

## Application 2015/3871/P

### 1. *Is there a legal definition of '68a-74a' as in the application?*

The materials presented give inadequate information on the history and legal status of what is termed '68a-74a' Rochester Place.

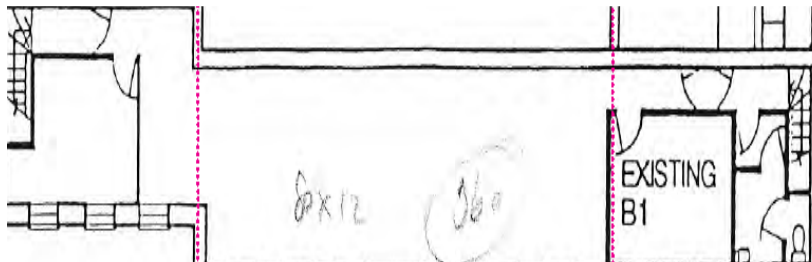
The site had war damage and was rebuilt in 1958 (Camden's planning archive TP3492/4407). It was altered in the 1970s to make a single building for Rank Xerox printworks.

There is no planning documentation about "68a-74a" Rochester Place. It did not exist as a separate property, but only 68-74 Rochester Place. In application 8480166 (ie in 1984), for Rank Xerox, the Council approved illuminated signs "above the shopfront at 68-74 Rochester Place". The 1994, application 9400928 (then withdrawn) proposed change of use from light industrial (only) to an education and training centre. The proposal PE9900926 by Mr Hugh Sebag-Montefiore in 1999 to convert "the upper floor" to housing accommodation was rejected because of loss of employment floor space and also poor 'outlook' and lack of access.

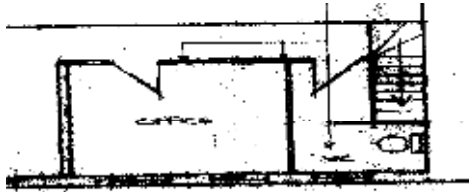
PEX0100625 (in 2001) gained approval for a new roof covering and external alterations of the building "68-74 Rochester Place". Drawing 146177 (floorplan) shows the upper floor as 'office' - for the whole building. The entrance vestibule at 68 has door access directly to Units 3 and 4 and by stairs up to 'Unit 5' - which then has stairs down at 74 to Unit 1 and then door access to Units 2-4. *There is no separation of the top floor from the main light industry area in the 'existing' plan.* Moreover, the Revision 2 document (28/11/2001), showing the elevation, states only four units (A-D), without any separate entrance to the upper floor.

While there are internal revisions in this proposal, these are not mentioned in the application title and Council approval. Although the web page copy is unclear, it appears that the toilet at the top of the stairs of no. 68 in the 'existing' plan is to be moved down into the ground floor vestibule area in the 'proposed' plans. No building standards approval has been submitted for these works, if they have happened. PEX0100625 did not give approval for either one or two self-contained units on the upper-floor. If they have been used in this way, it would require change of use permission. Moreover, no information is provided as to the ownership or use of the ground floor since 2001. This is extremely unsatisfactory, considering the relationship between the upper and ground floors.

When the premises of 68-74 Rochester Place were put to sale in 1999, the particulars indicated the upper floor as:

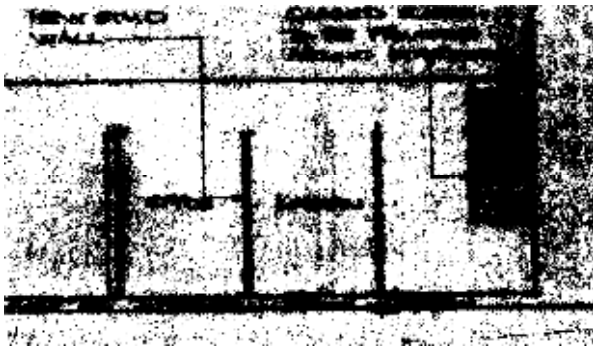


For No 68, this diagram is essentially the same as the 'Existing' in proposal PEX0100625:



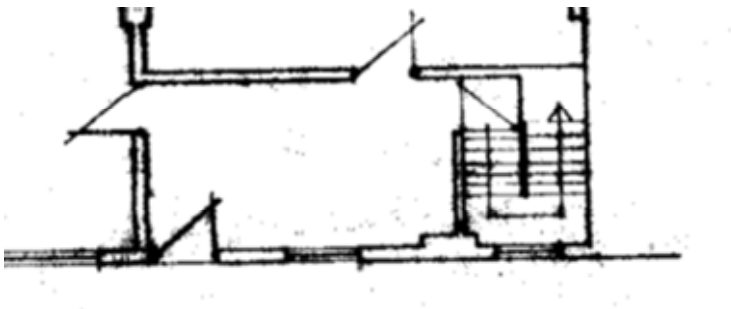
68 existing upper floor

The proposal included removing the toilet (downstairs) and putting in a new partition:

