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Mr Gideon Whittingham
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Date: 27 May 2016
Your ref: 2014/7710/P
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Dear Mr Whittingham

Objection - Application 2014/7710/P (the "Planning Application")

Eversheds LLP acts for the Objectors listed in the Schedule to this letter.

The Objectors object to the Planning Application concerning St Paul's Mews, London NW1 9TZ (land to the rear of 128 Agar Grove, London NW1 9TY) (the "**Site**") on the grounds detailed below.

Parking Spaces

The red line boundary for the development proposed by the Planning Application corresponds precisely with that part of St Paul's Mews which has already been designated for the parking of motor vehicles.

The application for the existing planning permission dated 23 October 1986 (application PL/8701220) ("**the Current Permission**") described the proposal as in the following terms:-

'Demolition of existing office, storage & garage buildings and erection of residential mews of 30 houses with integral garages, private gardens and provision for visitors' parking'

Drawing number 15A (the site plan) and drawing number 22 (the services plan) in respect of the Current Permission clearly identify a "Car Parking Area".

Condition 2 attached to the Current Permission provides that:

*'The garages and parking spaces shall be retained and used for the accommodation of private motor vehicles only and no trade or business shall be carried on therefrom' ("**Condition 2**")*

The reason given for Condition 2 was:

'Any other use of the garages and parking spaces would be prejudicial to the amenities of the residential buildings and the area generally'

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The allocation of a modest number of car parking spaces in connection with the then new development of 30 houses was evidently reasonable and Condition 2 was drafted in clear terms to ensure that it was both easily understood and enforceable.

Paragraph 206 of the National Planning Policy Framework provides that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Condition 2 satisfies all of those requirements.

Given Condition 2, the only permitted use for the Site is for the parking of motor vehicles. Any other use would constitute a breach of Condition 2 and would be prejudicial to the amenity of the owners and occupiers of the mews properties as was acknowledged by the then Director of Planning and Communications. This remains true today. Council Officer Michael Webb, on a visit to the Site earlier this year, acknowledged that the mews houses' integral garages are rather too small to be functional and that street parking is required.

The Camden Draft Local Plan (prepared following extensive consultation) records that '*there is not enough kerb space in Camden to cope with current demand for parking*' (see, Camden Council's Transport topic paper). Were the Planning Application approved, this recognised problem would be exacerbated.

Please note that for several months the residents of St Paul's Mews have been unable to use the parking area to which Condition 2 applies. This is because the surface of the parking area was deliberately broken up by or on behalf of the applicant (and the waste material piled up) to prevent motor vehicles parking on it presumably in the hope that this might assist the Planning Application.

The effects of this act of vandalism are clearly shown on the photographs in Appendix A to the Design and Access Statement Revision A – March 2015 filed in support of the Planning Application. This is a blatant breach of Condition 2 and I respectfully ask the Council to exercise its planning enforcement powers to require the reinstatement of the parking area.

Loss of Amenity

The Camden Draft Local Plan also provides that:

'[The Council] will seek to resist the unnecessary loss of community facilities. Where the loss of a facility is proposed, including in part, the Council will take the following into account:

...

h. whether a replacement facility is provided on or off-site of the same or better size and quality that meets the needs of the local population;

or

...

i. evidence which demonstrates that there is no need for the specific community facility or that it is no longer viable. In such a circumstances, [the Council] will expect the site or building to be reused for other community services ...'

Further, the Council's Community facilities, culture and leisure topic paper recognises that '*Camden is at risk of losing essential community, cultural and leisure facilities from conversion or redevelopment to higher value housing use*'.

In addition to parking, the Site forms part of the Mews which is used for visitor parking, regular community events (most recently on Easter Monday 28 March) and as a children's play area.

The Site therefore constitutes part of an essential community, cultural and leisure facility which is threatened by the Planning Application. No replacement facility is being offered and given the nature of the Mews, no replacement facility realistically could be offered.

Conservation Area

The Site is located within the Camden Square Conservation Area (the "**Conservation Area**").

The Council's Camden Square Conservation Area Appraisal and Management Strategy (adopted 11 March 2011) (the "**Appraisal and Management Strategy**") provides that '*Camden Square Conservation Area is a ... planned development, in a gridded street layout running parallel to and perpendicular from Camden Road*'. The Appraisal and Management Strategy also acknowledges the important architectural value to be attached to St Paul's Mews:

'In contrast to Camden and Murray Mews, St Paul's Mews was built all at one time to CZWG's design (1987-91), laid out in a double curve. The composition is similar to a 'parade' of shops. The townhouses are linked by a ground floor plinth consisting of panelled garages and entrances, with two storeys of accommodation above in brick.'

