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Camden Town Hall Extension  
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WC1H 8EQ

Our Ref: 20160106  
Your Ref: 2016/3411/P

Date: 23 September 2016

Dear Ms Constantinescu

**LONDON WC1A 1JT – MUSEUM HOUSE, 23-26 MUSEUM STREET  
APPLICATION FOR CHANGE OF USE OF PART OF THE SECOND FLOOR,  
AND ALL OF THE THIRD FLOOR FROM CLASS B1 (OFFICE) USE TO CLASS  
C3 (RESIDENTIAL) USE (RE-SUBMISSION)**

We refer to the objection by David Young of Replay Film and New Media (the 'Replay Objection') dated 4 September to the above application. Set out below is a response to the Replay Objection. We do not respond in respect of every single comment made, or matter raised by the objection; the majority have no relevance to an objection to a planning application. We do however reserve our client's right to respond further if needs be.

**Why has the Replay Objection been submitted?**

It appears the objection has been submitted in order to attempt to maintain an unauthorised business / activity known as 'Secret Studio' (further details are provided below) undertaken within part of the basement of Museum House. We understand Secret Studio is under the control of, and operated by Mr Young.

The Secret Studio business / activity is unauthorised both in terms of the lease arrangements for the premises (a landlord-tenant matter), and also in town planning terms. The unauthorised activity has resulted in a formal landlord-tenant dispute, which is in solicitors' hands.

The Replay Objection makes absolutely no mention whatsoever of the Secret Studio operation.

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## **What is the nature of the Secret Studio use?**

Details of the Secret Studio operation can be found on their website (see: <https://www.escapeintime.co.uk/secretstudiolondon/booking-form/>). It appears the use commenced sometime in 2015; the earliest reviews on Tripadvisor and other review websites date from April 2015.

In summary, groups book and pay to access the relevant basement areas, and undertake the entertainment / leisure experience offered by Mr Young. The various reviews of the experience describe it as a themed 'escape room', whereby those partaking of the experience must seek clues and solve puzzles to escape from the room within a set time period (about one hour), following a 'briefing' to set the scene.

We understand that groups of up to six can book for any particular session, and that sessions take place both during normal office hours and during the evening / weekends. Indeed, the Secret Studio website confirms that the most popular periods are 6pm onwards during the week, and all day at weekends. We understand some sessions do not finish until about 1am. We are advised the Secret Studio use generates a significant number of visiting member of the public to the building, particularly in the evenings and at weekends.

The experience is quoted as costing £22-27 per person. The Secret Studio website explains (in the 'terms and conditions' section) that patrons undertake the experience for free, and the payment is made in respect of the purchase of a video file of the experience. However, this appears at odds with the condition that once bookings are made (and payment taken) cancellations are not permitted.

As a consequence, and for all practical purposes as far as patrons will be concerned, in planning terms we consider that the Secret Studio activity is best described as a 'leisure' use, a Class D2 use.

## **What is the nature of the Replay Film and New Media use?**

The business / activity of Replay Film and New Media ('Replay') is clearly and distinctly different to that of Secret Studio.

According to the (entirely separate) Replay website (see: <http://replayfilms.co.uk/online/>) the company provides a wide range of film, media and video services. It is readily apparent from the Replay website that the business provides services to, mostly, large corporate and private clients. Examples listed on the website include: BBC; BMW; BP; BT; Cable and Wireless; Clifford Chance; Henderson Investors; Motorola; Nike; Orange; Primark; Prudential; Red Bull; and, Sky.

As a consequence it is also readily apparent that the company does not undertake a significant volume of business to 'customers off the street'.

In planning terms the business / activity of Replay might either be as an 'office' use (Class B1) or a sui generis use.

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## The Basement of Museum House

Attached to this letter is a layout plan of the basement. Mr Young's businesses occupy space comprising three rooms (identified on the plan as RM02, RM03 and RM05). In total these rooms comprise 44.7sq.m., a relatively small proportion of the basement.

We understand that, as a minimum, the Secret Studio operation is accommodated within RM03. This leaves a residual of 28sq.m. (in RM02 and RM05) to accommodate the Replay business / activity.

Both the Secret Studio and Replay businesses access the basement area via the main entrance to Museum House off Museum Street, and then via the communal stairs. So far as the Replay use is concerned, it should be noted that there is not (nor has there ever been) a reception desk, waiting area or other facilities one might usually expect to find in an office building. So far as the Secret Studio use is concerned, it should be noted that there is no lift or disabled access to the basement, and nor (so far as we are aware) is there any secondary means of escape, for example in the event of a fire.

## What is the main use of the relevant basement areas?

The Replay Objection implies that the main use and occupier is as the Replay Film and New Media operation, as opposed to Secret Studio (indeed, Secret Studio is not even mentioned in the objection).

If this is what the Replay Objection implies we have significant doubts such is the case. We (Prime Planning and Development) were first contacted by Mr Young, directly via email dated 2 August. In that email Mr Young states the following:

*"Provisions for signage etc are not mentioned in the application. Depending upon our ongoing activities, it may well be vitally important that full signage is maintained. As it happens, signage is not required for our Secret Studio offering, but if ever we are to use the space for other forms of video and new media work [our underlining] then full and proper signage would be essential. Likewise, the aesthetic of the communal areas would have to remain appropriate to business."*

The quote does indicate that presently the main use of the basement space available to Mr Young is as the Secret Studio operation.

We note from the Replay Objection that an application for a Certificate of Lawfulness is to be submitted. It is not readily apparent what lawful use is to be claimed, nevertheless we reserve our client's position to submit representations on the Certificate application as appropriate.