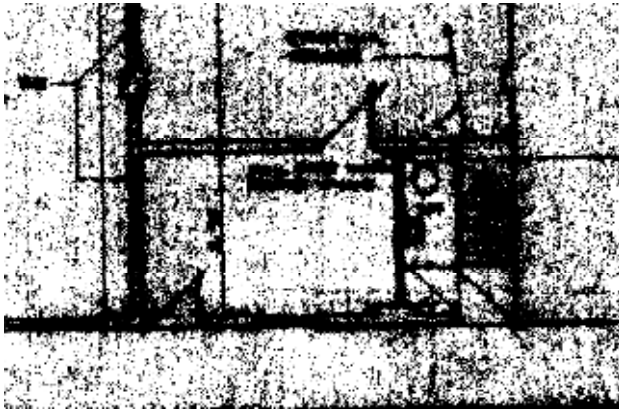


proposed 68 upper floor

Similarly, downstairs the vestibule, by changing the entrance had a different staircase and room for a new toilet:

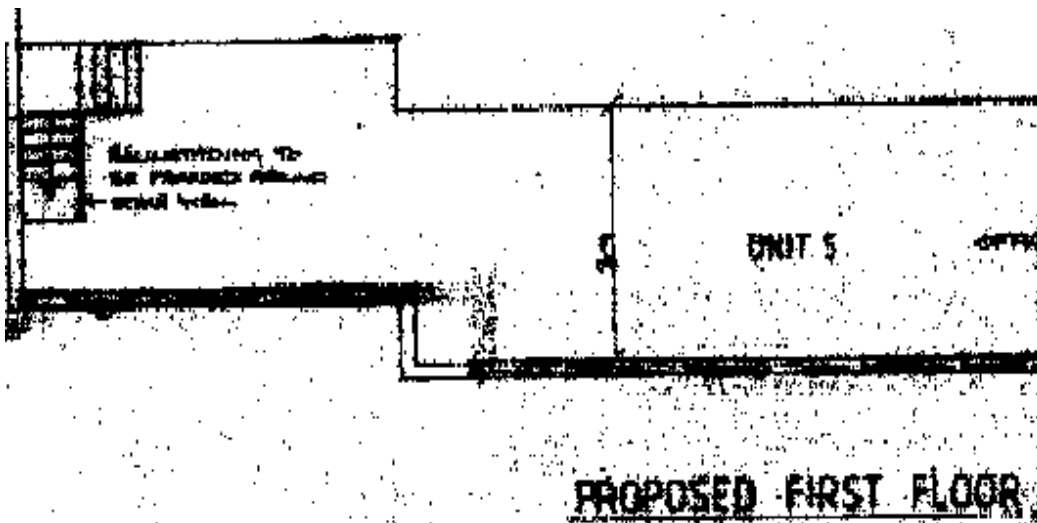


74 existing



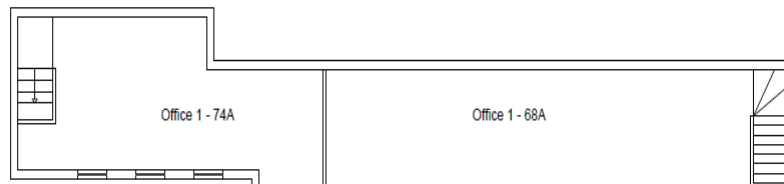
74 proposed

The drawing from 2001 introduced a line across from front to rear, not previously recorded. This is a measurement line, not a partition. The upper floor space remains continuous between the two side staircases.



By contrast, the 'Existing Floor Plans' drawing of "68a-74a" in the present (2015) submission shows a double line without arrows, implying a partition of 'unit 5' and identifies them separately as 74A and 68A.

EXISTING  
First floor



The Existing floor space is presented without facilities - eg kitchen/water - on the upper floor. The toilet presumably continues to be shared with other users of the site at the ground floor entrance.

**2. *Were these office premises in continuous occupation?***

The applicant has provided documentation about tenancies separately within the upper floor, called '68a' and '74a'. The Application Form Item 8 claims "the site has been used since 2001 as office premises". Item 10 claims the activity was begun in 2001, and that there has been no interruption.

In a Statutory Declaration, Mr Black states his company bought the property (here described as 68a-74a) in 2001, renovated it with 'kitchenettes and toilets', that he used the 74a 'periodically' for his business until 2005, and also (dated unspecified) let part ('68a') to Vibes company until 2005.

***74a - Period 2001-2005***

BGG Chartered Surveyors in July 2001 visited 'Rochester Place' (no numbers given), in relation to possible renting, and had concerns on the property facilities:

As indicated at our meeting, I am not a design expert. However, I would stress the requirement to retain natural light, an open feel and reduce dead floor area when you are addressing your conversion.

