

Our ref. : AB2363/LPA311023

Planning – Development Control
Camden Council
Camden Town Hall
London
WC1H 8ND

31st October 2023

Dear Sir/Madam,

**FULL PLANNING APPLICATION AND ASSOCIATED EXPRESS ADVERTISEMENT CONSENT APPLICATION
231-233 CAMDEN HIGH STREET, LONDON, NW1 7BU**

On behalf of our client, Carebrook Ltd., please find enclosed a full planning application and associated express advertisement consent application relating to the commercial premises at 231-233 Camden High Street, London, NW1 7BU.

This planning application and associated express advertisement consent application comprises the following documentation, and is being submitted to Camden Council (the LPA) electronically via the Planning Portal website ;

- Completed application forms.
- Completed Community Infrastructure Levy (CIL) form.
- This covering letter/supporting statement prepared by Beamish Planning Consultancy.
- 1:1250 scale site location plan of application site and surroundings.
- Drawing no. TD22/PM188/S1.1 – existing ground floor layout prepared by Tanner Design Limited.
- Drawing no. TD22/PM188/S1.2 – existing first floor layout prepared by Tanner Design Limited.
- Drawing no. TD22/PM188/S1.3 – existing and proposed basement layout prepared by Tanner Design Limited.
- Drawing no. TD22/PM188/01.1 – proposed ground floor layout prepared by Tanner Design Limited.
- Drawing no. TD22/PM188/01.2 – proposed first floor layout prepared by Tanner Design Limited.
- Drawing no. TD22/PM188/02.2 – existing and proposed shopfront prepared by Tanner Design Limited.
- Drawing no. TD22/PM188/03.1 – detailed proposed signage drawing prepared by Tanner Design Limited.

Payment of the statutory planning application fee of £462, together with the statutory express advertisement consent application fee of £132 and the Planning Portal service charge fee of £64, has been made electronically when submitting this planning application via the Planning Portal.

Description of application site and surrounding area

The application premises comprises an existing commercial unit occupying the whole of the basement, ground and first floor floorspace (totalling 561 square metres of gross internal area) of a three-storey mid-terrace building fronting Camden High Street (the A502 road) to the east.

The current (and lawful) use of the application premises is for purposes falling within Use Classes E(a) and E(b), i.e. a mixture of use for the display and retail sales of goods, other than hot food, principally to visiting members of the public, and also of use for the sale of food and drink principally to visiting members of the public where consumption of that food is mostly undertaken on the premises.

The application premises is located within the designated primary frontage of the town centre of Camden, and the surrounding area is characterised by commercial uses (predominantly falling within Class E (Commercial, Business and Service) at ground floor level, and either ancillary (or self-contained) commercial floorspace or residential units at upper floor level.

The application premises benefits from a Public Transport Accessibility Level (PTAL) of 6b (i.e. the highest possible PTAL), being located less than 100 metres from Camden Town underground station and within a short walking distance of bus stops served by numerous bus services.

Neither the application premises nor its immediate surroundings comprise either statutorily or locally listed buildings, and nor is the application premises within or on the boundary of a Conservation Area.

Relevant planning history

In May 2017, the LPA granted planning permission (application ref. 2017/1142/P) for the following development at the application site ;

'Change of use from Class A1 (retail) to a mixed use (sui generis) of A1 (retail) and A3 (restaurant).

Condition 6 imposed upon the granting of that permission states that ;

'The use hereby approved shall operate as a mixed-use restaurant and retail unit (Sui Generis) only, in accordance with floorplans and supporting statements hereby approved with a designated retail sales counter at ground floor level, and shall be used for no other purpose in the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, without first obtaining planning permission, unless otherwise agreed in writing by the local planning authority.'

The development approved by way of the granting of that planning permission was subsequently implemented. Associated with that planning permission, in September 2017 the LPA granted retrospective planning permission (application ref. 2017/3639/P) for a replacement shopfront and the associated installation of bi-folding doors, and also in September 2017 the LPA granted retrospective express advertisement consent (application ref. 2017/3636/A) for the display of an internally illuminated fascia sign, an externally illuminated hanging sign and a retractable canvas awning.

