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Camden Council
5 Pancras Square
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Dear Samir,

319-325 EUSTON ROAD, KINGS CROSS, NW1 3AD

I write concerning application 2015/6919/P which I understand that you have previously taken a positive view towards its proposal, however have received some queries from senior planning staff concerning the historic and current use of the premises. As you are aware, the application seeks planning permission for the change of use of the premises to Class B1 (office) accommodation, given it is unclear as to the current lawful planning use given a number of operators have occupied the floorspace over the years.

Whilst normally any given Local Planning Authority could be presented with evidence of a lawful use via a Certificate of Lawful Existing Use (CLEUD), the varying ownership of the application site (let alone occupiers) creates difficulty in pulling together an extensive list of previous use, hence a full application was made.

The purpose of this letter is to provide further information to support the proposal against planning policy / guidance and other material considerations.

Firstly, it is worth stating that the current occupier of the floorspace is James Lakeland, a retail company who does operate shops across the country, clearly shown by the list of stores / concessions on the company's website. It does not include the application site. Indeed, when contacted, the company refers to Euston Road as its Head Office.

Planning Policy / Guidance Position

National Guidance

The NPPF supports sustainable economic development to help support the provision of housing, infrastructure and job opportunities of people within any given area. The planning system should not simply be an exercise in scrutiny but help support sustainable economic development.

This is of note in relation to the application proposals given the continued use of the premises by an established company could be impacted without formalising the situation regarding use, and that the floorspace currently provides employment for a greater number of people than would be expected for a traditional retail use.

Local Policy

The Council's Fitzrovia Area Planning Guidance includes policy and guidance with regard to the area in which the application site is located.



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Policy Direction

Protect the retail role of Fitzrovia and the specialist retail uses, Maintain the mixed use character of the area and balance the needs of people who live in the area with those who visit the area, and Avoid clusters of food drink and entertainment uses that cause harm to the amenity of the area and to the residential population

Policy Approach.

Primary Frontages

For each Primary Frontage, planning permission will generally not be granted for development that results in:

- *Less than 80% of the total number of units in that frontage being A1 retail use, (The proportion of A1 retail use in all primary frontages in the area is currently below 80% and therefore further loss of A1 use will be resisted unless circumstances change.)*
- *More than 25% of the total number of units in that frontage being in food, drink and entertainment uses,*
- *More than two food, drink and entertainment uses consecutively, or*
- *Food, drink and entertainment uses greater than 100sq m. The Council will also take into account the number and mix of uses in adjacent and opposite premises in assessing applications.*

Secondary frontages

For each Secondary Frontage, planning permission will generally not be granted for development that results in:

- *Loss of retail units (Use Class A1) which contribute positively to the character, function, vitality, viability and amenity of the area.*
- *More than 25% of the total number of units in that frontage being in food, drink and entertainment uses,*
- *More than two food, drink and entertainment uses consecutively, or*
- *Food, drink and entertainment uses greater than 100sq m. The Council will also take into account the number and mix of uses in adjacent and opposite premises in assessing applications.*

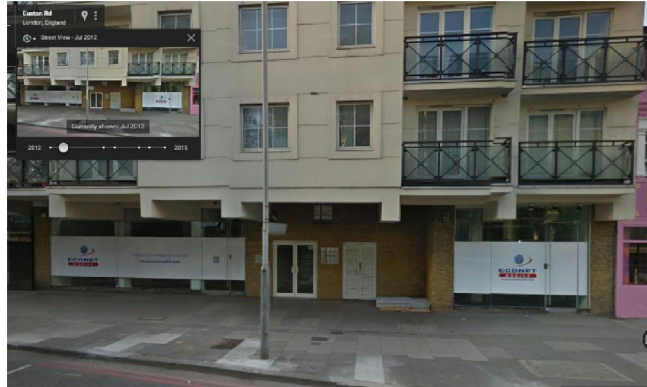
For all other properties in Fitzrovia, planning permission will generally not be granted for development that results in loss of retail units which contribute positively to the character, function, vitality, viability and amenity of the area.

The final sentence of the above is relevant to the application site given it is not located within a defined retail frontage. The wording of the policy states that retail units will be protected 'which contribute positively to the character, function, vitality, viability and amenity of the area'. Therefore, the resistance of retail floorspace would be justified if it does not contribute positively.

