



Dear Ms Constantinescu

Further to my email of 15th August I am now writing with full details of our objection to the application.

I am also writing to question the validity of the previous successful applications to convert the previously used business space into residential use. As far as we are aware those applications made no reference to our business. Clearly our business was material to those applications and we would have thought it should have been disclosed. Furthermore, we weren't consulted. The works for which permission was granted have been an absolute disaster for our business and more impact is threatened later this month when we understand the applicant wants to prevent us from accessing our premises in any way for a full **four weeks**. We find it extraordinary that the owners did not consult us and we wonder if there is any retrospective action that can now be taken regarding those permissions. At the very least, is there any assistance that the council can give to ensure that we are assured continued access during the rest of the works?

We run an employment generating business from the basement of the building. We employ 16 staff, at different times, directly in the premises. We have been doing so for well over ten years and have done so without any significant complaints from other occupiers nor from neighbours.

Our use is by way of a sublease of a defined area within the building complete with right of access. The Head Landlord (the director of which is also a director of the applicant company) historically gave consent to this sublease.

We have not been consulted by the applicant regarding the application. We have tried to engage with the applicant to discuss our concerns, however as you will see from the story outlined below, they have been uncooperative to say the least.

Our objection broadly covers three themes:

- Risks to our successful continued use of the space
- Loss of employment generating space that will result from the proposals
- Recent actions by the Head Landlord which we fear will increase in intensity should permission be granted.

Risks to our continued use of the space:

1. The provision of bike storage as proposed will significantly impact upon our and our visitors' ability to safely use the entrance to our business (the staircase). On one occasion some time ago a bike was stored in one of the downstairs rooms. This caused a lot of problems. The staircase is comparatively narrow. If one happened to bump in to the person carrying the bike down, there was no alternative but to retreat to the bottom of the stairs. It was tolerable with a single bike stored down there that was retrieved very intermittently. If the space turned into a fully-fledged bike store, we believe that the situation would become unmanageable. Furthermore, that single bike created much damage to the decoration of the

communal parts of the building. If this became multiple bikes, with officially consented use, the entrance to our business would, we believe, rapidly become unprofessional in appearance.

2. Provisions for signage etc are not mentioned in the application. It is vitally important to the continuance of our business that full and proper signage is provided. Furthermore, we are worried that the aesthetic of the communal areas might become inappropriate for a business property.
3. The current works to the property have made our continued use of the communal space very difficult (and for a number of weeks, completely impossible). Furthermore we have now been notified that the owners intend to prevent our use of the communal space for a further four weeks, denying us entry to our premises. If more works happen, we fear this situation might be repeated or prolonged.

Loss of employment generating space within the building:

4. We use the building to provide substantial employment. A clear thrust of the planning application is that the building cannot sustain employment space. Our presence clearly demonstrates that this is not the case. The application argues that the building does not meet the needs of modern employers. We are exactly such a modern employer and the building meets our needs perfectly.
5. We were recently evicted from three of the other rooms in the building which we used for office and storage space. This is exactly the use stipulated in the relevant planning policies relating to the preservation of employment. We were very willing to continue our tenancy there. That proven willingness is further demonstration that the building can sustain employment space, as defined by the policies, and suggests that the only thing preventing this is the owner's desire to achieve residential usage.
6. The application refers to the basement on a number of occasions but makes no mention of our presence, nor our right of access. We fear that this omission makes the application appear more attractive. Point 3.4 states that the proposal is 'logical' and 'non-contentious'. We disagree with this assertion as the proposal will leave a single business sharing the communal areas with otherwise residential use.
7. I understand that a relevant criteria for demonstrating the acceptability of conversion to residential use under CPG5 is whether the premises currently provide accommodation for small and medium businesses. I understand that this clause is seeking to ensure the preservation of just such spaces. We are a small business employing a diverse workforce. We have a proven desire to use more space in the building in its current form. This use would in turn create more employment.
8. The rent quoted in the marketing statement appears to us to be unrealistically high. One of our associates has recently rented a commercial space in Charlotte Street of a much higher standard than the vacant spaces, at a similar cost. I understand that "Noho" historically attracts much higher commercial rents than Bloomsbury.

Recent actions by the Head Landlord

9. In over ten years I do not believe we have received any complaint from any of the other users of the building, nor from the neighbours. We had also previously enjoyed a good relationship with the head landlord, who we understand to be the owner of the building. However, the commencement of the current works and the current application brought with

it what we suspect to be a process of intimidation on the part of the head landlord, and what we believe to be a blatant disregard to our rights under our sublease. To be specific:

- On or around 20th May 2016 a member of our staff received a phone call from the applicant's company director alleging that our landlords did not have consent to sublet to ourselves and that we would have to vacate within days. This caused significant distress to the staff member.
- From 1st – 14th June our legitimate access to the premises through the communal hallway was completely removed with very little notice. We believe this was in breach of the landlord's covenants in the lease. This caused substantial material cost and tangible reputational damage.
- When access of sorts was finally restored, it was unsafe with no banisters and an open lift shaft.
- The access that is now being provided is unprofessional and intolerable in terms of cleanliness and presentation (photos attached).
- The previously existing entrance hall that our visitors and ourselves use has been reduced to significantly less than half its proper width (from 169cm to 75cm).
- In July the head landlord engaged a firm of expensive solicitors to serve notice on our landlord claiming (we believe, incorrectly) that we are in breach of the covenants of our sub-lease. The lease makes our landlord liable for all solicitors costs. This notice has threatened our previously very good relationship with our landlord who, as far as we understand the situation, was faced with a choice between attempting to evict us or risk paying highly damaging legal costs.
- In the hope of resolving our concerns without objecting to the planning application we contacted Prime Planning & Development Limited, the applicant's representatives, asking for a discussion. The following is a quote from their response:

'if I were in your position I would be very cautious about contacting the local planning authority. It would appear your own use (which I anticipate would be Class D2, or sui generis) is unauthorised in planning terms, and could attract the attention of the planning enforcement officer.'

We have been assured that no threat was intended with the above and we accept that assurance, but do feel we should put the above statement on record. Upon receiving that statement we looked into the matter; it appears that, unknown to ourselves, when the head landlord entered into the lease for our use as "the business of video and new media producers" this use might have been unauthorised in terms of planning. We hope that, as we have been using the space in this way for more than ten years with no issues, the council will not now object. In any event we are currently preparing an application for a lawful development certificate, to which we believe we are entitled. If the above assertion is correct and the use was unauthorised, then we believe the Head Landlord would themselves have been in breach of planning regulations by authorising the use.

We fear that if permission is granted the process, that we suspect to be intimidation, will escalate as the applicant's focus changes from gaining permission to making the building as desirable as possible for residential purchasers.

Finally, may I repeat my plea for any assistance that is possible to ensure that we are not denied access again as a result of the previously consented works. If this happens it could have a disastrous impact upon our business. We believe that denying access is a breach of the terms of our lease and as such is illegal, however this did not stop the owners doing so before for two weeks. There is every

sign that they intend to do so again later this month, this time for a full four weeks. Please can you help?

Kind regards

David Young
Director

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