318 sqm) as shown on the attached plan. This was part of the small client seating area which you saw during your site visit on 16 January. A photo is also attached.

This temporary sale was clearly ancillary to the main office use the ground floor and to the business of Bibendum: wine commerce. There was no disruption to the usual office operations and it did not alter the nature of the business: Class B1(a) offices. This was only organised to showcase the offer of The Wondering Wine Company and was limited to the dates set out above.

It is not uncommon for premises that operate under a specific use to accommodate an ancillary operation. This is the case of Mothercare where small Costa Coffee concessions operate within the existing retail stores without affecting their Class A1 use. Application ref 13/00954/CLP approved by Leeds City Council is just an example of a Local Planning Authority that confirmed this principle.

If this is the case for a permanent ancillary operation (that it would not affect the use of the premises), it is even more so for a temporary, ancillary operation which occupied less than 2% of the ground floor and did not affect its continued business use.

Contrary to what stated in the letter of objection, no other retail activity has taken place since 1999. This is confirmed in the Statutory Declaration.

I trust the above is clear and demonstrates that the use of the ground floor of 113 Regent's Park Road was offices (Class B1 (a)) immediately before 30th May 2013, thus complying with the criteria of Class J of the Town and Country Planning General Permitted Development Order 1995 (As Amended).

2. Contaminated Land

The contamination report prepared by RPS explains that the extensive hardstanding cover and the absence of any soft landscaping will limit the potential for exposure of future occupants to contamination (if present). The sensitivity of the setting is also reduced by the underlying London Clay which is of a low permeability and would limit the vertical / lateral migration of contamination (if present).

A hydrocarbon-resistant membrane is proposed that will prevent the ingress of vapours (if present) into the building. Therefore any possible historical contamination is not considered to represent a risk to future occupants and the site is considered to be suitable for its proposed use from a ground contamination perspective.



3. Loss of Employment and Commercial Space

Mr Cowan's concerns are noted. However, it is anticipated that future residents of the building will use local facilities (restaurants, shops, etc) during the evening and weekends, i.e. when the employees of Bibendum would not currently be working.

The proposed conversion to residential use will increase footfall and contribute to the local economy outside office working hours, thus offsetting the relocation of Bibendum's employees.

We would also like to draw your attention to the fact that the loss of Class B1 space is not a matter for consideration under Class J of the Town and Country Planning General Permitted Development Order 1995 (As Amended). Objection no.3 does not constitute a reason for refusal.

4. Amenity of Adjacent Properties

Application ref. 2014/7695/P does not include any external alterations. The existing obscured windows to the rear of the buildings will not be altered and will preserve the privacy of neighbouring occupiers, including those of the Chesterfield building.

It is also considered that there is sufficient distance between 113 Regent's Park Road and neighbouring properties to avoid any risk of light pollution.

Finally, residential amenity is not a matter for consideration under Class J of the Town and Country Planning General Permitted Development Order 1995 (As Amended) and should not be considered a reason for refusal of this application.

Conclusions

In summary, we consider that the proposals for 113 Regent's Park Road comply with the criteria of Class J of the Town and Country Planning General Permitted Development Order 1995 (As Amended).

Furthermore, they will contribute to the local economy and preserve the amenity of neighbouring residents.

If you require any further information or clarification please contact Federica Ambrosini of these offices on 020 7399 5752.

Yours sincerely,

JLL

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