## Tenure arrangements for the Basement

We understand that Replay occupy the space via a sub-lease that commenced on 1 September 2011 and expires on 1 September 2021. The sub-lease was granted by the relevant head-lease holder, Edmund Cude and Booth - trading as 'Portico'. Portico occupies the ground floor premises of 26 Museum Street (with basement storage areas), and operates an estate agency and property lettings business.

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Part of the terms of the sub-lease to Replay is that their demise should only be used for offices ancillary to the use of an estate / letting agent and / or for "the business of video and new media producers". In turn, Portico is obliged (via the head-lease) to ensure that Replay use their demise in that way, and for no other purpose (such as Secret Studio).

Recently, the freeholder of the property (who is also the applicant in terms of application reference 2016/3411/P) became aware that part of the basement space was being used as Secret Studio, and therefore not in accordance with the sub-lease. As a consequence the freeholder has commenced formal action against Portico and matters are in solicitors' hands. For the avoidance of doubt the freeholder is unable to take direct action against Replay, as there is no direct landlord-tenant relationship between the freeholder and Replay.

The Secret Studio operation could in no way be described as being consistent with the terms of Replay's sub-lease for the use of the space (as set out above). As such, the freeholder considers the Secret Studio operation to be a flagrant breach of the lease user-restriction. This is the matter that is the subject of the landlord-tenant dispute.

### **Has Replay been the subject of Intimidation?**

Our client categorically rejects the accusation that Mr Young's businesses have, in some way, been the subject of a 'process of intimidation'. We understand our client has kept tenants fully informed of the programme of works to the property, and will be happy to assist your Council with further details if required. We are however struggling to see the relevance of such to the determination of our client's planning application.

For the avoidance of doubt, our client has no objection to the operation of the Replay Film and New Media business from the property. Our client does however object to the unauthorised Secret Studio use.

We urge your Council not to be drawn into a private landlord-tenant dispute.

### *Were Replay 'evicted' from the basement?*

Replay state they have been evicted from certain areas of the basement. We are advised that Replay occupied two rooms under a Licence Agreement (we understand for storage purposes only). The Licence had a term of one year with a landlord break at six months. The Licence ran its course of 1 year and was not renewed by the Landlord. There was therefore no 'eviction', merely a 1 year Licence that came to an end. We understand the space is now being utilised by the landlord.

We note that Replay suggest they would like to use more space in the building, but have never approached the freeholder or their agents regarding the space now being marketed.

### **Loss of Employment Generating Space within the Building**

In terms of the relevant policy context for the consideration of our client's change of use application, this is the only planning-orientated section of the Replay

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Objection. However, the arguments it sets out are based upon an entirely erroneous interpretation of the relevant policies (CS8 and DP13).

The Replay Objection claims the general thrust of policy as seeking to protect employment generating uses in the widest possible sense. It is readily apparent from analysis of Policy CS8, for example, that the focus of policy is upon those employment uses operating within Use Class B, primarily office-based employment. Only at the end of the Policy (criterion f) is reference made to 'other' employment generating uses, such as leisure.

Policy DP13 (which supports Policy CS8) is, arguably, even clearer. It refers specifically to 'business use' and no reference at all is made to non-B class uses including leisure. The uses that Policy DP13 (and by implication CS8) apply to are set out at paragraph 13.11 of the Development Policies Plan, and those listed are all B class uses or related sui generis uses.

The use characteristics of the Secret Studio operation are most appropriately addressed by entirely separate policies, including Policy DP12.

Even if the above policy analysis were incorrect it matters not in terms of the Replay Objection. Replay Film and New Media (operating as a Class B1 or sui generis use) would not be affected by the approval of our client's planning application for change of use to part of the upper floors of the building. Once building works are complete the communal entrance, lobby area and stairwells will be improved to a much higher standard than has previously been the case. The Replay Objection appears to be predicated on the single, narrow issue that the transport of bicycles from ground to basement level is somehow incompatible with any other users of the communal spaces, and will lead to a significant deterioration of the fabric of those areas to the extent that any business enterprises would be significantly and adversely affected. The applicant simply does not agree such would be the case.

As you will be aware the applicant has already offered to accept a planning condition regarding the installation of a wheel-ramp on the staircase. I am now able to confirm that the applicant would also be willing to accept a condition requiring the communal areas and stairwell to be maintained to an agreed standard.

In this way, there should be no reason for any loss of (legitimate or lawful) employment generating use from the building.

### *Poor quality of the Basement space*

We dispute the assertion within the Replay Objection that the basement area of Museum House represents modern employment floor space. Even when compared with the upper floors of Museum House (the true focus of our client's planning application) the basement area is significantly poorer quality. In particular, the space has no natural lighting, and also it is highly compartmentalised. Other than Mr Young's business, all other use of the basement is as ancillary storage or for plant areas.

In the wider context of the locality we are advised that the basement space in isolation would be unlettable. Mr Young's businesses clearly have extremely

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unusual physical requirements, and these parameters would be completely unsuitable for almost any other modern employer.

### Summary

The Replay Objection seems to stem from an apparently unauthorised use of part of the basement for the Secret Studio operation that is the subject of a formal landlord-tenant dispute. We therefore respectfully request that little or no weight be attached to the Replay Objection as part of the decision making process into our client's planning application.

Should you require any further information please do not hesitate to contact us.

Yours faithfully,

### Prime Planning and Development Limited

**Email:** [info@prime-planning.co.uk](mailto:info@prime-planning.co.uk)