

**Camden Council Planning Department**  
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23<sup>rd</sup> October 2024

Dear Sir/Madam,

## **UNIT 3, 37-39 HIGH HOLBORN, LONDON, WC1V 6AE**

### **APPLICATION FOR CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT UNDER TOWN AND COUNTRY PLANNING ACT (AS AMENDED) 1990**

On behalf of our client, Acai Group (hereafter referred to as the Applicant), we enclose submission for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) under Section 192 of the Town and Country Planning Act 1990 (as amended) for the above address (hereafter referred to as the site).

Section 192 of the of the Town and Country Planning Act 1990 (as amended) allows for an application to be made to local planning authorities, specifying the site in question, and describing the proposed use or operation of the site. If the evidence presented satisfies the local planning authority that the proposed use or operation would be lawful if instituted, then a certificate to this effect is issued.

This CLOPUD seeks confirmation from Camden Council that the existing use of Unit 3 falls within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the proposed use also falls within Class E.

This application has been made via the Planning Portal and includes the following information:

| <b>Document</b>                                       | <b>Reference</b>       |
|---|------------------------|
| Site Location Plan                                    | Within Planning Portal |
| Statutory Declaration of Peter Dee-Shapland re Unit 3 | N/A Dated 2024         |
| Official Copy of Title Plan                           | Title No. LN112237     |
| Area Referencing Report                               | N/A Dated April 2024   |
| Transfer of Whole Registered Titles (TR1)             | Exhibit PSDS1          |
| Certificate of Incorporation on Change of Name        | Exhibit PSDS2          |
| Title Register (2007)                                 | Exhibit PSDS3          |
| Title Register (2023)                                 | Exhibit PSDS4          |

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|   |               |
|---|---------------|
| Certificate of Incorporation on Change of Name    | Exhibit PSDS5 |
| Redline Boundary of the Site                      | Exhibit PSDS6 |
| Official Lease for Whole Commercial Demise (2000) | Exhibit PSDS7 |
| Official Lease for Unit 1 (2020)                  | Exhibit PSDS8 |
| Official Lease for Unit 2 (2023) (Part 1 and 2)   | Exhibit PSDS9 |
| Introduction to Operator – Fever                  | N/A           |
| Bombastik! Experience Summary                     | N/A           |
| Operational Management Plan                       | N/A           |
| Photographic Evidence Pack                        | N/A           |

## The Site and Surrounding

37-39 High Holborn is located within the London Borough of Camden on the north side of High Holborn, with the western boundary facing onto Warwick Court. For full details of the building, please refer to the Area Referencing Report (dated April 2024), however to summarise, the building comprises basement, ground plus six storeys, with the upper storeys made up of office accommodation. The ground floor consists of 3 retail units. Unit 1 faces onto High Holborn, and Unit 2 is situated on the corner of High Holborn and Warwick Court.

The site, Unit 3, is accessed from Warwick Court, and comprises the rear portion of the ground floor commercial demise, and the basement, which is accessed from within the unit. The site is detailed within the plan submitted alongside this application (Redline Boundary of the Site, (Exhibit PSDS6)).

Properties surrounding the site are largely commercial and non-residential in nature. The closest residential properties is to the east of the site at 31-33 High Holborn and 7 & 8 Warwick Court to the north. The majority of the ground floor accommodation in the surrounding buildings are occupied by retail or restaurants and cafes.

The site is not a listed building but it is within the Bloomsbury Conservation Area. The closest listed assets are Gray's Inn Park and Garden (Grade II\* Listed) and Lincoln Inn Fields Park and Garden (Grade II Listed).

## Planning History

A number of planning applications have been submitted for the site, most of which relate to display of signs, tables and chairs, plant equipment, and replacement of windows. These applications have not been detailed but the submissions relate to the retail uses at ground floor.

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## Existing Lawful Use

The available planning history records do not include a planning permission for the use of Unit 3. In these situations, the lawful use can be determined by assessing the length of time the existing use, has been in operation, and the nature of existing use. To determine the lawful use, the use must have been in existence for 10 years prior to the date of the certificate application.

As described above, Unit 3 sits within a larger commercial demise and the following has taken place:

- The whole of the ground floor and basement were occupied by a single retail unit (Vision Express) since at least 3<sup>rd</sup> October 2000 (see Exhibit PSDS7).
- The single retail unit was subdivided into two and sub-let to Starbucks, with Vision Express occupying the remainder of the retail floorspace.
- On expiry of the Vision Express lease in 2020, the ground floor and basement was sub-divided into three Units (1, 2 and 3).
- On 27<sup>th</sup> November 2020, Vision Express entered into a new lease for Unit 1 (see Exhibit PSDS8).
- On 13<sup>th</sup> April 2023, Meletius Coffee entered into a lease for Unit 2 (see Exhibit PSDS9).

Unit 3 is in the process of letting, and has been marketed as a Use Class E unit since the previous lease expired in 2020 (see Statutory Declaration of Peter Dee-Shapland re Unit 3, dated 21<sup>st</sup> October 2024). The leases, the planning history and images from Google Streetview (see Photographic Evidence Pack) demonstrate the ground floor and basement of the site have been in use for retail (Class E) since at least 3<sup>rd</sup> October 2000, which is corroborated by the Statutory Declaration and the supporting information, as listed above, and submitted alongside this cover letter.

The Town and Country Planning (Use Classes) Order 1987 (as amended) updated Use Classes on 1st September 2020. This saw Class A1 (shops) be revoked and replaced by Use Class E (Commercial, Business and Services). At the point of this update, the unit was operating under Class A1 (shops), and therefore, the lawful use became Use Class E (Commercial, Business and Services).

We consider that sufficient evidence has been provided to demonstrate that on the balance of probabilities Unit 3 site has been operating under previously Class A1, now Class E, for over 10 years, and since the site is not subject to enforcement action, as set out in section 171B of the Town and Country Planning Act 1990, we can conclude that the lawful use on site is Class E.

## Lawfulness of Proposed Use

The proposed escape room would be operated by Fever, under the brand Bombastik! Bombastik! Is an immersive game based experience played in teams of 4-8 people. Full details of how this will operate are detailed within the Operational Management Plan that has been submitted alongside this application, but importantly this document details the nature of the use. It states that customers will spend approximately 90 minutes on site. This includes getting checked in, getting changed, watching briefing videos, taking part in the experience and then getting changed and checked out afterwards. Limited food and beverage options will be available as ancillary to the escape room, and these will only be available to customers once they have reached the end of

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their experience. In addition to the Operational Management Plan, a Brand Brochure for Fever has also been submitted for supporting information.

Camden Council have corroborated our understanding that the proposed escape room's lawful use would be within Class E by way of Planning Permission 2022/3918/P, dated 3<sup>rd</sup> May 2022. The decision notice attached to this permission confirms that an escape room would fall under a Class E Use, stating; *'the use for indoor sport, recreation or fitness is within Class E'*.

The evidence submitted with the application demonstrates that the existing and proposed use of Unit 3 falls within Class E. The proposed use as an escape room falls within Use Class E (d) (indoor recreation, sport and fitness).

We trust that the enclosed information is sufficient to allow officers to consider and issue the CLOPUD. The application fee of £359.00 has been made. If you have any queries regarding this planning submission please do not hesitate to contact me.

Yours faithfully



**Sarah Paterson**  
**Planner**