

our ref: TV/Q50105
your ref:
email: daniel.rech@quod.com
date: 29 August 2017



David Fowler
Regeneration and Planning
Development Management
London Borough of Camden
Town Hall Judd Street
London
WC1H 8ND

Dear David

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
AMALGAMATION OF GROUND FLOOR RETAIL UNITS AT NOS. 63 AND 65 CHARLOTTE STREET, AS
AN AMENDMENT TO THE APPROVED SCHEME GRANTED PLANNING PERMISSION 2015/1746/P
DATED 08/01/2016.

a) **Introduction**

Quod are instructed by Merchant Land Investment Limited to submit this non-material amendment application (NMA) made under Section 96a of the Town and Country Planning Act (1990) (as amended) to seek formal approval for a minor revision to approved plans for the redevelopment of no. 61 – 65 Charlotte Street. The revision sought is to unify the two ground floor retail units (Use Class A1) at Nos 63 and 65 Charlotte Street to create one single larger retail unit (Use Class A1).

The original application dated 8 January 2016 (2015/1746/P) approved the following development:

“Erection of mansard roof extension at 4th floor level, rear extension at lower ground & ground floor levels, with creation of 6 x flats (2 x one-bedroom/studio, 2 x two bedroom, 2 x three-bedroom) on the upper floors, office accommodation at ground and lower ground floors and shopfront alterations.”

This update is submitted to vary the approved plans to remove part of the existing wall and insert a new concrete portal frame between the two ground floor retail units (Use Class A1) at Nos. 63 and 65 Charlotte Street to create one single larger retail unit (Use Class A1).

Therefore, the non-material amendment seeks approval to amend the plans referred to within the revised condition 2 attached to the planning decision notice 2017/1384/P, which is re-provided below:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing



696-EXGA00-P1, 696-EXGA01/02-P1, 696-EXGA03-P1, 696-EXGA04-P1, 696EXGA05-P1, 696_GS01-Ex, 696_GS02-Ex, 696_GS03-Ex, 696-EXGE01-P1, 696EXGE02-P1.

Proposed

696-GALG-OptB-P2, 696-GA00-OptB-P3, 696-GS06-P1, 249/PD/208, 249/PD/209 d, 249/PD/201, 249/PD/202, 249/PD/203, 249/PD/204 C, 249/PD/205 C, 249/PD/207 C, 249/PD/210, 249/PD/211 C, 249/PD/212 C, 249/PD/214, 249/PD/120.

For the avoidance of doubt, the proposed changes to the approved drawings are identified below:

Original Drawing Reference	Revised Drawing Reference	Plan Title
249/PD/202	249/PD/209 C	Proposed Ground Floor Plan

The following documents are submitted in support of this application:

- Signed and Dated application forms;
- Revised Drawing; and
- Fee cheque for £195 made payable to London Borough of Camden.

b) Proposed development

The non-material amendment seeks to insert a new concrete portal frame between the two ground floor retail units (Use Class A1) at Nos. 63 and 65 Charlotte Street to create one single larger retail unit (Use Class A1).

The proposal represents a non-material amendment to the scheme, relating to a small internal alteration only, which is an element of the detailed design process.

To be clear, no external alterations are proposed as part of this application.

c) Planning Policy

The extant planning application was considered acceptable against the previous Development Plan for Camden. This comprised Camden's Core Strategy (2010) and Development Policies (2010). These documents have now been superseded by the Camden Local Plan (2017).

The Local Plan was adopted by Council on 3 July 2017 and has replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough.

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that proposals shall be determined in accordance with the Development Plan unless material considerations indicate otherwise. As such the adopted development plan consists of the following:

- London Plan (2016); and
- Local Plan (2017).

The Development Plan designations for the application site remain unchanged in the new Local Plan, and comprise:

- Central Activities Zone;
- Charlotte Street Conservation Area; and
- Fitzrovia Area Action Plan.

