

PB/GA/PD10435

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8 June 2016

Kate Philips  
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Dear Sir / Madam

**APPLICATION FOR FULL PLANNING PERMISSION AND RELEVANT DEMOLITION OF AN UNLISTED BUILDING IN A CONSERVATION AREA – TOWN AND COUNTRY PLANNING ACT 1990  
20 – 21 KING’S MEWS, LONDON, WC1N 2JB**

On behalf of our client, City & Provincial (Worthing) Ltd, we write in response to the comments from the Economic Development officer (EDO), of the London Borough of Camden (LBC), dated 4 May 2016, in response to the above application.

I have set out the Economic Development Officer’s comments below in italics and our response to each comment.

*“The planning application suggests that the current premises contain 351 sq. m of B2 floorspace. Camden has a very restricted supply of sites and premises suitable for light industrial, storage and distribution uses. We note the poor quality of the building and the lack of maintenance that has led to the current state of the premises, highlighted in the Building Condition Survey and Structural Inspection Report provided by the applicant.*

*The Council will retain land and buildings that are suitable for continued business use and will resist a change to non- business unless:*

- a) *it can be demonstrated to the Council’s satisfaction that a site or building is no longer suitable for its existing business use.*
- b) *There is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative use has been fully explored over an appropriate period of time.*

*Without marketing evidence which adheres to CPG5 7.18, it is difficult to fully justify the change of use proposed.”*

Camden has a restricted supply of good quality premises suitable for light industrial, storage and distribution uses. These premises are not of a good quality and perform poorly against the criteria outlined in Camden Planning Guidance 5 (Town centres, retail and employment) (September 2013). The lack of maintenance derives from inability of a business to carry out that maintenance through poor trading.

Any new occupier would therefore be required to upgrade the premises in order to continue occupation and as the building condition and structural survey indicates it is in need of significant repair and upgrade. It is therefore not capable of being marketed on the basis of reoccupation. As the submitted Farebrother letter, dated 29 February 2016, states:

*“We are of the view that no workshop occupier would be willing to take the premise in their current condition even if no rent were charged as the inherent liability whether it be through damp, disrepair or actual public liability would deter any sensible and sane business person from leasing the premise until the landlord has spent substantial sums on getting the property back into full repair.”*

The property is not capable of occupation and therefore not capable of being marketed.

Furthermore, as we outlined in our report, the CPG5 guidance provides specific guidance on industrial premises. It provides criteria against which to assess the quality of premises and on the basis of their attributes (or lack thereof) places them into one of three categories.

We have stated that we consider 20 – 21 King’s Mews falls into Category 3 which is identified as:

- Small isolated premises;
- Poor access – narrow streets, small doors, steps;
- Little or no space for servicing;
- Incompatible neighbouring uses (most often residential); and
- Lower ground or basement level.

The guidance goes on to state:

*“Category 3 sites are heavily compromised and may not be suitable for continued industrial use when they become empty or need significant investment, although they could be suitable for office B1(a) space.”*

*“We will use these categories to determine which sites and premises should be retained and which can be released for redevelopment.”*

The redevelopment of this site to re-provide industrial accommodation would not overcome the premises shortcomings and in particular the relationship to adjoining residential properties.

## **Mixed Use**

The Economic Development Officer has also stated:

*“We would also expect the applicant to fully explore the potential for a mixed-use development which could avoid the loss of employment floorspace, whilst potentially providing an additional, alternative and complementary use on the site. The applicant has not demonstrated that they have fully explored the potential for a mixed use development, including re-provision of the existing B2 employment floorspace. The site is close to Hatton Garden, an area which has recently lost employment floorspace and continues to have a high demand for employment floorspace, including B2 workspace. There is also high demand for affordable, flexible office space that is suitable for SMEs. We regularly receive enquiries from workspace operators seeking new workspace within the borough. We would therefore request that the applicant fully explores the potential for a mixed-use development and provides evidence around viability.”*

Mixed use residential and industrial use, would only exacerbate this issue of residential amenity. Consequently, given the EDO’s comments note the poor structural condition of the property and therefore the need for redevelopment, one can only draw the conclusion that the unsuitability of the premises for B2/B1 industrial use is accepted.

Therefore in terms of a mixed use, this only leaves B1 office and residential development to be explored. However, even if one were to accept that office accommodation was appropriate in this location, policy DP13 goes on to state:

*“When it can be demonstrated that a site is not suitable for any business use other than B1(a) offices, the Council may allow a change to permanent residential uses.”*

In our view, the provision of residential accommodation is acceptable in principle and there is no requirement to provide mixed use on the site on the basis that:

- The accommodation is so poor it is not capable of occupation/marketing;
- The building requires complete redevelopment;
- Even if one were to consider it were suitable for B1 office space, policy specifically provides an exception to allow residential.

If you have any outstanding queries on this matter, please contact Peter Bovill (Tel. 020 7312 7456 / [peter.bovill@montagu-evans.co.uk](mailto:peter.bovill@montagu-evans.co.uk)) or (Tel. 020 7312 7421 / [graham.allison@montagu-evans.co.uk](mailto:graham.allison@montagu-evans.co.uk)) of this office in the first instance.

Yours faithfully

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