Proposals for which planning permission and express advertisement consent is sought

By way of this planning application, planning permission is sought for the subdivision of the existing commercial premises (the use of which falls within a mix of Use Classes E(a) and E(b), which currently occupies the entire floorspace at basement, ground and first floor level, to create a smaller, new commercial unit at both ground and first floor level (totalling approximately 259 square metres gross internal area), with the existing commercial unit reduced in size (to approximately 302 square metres) and comprising all of the basement and the majority of the ground floor floorspace.

The commercial unit at basement and ground floor level is proposed to remain in mixed Use Class E(a) and (b), and continuing to be occupied by the same existing commercial operator (i.e. Pret) whilst the end user of the commercial unit at ground and first floor level is yet to be finalised, so planning permission is sought for the flexible use of that unit for any purposes falling within Use Class E (Commercial, Business and Service).

Noting that the current/lawful use of the existing application premises now falls within Class E (following the amendments to the Use Classes Order which took effect in September 2020), usually planning permission is not required for the subdivision of commercial premises when the subdivided units would remain in the same use as the existing unit, as such subdivision does not constitute 'development' as defined by Section 55 of the Town and Country Planning Act 1990 (as amended).

However, the content of condition 6 upon the granting of implemented planning application ref. 2017/1142/P takes precedence and requires planning permission to be sought for any other usage of the premises than the 'sui generis' use approved by way of the previous granting of planning permission.

Furthermore, nor would it be possible to address such subdivision by way of a removal/variation of condition application under Section 73 of the Town and Country Planning Act 1990 (as amended), as the proposed subdivision would result in a materially different development to that approved by way of the granting of planning application ref. 2017/1142/P.

Consequently, a full planning application is being submitted relating to both the proposed subdivision of the existing commercial unit (to create 2 self-contained Class E uses) and the associated alterations to the existing shopfront.

Additionally, as part of the required alterations to the existing shopfront to facilitate the proposed subdivision, express advertisement consent is sought for internally illuminated fascia signage and an awning (both of which are very similar to the existing signage consented by way of previous express advertisement consent application ref. 2017/3636/A), albeit reduced in size to reflect the reduced area of shopfront resulting from the proposed subdivision.

It should also be noted that the proposed signage only relates to the retained Pret premises, as once an end user has been finalised for the proposed new Class E commercial unit at both ground and first floor level it is anticipated that that user will apply for express advertisement consent for their proposed signage.

Relevant planning policies and associated guidance

At local level, the development plan for the application site and its surroundings currently comprises the London Borough of Camden Local Plan, which was adopted by the LPA on 3rd July 2017 following independent examination and which replaced the previously adopted Core Strategy DPD and Development Policies DPD.

Although the LPA has commenced preparatory work on a review of the adopted Local Plan, that review remains at a preliminary stage, and accordingly full weight must continue to be attached to the adopted Local Plan, as long as its content is consistent with more up-to-date regional and national planning policy.

Also of relevance at local level is the LPA's 'Town Centres and Retail' Planning Guidance (adopted in January 2021) and its 'Advertisements' Planning Guidance (adopted in March 2018).

At regional level, the Development Plan comprises the new London Plan, which has been published by the GLA in March 2021 following independent Examination in Public and subsequent review by the Secretary of State for Housing, Communities and Local Government.

At national level, the most recent update to the National Planning Policy Framework (NPPF) was published by the Government in July 2021, and the NPPF streamlines previous national planning policy into a consolidated set of priorities, to ensure that planning decisions reflect genuine national objectives, with the principle of sustainable development permeating the framework.

Similarly, the National Planning Policy Guidance (NPPG) was launched by the Government in March 2014, is regularly updated and streamlines previously published national guidance, which had taken the form of planning policy guidance notes and planning policy statements.