Camden also has adopted several Supplementary Planning Documents (SPDs) that provide advice and information on how planning policy in Camden will be applied.

CPG 5 – Town centres, retail and employment (2013) is relevant in this instance.

d) Planning Assessment

i) Amalgamated Retail Units

Within the Local Plan (2017), the site is located within a Specialist Shopping Area identified as 'Fitzroy and south-west Bloomsbury.

Policy TC1 (Quality and location of retail development) states the council will promote the following distribution of retail and other town centre uses across the borough in line with the below:

- **“Appropriate provision in Camden’s Specialist Shopping Areas”.**

Policy TC2 (Camden’s centres and other shopping areas) states the council will seek to protect and enhance the role and unique character of each of Camden’s centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located as well as pursue the individual planning objectives for each centre, as set out in supplementary planning document Camden Planning Guidance on town centres, retail and employment, detailed later in this letter.

Policy TC4 (Town Centre Uses) states the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours.

In doing so Camden will consider (amongst others):

- **“the effect of development on shopping provision and the character of the centre in which it is located;**
- **the Council’s expectations for the mix and balance of uses within frontages for each centre are set out in Appendix 4;**

- **the individual planning objectives for each centre, as set out in the supplementary planning document Camden Planning Guidance on town centres, retail and employment.”**

An extract of Appendix 4 relevant to the application site is re-provided below:

Centre	Frontage Type	A1 Shops	A3 A4 A5 food, drink, and entertainment uses Maximum proportion of A3, A4, and A5 uses combined in each individual frontage	A3 A4 A5 food, drink, and entertainment uses and other non-retail uses Other Restrictions
Fitzrovia and South West Bloomsbury	Secondary	-	Max 25%	Max 100sqm No more than 2 consecutive food, drink, or entertainment uses

Camden Planning Guidance 5 (Town Centres, Retail and Employment SPD) provides area specific guidance for each of the Central London Local Areas including Fitzrovia and south-west Bloomsbury where the site is located.

The site is identified within this document as being within the Central Activity Zone, and having secondary frontage.

The guidance states there is a need to manage retail frontages to maintain sufficient shops in the area to retain Fitzrovia as a shopping destination. This will also allow the retention of the specialist retail uses that positively add to the area’s character and vitality.

With regards to secondary frontages in this location the guidance states 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 amalgamation of the retail units has emerged as part of the detailed design process. It relates to the ground floor retail units (Use Class A1) at Nos. 63 and 65 Charlotte Street and would result in the following:

A1 Retail Unit	Floorspace (m ²)
Existing No. 63 Retail Unit	55.2
Existing No. 65 Retail Unit	31.2
Proposed amalgamated unit	89.2 (including the strip of separating wall which is to be removed)

The A1 retail use is retained (with no loss in retail floorspace at the site) and in accordance with the expectation for the mix and balance of uses within frontage for the Fitzrovia and south-west Bloomsbury Specialist Shopping Area, specifically Appendix 4 of Local Plan Policy TC 4 which seeks to limit the increase of food, drink and entertainment uses rather than A1 Use.

The proposed unified unit is of appropriate scale and character and in line with the objectives set out in the development plan and CPG5 and should therefore be supported.

Additionally, the proposal relates to an internal alteration only and would have no impact on the setting of the building, or external appearance.

e) Conclusion

It is considered that the assessment of relevant issues to the application demonstrates that the proposed amendment does not give rise to any new material impacts, and indeed serves to secure the deliverability of the extant planning permission.

The proposed amendment has been carefully considered to deliver a high quality retail unit, within the parameters of the development plan and relates to a small internal amendment which has no impact on the setting of the building.

The proposed amendment is required to enable the delivery of the development. This is in line with development plan policy objectives and ought therefore to be acceptable.

I trust you have sufficient information to determine this application and look forward to hearing from you in due course. If you require additional information or wish to discuss the enclosed then please don't hesitate to contact me to discuss.

Yours sincerely

Daniel Rech
Planner