The Appraisal and Management Strategy recognises the importance in protecting the gridded street layout of the Conservation Area. It is clear that a decision by the Council to approve the Planning Application would compromise the grid street layout of Agar Grove (and its south facing gardens) and St Pauls Mews.

The Appraisal and Management Strategy further provides that:

'This pattern was established in the original plan and has been continued in the twentieth century. Post-war mews developments policy initially required a setback. The late 20th century Cobham Mews and St Paul's Mews (albeit taller and a homogeneous composition) continue this tradition, whereas replacement postwar public housing blocks tended to break this pattern'.

It is of vital importance that the character and layout of the Conservation Area is protected given its great architectural value, which is one of a gridded street layout with mews properties.

Asset of Community Value

The Site is located on land at St Paul's Mews Square which is a registered asset of community value ("**ACV**").

Under the Localism Act 2011 (the "**LA 2011**"), when the owner of land listed as an ACV wants to dispose of it, the owner must inform the Council. Such notice in turn triggers a six-month moratorium to provide an opportunity for the community to develop a bid and raise capital to buy the land.

One of the key policy goals of the LA 2011 was to give communities more power to become involved in the way local services are delivered by stimulating social, environmental and economic growth and regeneration through community asset ownership. This was intended to counter the damage that can be done to communities and community services when buildings or other amenities are closed or sold and can no longer be used.

Paragraph 2.20 of the Department for Communities and Local Government's non-statutory guidance states that

'it is open to the local planning authority to decide whether listing as an ACV is a material consideration if an application for change of use is submitted considering all the circumstances of the case'.

An example of an ACV being treated as a material consideration was seen in Brent Council's recent decision to refuse planning permission for the redevelopment of the Kensal Rise Library (a listed ACV) on the basis that the development proposals failed to provide sufficient mitigation for the loss to the community of the ACV.

The 'Communities and Local Government Committee - Sixth Report - Community Rights' recommends that the Government amend guidance to make the listing of an ACV a material consideration in all planning applications.

The square is of unique value to the community, hence its listing as an ACV. Accordingly, we consider that the Council should treat the ACV listing as a material consideration in determining the outcome of the Planning Application.

The Planning Application seeks permission for the erection of a new dwelling on the Site which is currently owned by St Paul's Mews (Islington) Limited (company number 07638034) (the "**Company**"). If the Planning Application is successful, the Company will almost certainly either sell the Site with the benefit of permission to build the new dwelling (at a significantly increased market value) or implement the planning permission and sell the completed dwelling house (at an even greater market value). In the circumstances, the applicant is evidently seeking to change the nature of the ACV resulting in a significantly increased market value in an attempt to circumvent the community's rights under the LA 2011.

Conclusion

For the reasons set out above, the Objectors respectively request that the Council refuses to grant planning permission in respect of the proposed development.

Yours sincerely



STUART WORTLEY
Partner

Schedule

The individuals below object to the Planning Application (the "Objectors")

House No.	Name(s)
1	Maria Puzitskaya and Andriy Pozdyeyev
2	Flea, John and Jaime Keeble
3	Colin Fleming and Licia Martin
4	John Lettice and Alison Murdoch
6	Nadia and Laurent Rossé
7	Hedda and Philip Smith
9	Rollie and Max Attard
10	Jason Ng, Daphne Ang, Alfonso Ang, Audrey Yeo
11	Victoria Pletts, Rebecca Leo, Gabriella Parsons and Liz MacGillivray
13	Oliver Rook, Andrew Silvey
15	Susan Joeekes, Tom Wade, Laura Kovic
16	Henrik Rinman, Karin Rinman and Wen Li
17	Amy Clark , Meryl Green, Carmen Walker, Deanna Grindrod
18	Jenny Maslin, Paul de Mornay Davies
20	Charlotte Daniel, James Daniel, Olivia Daniel and Ismay Daniel
21	Martin Ross and Sun Young Um
22	Nat and Julia Coombs
24	Kate McMahon
26	Sarah Hodgetts
27	Jackie Hodgetts
28	Anthony and Patricia Attard
29	Jeffrey Feim and Therese Hesketh