

Our Ref: CH/SN/11445

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7 February 2013

Dear Sir/Madam

**81 CHARLOTTE STREET, LONDON W1T 4PP  
PROPOSED CHANGE OF USE OF GROUND AND BASEMENT FLOORS  
FROM CLASS A1 (SHOPS) TO EITHER CLASS A1 (SHOPS) OR CLASS  
B1 (BUSINESS)**

**Introduction**

We act on behalf of the freehold owners of this property. It is presently being extended, altered and refurbished pursuant to a permission granted in 2010 (Ref. 2010/0069/P). It is currently vacant to enable these works to be undertaken. Prior to commencement of these works, the ground and basement were occupied by Anderson Tours for a period of ten years.

Anderson Tours are an internet based travel agency. They have relocated their business to second floor premises near Tower Bridge. Whilst retail travel agency is a Class A1 Use, the particular modus operandi of Anderson Tours strongly suggests that it operated as a B1 Use. As such use existed continually for ten years, this may now be the legal use of these two floors. Historically though it would appear that the floors have been used for retailing and this is the Rated use. For the purposes of this application it is assumed that the lawful use is A1 although this is not clear.

Our client wishes to let the ground and basement floors for B1 Office use as we are advised there is currently no demand for retail at this end of Charlotte Street. Accordingly please be advised that an application for planning permission for change of use to either A1 or B1 has been submitted via the Planning Portal, reference number PP-02412855. No physical alterations are proposed, either externally or internally. The application comprises the following:

- 1.This covering letter
- 2.Application Form and Certificates



3. Ground floor and location plan no. 1306/02/02
4. Basement floor and location plan no. 1306/02/01
5. Land Use Plan CgMs 1.
6. Letter from Mark Anderson of Anderson Tours dated 18<sup>th</sup> January 2013
7. Letter from LDG Commercial (Retail Agent) dated 1 February 2013
8. Planning Application Fee (£385)
9. CIL Form

### **Site and Surrounding Area**

The site consists of a five storey plus basement terraced former townhouse. The whole building is currently vacant as it is being extended, altered and refurbished. Upon completion of these works, the upper floors will provide three new flats. The ground and basement were formally occupied by an internet based travel agency. There are steps up to the main entrance (which is shared with the residential use) and a light well at the front with steps down to the basement level.

This part of Charlotte Street mainly comprises commercial uses on the ground floor with residential above as is illustrated on the plan at CgMs 1. This shows that the retail use at no.81, if that is what it was, is isolated - not part of any parade of shops. The majority of the ground floor units of this part of Charlotte Street are dominated by offices and catering establishments. Note also a 25% vacancy rate of those units surveyed.

### **Planning History**

The relevant recorded planning history is very dated, but refers to retail/showroom use some 70 or more years ago. A 1930 permission for the conversion of the upper floors into three self-contained flats refers to *...above the existing ground and basement floor shop*. In 1949 an application was approved for the *use of the basement and ground floors for showroom use*. In 2010 permission was granted for extensions and alterations and change of use of the upper floors from office use to flats. The changes are proposed to look at and find the main changes

### **Anderson Tours**

Most recently the ground and basement floors have been used by Anderson Tours, an internet based travel agency. They have provided the enclosed letter (document 6) which sets out details of their operation at the application premises. Key points are:

- 1. The vast majority of our customers select holidays from our web site and undertake subsequent transactions remotely. Similarly our appointed agents transact holidays remotely.*
- 2. A very small number of local customers visit the offices because they wish to make payments/discuss matters in person; and when we were at*

*Charlotte Street an event smaller came in 'off the street' as it were, to make enquiries etc.*

3. *Proportionately less than 5% of our turnover involved personal visits and less than a handful of customers would visit in any one day. 95% of our accommodation was used for general office purposes, with only a small reception area at the front available to the public. We were not open on weekends or public holidays.*
4. *The overwhelming office (as opposed to retail) nature of our business is demonstrated by the location of our new premises which are on the second floor with no shop window display.*

This confirms that the extent of retail trade was minimal and that the use of these floors was effectively Class B1 for a continuous period of ten years.

### **Planning Policy**

Camden's adopted Proposal's Map shows that the subject property is not located within a shopping centre or shopping frontage – it is an isolated unit. Camden's most relevant Development Policy is DP10 which states:

*..The Council will seek to protect shops outside centres by only granting planning permission for development that involves a net loss of shop floorspace outside designated centres provided that:*

- d) alternative provision is available within 5-10 minutes' walking distance;*
- e) there is clear evidence that the current use is not viable; and*
- f) within the Central London Area, the development positively contributes to local character, function, viability and amenity*

Explanatory paragraph 10.8 states that:

*'...additional protection is needed to prevent the widespread loss of A1 retail uses outside centres, in order to ensure that local shops are available for local residents, workers and visitors. Therefore, the Council will only grant permission for the loss of shops outside centres in Central London Area where it considers that the replacement use will also contribute positively to the local area. Appropriate alternative uses are considered to be housing and uses providing essential services for residents, businesses, workers and visitors such as professional and financial services, community facilities and launderettes...'*

### **Planning Issues**

Policy DP10 sets out a number of criteria which should be met if loss of retail even outside a designated area is to be allowed. In assessing these matters it should be borne in mind that in practice there is no loss of retail because none has in fact existed for ten years. Nevertheless in relation to each of the criteria we would comment as follows:

Alternative retail provision: There is ample alternative retail provision within 10 minutes walking distance. ie. Tottenham Court Road, Goodge Street, Oxford Street, and Regents Street shopping parades.

Evidence that current use is not viable: There is no existing retail use. However it is obvious by virtue of the 'shop' window being set back behind the lightwell and with the necessary intervening railings, that this is not an ideal retail unit – there are no other retail units in Charlotte Street with a lightwell at the front. The stepped pedestrian access and the shared access with the flats above are also disadvantages. This part of Charlotte Street has limited footfall. Please see further information on this matter in the letter from LDG agent dated 1st February at document 7.

Contribution to local character/function/viability/amenity: The premises are currently vacate and likely to remain that way unless a change of use is authorised. Such vacancy would not make a positive contribution to any of the above. In the unlikely event of a retail tenant being forthcoming, the flexibility of the alternative permission being sought, would allow use for retailing.

### **Summary**

It is likely that the existing lawful use is already B1. Even if it is not, the use for the past ten years has meant that there has been no effective local retail provision from this unit. The unit is isolated and physically unsuitable for conventional retailing. There is no demand for retail use. There is ample alternative provision in the near area. If the flexible change of use is not granted it is likely that the unit will simply remain vacant, thus making no contribution to the area.

For the reasons set out above we believe this proposal is in accordance with the local development plan and its previous use is a material planning consideration in favour of the proposal. Bearing in mind the National Planning Policy Framework presumption in favour of development we are of the view that planning permission should be granted.

We look forward to discussing this application with you and if you require any further information, please do not hesitate to speak to me or my colleague Setareh Neshati.

Yours sincerely



**Christopher Hicks**  
**Director**