Planning Appraisal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

Adopted Local Plan policy TC1 (Quantity and Location of Retail Development) confirms that new shopping and related uses will be focused upon existing designated growth areas and centres, and specifically states that there should be significant additional provision within Camden Town Centre. Local Plan policy TC2 (Camden's Centres and Other Shopping Areas) also encourages the provision of a range of shops, services, food, drink and entertainment and other suitable uses within such locations to provide variety, vibrancy and choice.

Therefore, the principle of the subdivision of the existing single commercial unit to create two self-contained commercial units, both with active ground floor street frontage, accords with the development plan, and, reflecting the flexible usage of town centre premises as intended by the introduction of Class E in September 2020, we trust that the LPA would support the flexible usage of that unit for the range of different uses which fall within Class E, particularly as all such uses comprise 'main town centre uses' as defined by Annex 2 (Glossary) to the National Planning Policy Framework (NPPF).

However, should the LPA wish to restrict/prevent any specific type of Class E usage (by way of the imposition of a condition expressly advising which Class E uses the subdivided premises can be used for) we would like to discuss any such condition prior to the decision notice being issued.

Given that the identity of the end user of the proposed subdivided commercial unit at ground and first floor level is not known at this time we are unable to provide any additional information relating to the number of employees and such like, and we recognise that adopted Local Plan policy TC4 (Town Centre Uses) confirms that the LPA will ensure that such uses do not cause harm to the local area or to the amenity of neighbours.

Accordingly, we recognise that the LPA might impose conditions to ensure appropriate control over the proposed use of the subdivided premises, for example in terms of trading hours or servicing, and again we would welcome the opportunity to discuss any such conditions the LPA was minded to impose prior to the decision notice being issued.

In respect of the proposed alterations to the existing shopfront, those alterations would solely involve the replacement of a set of aluminium framed bi-folding, predominantly glazed doors with a new aluminium framed entrance door (providing a self-contained entrance to the proposed commercial unit located at ground and first floor level) and shopfront window, whilst all other elements of the existing shopfront would remain unchanged.

Accordingly, the alterations to the existing shopfront would accord with adopted Local Plan policies D1 (Design) and D3 (Shopfronts), as well as London Plan policy D4 (Delivering Good Design).

When assessing applications for express advertisement consent, the only material considerations which can be taken into consideration are amenity and public safety.

The proposed replacement fascia signage and awning is largely identical, in terms of its design, scale, size, appearance and means of illumination, to that previously consented by the LPA by way of its granting of express advertisement consent application ref. 2017/3636/A. Essentially the only difference is that the width of both the fascia signage and awning has been reduced to reflect how the frontage of the existing commercial premises would be reduced by way of the proposed subdivision.

The proposed replacement fascia signage and awning is simple and proportionate in both size and appearance having regard to the building as a whole, and nor does the proposed signage over-dominant the frontage or result in clutter.

Accordingly the proposed signage elements accord with Local Plan policy D4 (Advertisements).

Conclusion

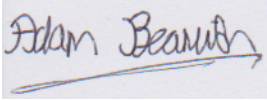
For the reasons set out in this supporting statement, planning permission should be granted by the LPA for the proposed subdivision of the existing single commercial premises to create two self-contained commercial units, one comprising basement and ground floor floorspace (in mixed Class E(a) and Class E(b) usage), and the other comprising ground floor and first floor floorspace (for flexible Class E use), and also for the associated alterations to the existing shopfront.

As expressed within this supporting statement, we would welcome the opportunity to discuss any conditions the LPA is minded to impose upon the granting of planning permission prior to any decision notice being issued.

Additionally, express advertisement consent should be granted for the proposed amended fascia signage and awning, subject to the imposition of the standard advertisement conditions.

We look forward to corresponding with the Case Officer to whom these applications are allocated in the coming weeks, but should any further information or clarification be required please do not hesitate to contact us.

Yours faithfully,

A handwritten signature in blue ink that reads "Adam Beamish". The signature is written in a cursive style and is positioned above a horizontal line.

Adam Beamish
BA (Hons), DIP TRP, MRTPI