Buildings insurance for Adam Black at '74A' Rochester Place is demonstrated for August 2001 - July 2002.

A statement of personal insurance was given for a '*home-office*' for journalism at 68a Rochester Place July 2002-July 2003.

A business rates summons was sent by LB Camden for 'first floor 74 and part 72', resulting from the property transfer, to Adam Black from April 2002 to February 2003. But this is no record of payment.

There is a 'goodwill' credit note from Telewest. This is not a payment record. Another Telewest statement, for '68-74 Rochester Place' is only for the period November-December 2001.

An electricity bill dated March 2002 has the main text is entirely redacted. (Such bills are prospectively sent by utilities at change of ownership, so gives no proof of payment.) A bill in September 2002 shows payment of £81 for "68A Rochester Place", but the rest is firmly redacted, so there is no proof of payment for 74A or either property beyond this time.

A letter from Black Communications allows Vibes UK to 'stay' in 68a Rochester Place for six week in January 2002.

*There is virtually no proof of continuous occupation of 68a-74a from 2001 to 2005 as commercial offices.*

### **2005-2015**

Black Communications provide a lease from September 2005 (signed December 2005) to January 2007 to Worldwide Purchasing Ltd, London NW11 for offices on the first floor of **74/74a** Rochester Place. There is no current listing of Worldwide Purchasing Ltd at Companies House.

Empty Property Relief was offered by LB Camden to Black Communications for the "**1<sup>st</sup> F**" of **74** Rochester Place for April - June 2008, and Small Business rates Relief from July - October 2008. No details of any payment are available on the public copy.

The June 2008 letter from local business property agency Christo shows a forthcoming contract to be signed by Black Communications. Black Communications and Rochester Place Limited have an 'Underlease' for **74a** Rochester Place for 2 years from October 2008 to Howard Kennedy of Cavendish Square. However, Imran Shaikh at Rochester Place Ltd makes a 'statutory declaration' (July 2015) that he 'operated' his estate agency business from 74A as 'standard office premises' from '2008 to 2010'. Rahesh Jivan confirms Rochester Place Ltd, took a tenancy from October 2008 for two years. There is no legal tenancy agreement to prove this, nor evidence from utilities or rates paid during this period.

74a was rented to Jessnic and Co from Jan 2011 to Jan 2013. Jessnic is a company registered in, and with company address in, Hong Kong. Hong

Kong Company List describes the company as incorporated in March 2009 and running still now (<http://www.hongkongcompanylist.com/jessnic-co-limited-bcqqyfq/#.VcRo1bVmpsg>).

In UK, there are (old) advertisement listings for Jessnic as a Bags, Belt and Accessories Manufacture company at London at 74a Rochester Place (020 72679169). (<http://www.scoot.co.uk/England/-/London/Jessnic-%26amp%3B-Co-Ltd-DKDG302.html>;  
<http://www.touchlocal.com/business/list/bid/12376086>)

The tenancy Deed is signed by Jessica Witenberg, who is reported in the Sunday Times in April 2012 ([http://www.thesundaytimes.co.uk/sto/business/small\\_business/article1016260.ece](http://www.thesundaytimes.co.uk/sto/business/small_business/article1016260.ece)). This appears to be a show-room or storage: no office equipment is visible.

Marian Hume, a journalist of Kelly St NW1, holds a tenancy for 74a Rochester Place from September 2013 to August 2015.

### ***No 68a 2001-2015***

Supporting document "68a - Lex Records - Dec 2005 (3 years) (Redacted)" states a tenancy for three years, to November 2008.

No further evidence is provided up to a tenancy for 68a to Lex Records from February 2015.

Lex Record's web page gives their address as London NW5 9FU. dom



## **In summary**

1. The ownership and legality of '68a-74a' Rochester Place is not well established. Neither the relation to the rest of the site, legally and in use of shared space, nor are the separate units (68a and 74a), are explained. The facilities / services needed for use of premises as independent offices, rather than ancillary space to the main works, and separation with two entrances, are also not demonstrated.

2. For '74a', there is no clear evidence from payments for rates, or service charges as a commercial letting. In 2002 the owner gained insurance for use as a 'Home-office'. From 2005 there is evidence of legal tenancy, but not of regular use as an office. In 2008 Empty Property rents relief was proposed. In 2008-2010 a local estate agency claims to have been a tenant, although the property did not have permission for Class A2 use as an estate agency, while at the same time there is a sub-tenancy agreement. In 2011-2012 there was a Hong Kong -registered handbag firm with tenancy, and use as a show-room / store rather than office. There was no tenancy from January to September 2013, and most recently use by a journalist.

3 For '68a' there is only a 3 year tenancy agreement in 2005 provided and another provided for 2015. This is inadequate evidence of continuous use.

The case for retrospective recognition of '68a-74a' Rochester Place as in continuous office use from 2003 to 2014 must be rejected.