Historic / Current Use of Application Site

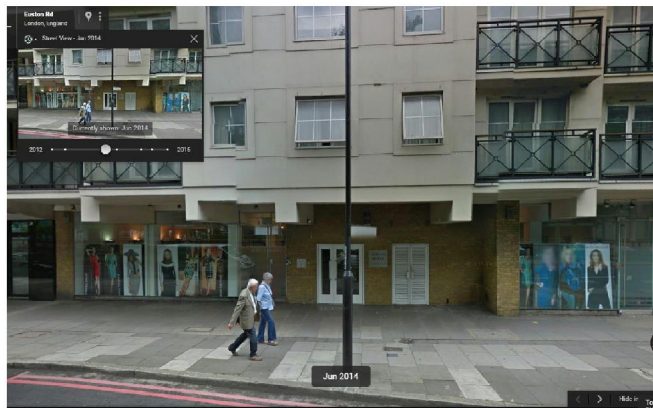
In simplest terms, the retail function does not contribute positively given it does not exist and hasn't done so for a number of years. It is unclear as to whether it ever existing at site and even if this were the case, there is no opportunity to assess what sort of contribution it made as such a use is long since gone. It is however clear that the frontage on Euston Road is by no means a 'prime' frontage given the retail functions appear mainly independents in small units, with a mix of A Class uses.

To provide some background of the uses, simple evidence is provided on photographs from Google Streetview that the premises were in office use in 2012, with no active frontage onto Euston Road.



June 2012 – Econet occupying

Subsequently a photograph from 2014 shows James Lakeland in occupation (as they currently are), again with no active frontage and no display of goods etc. to the general public.



June 2014 – James Lakeland occupying

Looking back further, investigations have been undertaken in the rating for the floorspace, with the EGi Building Report including the below list of rates for the floorspace from the period since 1995.

Rating Summary

Unit	Effective Date	Property Type	Rateable Value			
			2010	2005	2000	1995
BST & GND FLOOR 319-325, EUSTON ROAD, LONDON NW1 2SA	27/06/2014	OFFICES AND PREMISES	£91,000	N/A	N/A	N/A
BST 321 EUSTON CENTRE, EUSTON ROAD, LONDON NW1 2SA	09/02/2009	CAR PARKING SPACE AND PREMISES	N/A	£2,250	N/A	N/A
GND F PT 319-325, EUSTON ROAD, LONDON NW1 2SA	01/04/2010	OFFICES AND PREMISES	N/A	£21,500	£17,500	£9,500

Also of note is the EGi Report on deals which shows an entry from 2011 (prior to the applicant's acquisition) for the use of the floorspace as office accommodation:

Deals ▾	
Lettings	
Deal Date:	01/12/2011
Unit/Floor Number:	Ground Floor
Deal Type:	Lease
Type of Space:	Business (B1a) - Office 235 Net sq m (2,527 sq ft)
Rent:	£255.54 per sq m (£23.74 per sq ft)
Rental Income:	£59,990.99 per annum
Lease Details	
Length:	3 years
Lease Start:	01/12/2011
Lease Expiry:	01/12/2014
Players and Roles	
Lessee: Eronet Mobile Lessee Agent: DeVono Tel: 020 7096 8911 Lessors Agent: Hatton Real Estate Tel: 020 7101 2020	
Email us about this deal:	deals@egi.co.uk

In addition, prior to the acquisition of the long leasehold of the floorspace in 2015, it was marketed by LDG Commercial and the marketing particulars are attached to this letter. In terms of the use of the floorspace, it is pertinent to note:

- The floorplate is not one that would be considered 'normal' for retail premises, with a change in levels and stairs within the main open areas. Because of this it is unlikely that the floorspace would have been attractive to a retail operator.

- The particulars note the inclusion of male and female toilets, as well as a kitchen, not something that would be expected within a retail unit
- The particulars also make reference to a glass partitioned meeting room – again not something that would be expected within a retail unit.

Summary

In summary, it is considered that the proposed formalisation of a Class B1 (office) use at site is justified given:

- i. The Council's own planning policy guidance for the area supports a range of services to support day to day activity and the wider economic function of the area;
- ii. The relevant policy / policies support the retention of retail uses where they support the function and vitality / viability of the area. In this case no such retail function does this and hasn't done so for a considerable amount of time (if ever). There is no evidence of the property ever having an active frontage and trading akin to 'traditional' retail premises;
- iii. Available evidence shows a continued, lengthy period of time where an office use has occurred at the premises;
- iv. The rateable value of the premises is recorded as office accommodation;
- v. The current use provides employment opportunities greater than would be expected for a retail use and the refusal of planning permission for office accommodation incurs a risk of displacing an established company.

As stated above, given the uncertainty over the historic use of the property it was considered that the correct way to formalise the situation was to make a full application for the existing Class B1 (office) use, with such a use considered to be entirely appropriate in this location and in line with adopted planning policy and guidance.

Should you have any questions please do not hesitate to contact me or my colleague John Mumby.

Yours sincerely,



GEORGIA BARRETT
Assistant Planner