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Your reference  
IRT/0151/1

Our reference  
LRP219/X5210/09

Date 11 December 1991

Sir

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77  
INMARSAT PLACE LIMITED AND THE BRITISH RAILWAYS BOARD, GRANBY TERRACE,  
LONDON NW1  
LONDON BOROUGH OF CAMDEN**

1. We are directed by the Secretaries of State for the Environment and for Transport to say that consideration has been given to the report of the Inspector, Mr D Bushby, BA(hons), MCD, MRTPI, who held a local inquiry into your clients' application to the London Borough of Camden for planning permission for the demolition of the railway carriage maintenance shed and amenity block and the erection of a replacement railway maintenance shed with staff amenity block and 45,000 sq m (amended to 42,150 sq m at the inquiry) of offices above and forty parking spaces at the above site. The Secretary of State for the Environment directed in pursuance of Section 77 of the 1990 Act that the application be referred to him for joint decision with the Secretary of State for Transport instead of being dealt with by the local planning authority.

2. On 14 June, reference back letters were sent to all the parties informing them that the decision would be taken by both Secretaries of State and inviting comments. On 12 July a further reference back letter together with a copy of the Inspector's report was sent to the main parties and to those who appeared at the inquiry indicating that the Secretaries of State were disposed to grant permission subject to a condition restricting occupancy of at least 50% of the office floor space to INMARSAT and requesting comments on the condition.

3. Other representations received too late for the Inspector's consideration have been taken into account in reaching a decision but are not considered to raise any new issues and accordingly do not affect the decision of the Secretaries of State.

4. The main issues identified by the Inspector in considering the proposed development are its relation to the policies of the Greater London Development Plan (GLDP), the Borough Local Plan (BLP) and the Strategic Planning Guidance for London (RPG3); its likely impact on the local environment, including its impact on the listed buildings and nearby conservation areas; the potential obstruction of the strategic view from Parliament Hill to the Palace of Westminster; and the international status of INMARSAT and the national need to retain the organisation in London.





7. The Secretaries of State agree with the Inspector's conclusions that the development is consistent with office development policy 4.5(ii) of the GLDP and with the general strategy of that plan. Although the proposal conflicts with policy EM23 of the BLP, the Secretaries of State agree that the local plan should be afforded little weight in this case because its office development policy is inconsistent with the later strategic planning guidance in RPG3. However, the Secretaries of State share the Inspector's concerns about the impact of the proposals on the local environment. They agree that the proposed building would radically alter and dominate the local street scene and reduce the open easterly outlook, that it would not sit entirely comfortable with the nearby listed buildings, and that it would detrimentally affect the nearby conservation areas. They consider that such planning objections would normally tip the scales against the scheme. On the impact of the proposals on the strategic views, the Secretaries of State consider that this point could be addressed by an appropriate condition.

6. The Secretaries of State consider that the remaining planning issue is whether the national importance and needs of INMARSAT outweigh these objections. Their preliminary conclusion was to accept the Inspector's recommendation that permission be granted because of the weight they attach to retaining INMARSAT in London; otherwise they would have been disposed to refuse the application because of the adverse impacts on the local environment. As the otherwise unacceptable development is made acceptable by INMARSAT's need for an occupation of part of the office premises, the Secretaries of State considered it necessary to impose a further planning condition providing that not more than 50% of the net office floorspace arising from the development could be occupied by any person or persons other than INMARSAT. Such a condition was considered necessary to ensure that the building was used to serve the needs of INMARSAT otherwise the disadvantages of the proposal could occur without the compensating benefit. The need for such an occupancy condition was not addressed in the Inspector's report or considered at the inquiry.

7. The draft occupancy condition proposed by the Secretaries of State was not acceptable to either of the main parties and was not supported in responses from any others who appeared at the inquiry. Both parties consider the condition contrary to the guidance in DOE Circular 1/85. Camden also consider the condition impractical and unenforceable and that it does not provide any justification for the remaining office floorspace. INMARSAT consider the condition would frustrate the execution of the development. The Secretaries of State accept the difficulties of complying with and enforcing such an occupancy condition for a permanent development on this scale. They have been persuaded by Camden's representations that such a condition cannot acceptably be imposed.

8. Your clients have proposed an alternative condition:-

"Not more than 50% of the net office floorspace provided by the development shall be occupied by any person or persons other than the International Maritime Satellite Organisation (INMARSAT) or another telecommunication or broadcasting organisation of national or international importance."



his formulation does not require INMARSAT to occupy part of the premises and as the special national need justifying the granting of permission relates solely to INMARSAT's requirements, the proposed condition does not secure the objective of the condition proposed by the Secretaries of State.

9. The Secretaries of State note that in their response of 2 August 1991, INMARSAT indicate that the need for the proposed development is as a fallback in case their negotiations for alternative premises in City Road should be unsuccessful. In their opinion, this illustrates the risk of the proposed building not being occupied by INMARSAT if the development went ahead.

10. The Secretaries of State having considered the Inspector's conclusions and recommendations and all the subsequent representations provided consider that planning permission cannot reasonably be granted in the absence of an appropriate occupancy condition and hereby refuse consent for the proposed development.

11. A further letter will be sent dealing with Camden's application for costs.

We are Sir  
Your obedient servants



P D GIRLING  
Authorised by the  
Secretary of State for  
the Environment to sign  
in that behalf



S K REEVES  
Authorised by the  
Secretary of State for  
Transport to sign in  
that behalf

