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Town Planning - Planning Law

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Joshua Ogunlaye
Planning Department London Borough of Camden,
5, Pancras Square,
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Dear Mr Ogunlaye,

Rear of 41 Brecknock Road,

I am writing to you as you dealt with the application 2020/2377/P, which, you will recall, was withdrawn in early August. The reason for withdrawal was that my client and his co-owners had just understood the unacceptable effect of the s106 obligation with which he was faced, and that they could not allow it to go forward in that form.

The present application relates only to the rear part of the site, where it is intended to form a new residential unit. No part of the proposed development goes outside my client's ownership, and the previously proposed extension at second floor level has been omitted. The site is not in a designated area for the purpose of the Development Management Procedure Order, and no Design and Access Statement is required.

My client will be content that this should be a no car unit, but no other existing residential unit should be made subject to this restriction. This should be entirely acceptable to the Council, and it was at the core of what was recommended before.

Mr Montgomery no longer has any interest or control over the application site, which is owned solely by my client, and the application form confirms this. Although he occupies flat B at present, my client does not have control over adjoining land in the front part of no 41, so this is not shown edged blue on the site plan forming part of the application. Moreover, the owners of the front part of no 41 will not be prepared to enter into a s106 obligation to require the front units should be no car units.

It seems to me that the Council should put forward this application for permission, subject, if necessary, to a planning obligation which relates only to the application site.

Yours sincerely,

Ian Trehearne