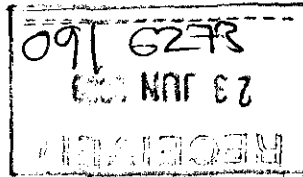


our ref STRE/3073.379
your ref
ddi 020 7427 1619
e-mail Sheridan.Treger@blplaw.com

Planning Services
London Borough of Camden
Camden Town Hall
Argyle Street
London
WC1H 8EQ

23 June 2009



By hand

Dear Sir/Madam

**Flitcroft House, 114-116 Charing Cross Road, London WC2H 0JR:
Change of use of the basement and ground floors from A1 Shop use to A3
Café/Restaurant plus associated alterations including the installation of new shop front
on Charing Cross Road and Flitcroft Street frontages and plant on roof**

We submit a planning application on behalf of Estates and Agency Holdings Ltd pursuant to the email dated 18 June 2009 and subsequent letter dated 19 June 2009 from Louise McLaughlan, Senior Legal Advisor (Acting) for the Head of Legal Services.

Planning permission is sought for:

"Change of use of the basement and ground floors from (Class A1) shop use to (Class A3) café / restaurant plus associated alterations including the installation of new shop front on Charing Cross Road and Flitcroft Street frontages and plant on the roof."

We enclose four copies of:

- Application form
- Certificate A
- OS plan at scale 1:1250
- Plans and elevations comprising:
 - Existing drawings GA-200, GA-201A, EL-206, EL-220, SE-224 and EL-221
 - Proposed drawings GA-203, GA-204C, EL-222B, EL-223C, SE-225A, M01-02, M02-04 and M03-05
- Design, Planning and Access Statement
- Acoustic report by the Equus Partnership

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- External photographs
- Memorandum: Background to Application
- Supplementary Statement
- Leading Counsel's Opinion
- Statement of Case
- Statement of Common Ground

No application fee is required since this is a resubmission of the application refused on 31 March 2009 by the same applicant.

1. Original Application

A full planning application was submitted to Camden Council by The Design Solution on behalf of Estates and Agency Holdings on 6 October 2008 (Your ref: 2008/4772/P).

Planning permission was refused on 31 March 2009 for the following reason:

"The proposed development, by reason of the reduction of the number of retail units on the Charing Cross frontage to below the threshold of two thirds (66%), would be detrimental to the character, function, vitality and viability of the area contrary to Policy R7 (protection of shopping frontages) of the London Borough of Camden Replacement Unitary Development Plan 2006."

We enclose a Memorandum detailing the background to planning application 2008/4772/P.

2. Appeal

Prior to the date of the decision notice, an appeal was lodged on 27 March 2009 on the basis that the Council had failed to determine the application within the statutory period (PINS Ref APP/X5210/A/09/2101133). A public inquiry is arranged for 28 July 2009.

The Appellant's Statement of Case was submitted to PINS on 14 May 2009

The Council's Statement of Case was received by us on 19 May 2009

The Statement of Common Ground was circulated to the Council on 8 June 2009

3. The Council's Review of the Position

The letter from Louise McLaughlan dated 19 June 2009 advised that:

"In this case, there has been a material change of circumstances since the application was refused."

The Council's case has hinged on the failure of the proposed scheme to maintain the 66% threshold of retail units on the Charing Cross Road frontage. Since the refusal, the scheme now needs to be viewed in the context of the changing retail landscape within the relevant area brought about by

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the Crossrail project (and in particular its effect on the % calculations), in addition to the effects of an economic climate which has continued to worsen.

In these circumstances, the Council consider that whilst the refusal of the scheme was reasonable and well-founded, the proposal can now be viewed favourably. As you will appreciate, this is the view taken at officer level, and it cannot bind the Development Control Committee. However, in the event that your client re-submitted the application, it would be supported by officers, who would seek to have the matter determined as expeditiously as possible.

For these reasons, the Council no longer seek to defend its decision to refuse the application, listed as you know for Public Inquiry on the 28th July 2009."

4. Re-submitted Application

We welcome your re-appraisal of the circumstances, although we do not accept that information in relation to either Crossrail or the economic climate has only come to light since permission was refused.

Notwithstanding this, we re-submit the planning application. The case is set out in full in the following documents:

- Savills Supplemental Statement submitted on 24 February 2009
- The Opinion of David Elvin QC submitted on 2 March 2009.
- The Statement of Case
- The Statement of Common Ground

These have already been provided to you but a copy is enclosed for your convenience.

5. Conclusion

You will appreciate that the Appellant cannot withdraw from the appeal until the Council issues a planning permission. Further explanation is set out in our letter to you of 22 June 2009. In light of the significant costs already incurred as a result of the appeal proceedings and ongoing lost revenue from the unit remaining vacant, we are extremely concerned about any further delay in this matter.

In practice, this means that if it is necessary for the application to be determined by the Development Control Committee, then this must be at its meeting on 9 July 2009.

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We look forward to constructive discussion during our meeting with you today on how this can be achieved.

Yours faithfully

Berwin Leighton Paisner LLP

Berwin Leighton Paisner LLP

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