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Planning Department
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FAO: Mr Patrick Marfleet

11 September 2020

Our ref – KH/LW - 20/149
Via PLANNING PORTAL

Dear Patrick

EUSTON HOUSE, 24 EVERSOLT STREET, LONDON NW1 1DB

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SECTION 73 APPLICATION TO VARY PLANNING PERMISSION REFERENCE 2011/3120/P

On behalf of our client, Euston PropCo SARL ('the Applicant'), please find enclosed an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 1 of planning permission reference 2011/3120/P, granted by the London Borough of Camden ('the Council') on 20 July 2011.

The objective of this application is to allow the applicant to utilise the full flexibility of Class E, from the new Use Class Order that was brought into effect on 1 September 2020. The introduction of Class E by the Government was done so in order to allow flexibility and agility within and across numerous town centre uses to enable commercial properties to respond more readily to changes in the market, largely as a result of the COVID-19 pandemic.

At present, planning permission reference 2011/3120/P, which governs the use of the building, contains a restrictive condition that prevents the building from being able to utilise the flexibility and benefits of Class E. It is therefore both necessary and desirable in the interest of both good planning and contemporary government guidance and practice to amend the wording of this condition.

This application comprises the following documents:

- This Covering Letter/Planning Statement;
- Site Location Plan;
- Application forms and certificates; and
- Application fee.

a. The site and relevant planning history

Euston House, located at 24 Eversholt Street, is a nine storey plus basement commercial building situated in the St Pancras and Somers Town ward within the London Borough of Camden.

The site is located immediately to the east of Euston Station, on the eastern side of Eversholt Street. It has three street frontages to Doric Way to the north, Eversholt Street to the west and Lancing Street to the south.

In terms of planning designations, the site is located within the Eversholt Street Neighbourhood Centre, the Euston Area Plan area and is subject a High Speed 2 Safeguarding. The site also immediately adjoins London's Central Activities Zone (CAZ), which runs along Eversholt Street.

There are no listed buildings on site, nor is the site located within a conservation area. The building has been identified as a locally listed building and there are a number of heritage assets within proximity of the site.

The use of the existing building has been established by two relevant planning applications. Planning application reference PS9804251, dated 28 May 1998, granted personal planning permission to allow Learning Tree International Limited to use whole or part of the building for Class D1 education purposes. This application was amended by planning application reference 2011/3120/P, dated 13 September 2011, which extended the personal permission to include EC English London Ltd.

Attached to these consents was Condition 1. Condition 1 (as amended) states that "*on Learning Tree international and EC English London Ltd vacating the premises the use shall revert to the lawful use for office purposes*". This condition therefore restricts the lawful use of the building to office purposes only.

Following the legal effect of Class E on 1 September 2020, which seeks to ensure existing commercial buildings can be used flexibly for a range of commercial uses, the Applicant now wishes to vary the wording of Condition 1 to allow the the usage of the building for open Class E purposes should they so wish in the future.

b. Class E and the new Use Class Order

On 21 July 2020, the Government confirmed a number of changes to the Use Class Order. These changes were introduced on 1 September 2020 and are now in force. One of the main changes to the Use Class Order was in relation to town centre and commercial uses, which the Government wanted to overhaul in order to better reflect the diversity of uses found on high streets and town centres and to provide the flexibility for business to adapt and diversify to meet changing demands.

The principal change to the Use Class Order was the introduction of Class E. Class E has subsumed the previous use classes of Class A1 (retail), Class A2 (financial and professional services), Class A3 (restaurants and cafes) and Class B1 (business). Class E also subsumes some previous Class D1 and D2 uses, including indoor sport, recreation and fitness, medical or health services (mainly to visiting members of the public), and creches, day nurseries or day centres.

The Government's Explanatory Memorandum explains that the Government confirm all of the new uses under Class E to be suitable for town centre locations. The Memorandum states that "*changes to another use, or mix of uses, within this class do not require planning permission*". The Memorandum also notes that "*Bringing these uses together and allowing movement between them will give businesses greater freedom to adapt to changing circumstances and to respond more quickly to the needs of their communities*".

Given the site's sustainable and central town centre location adjacent to one of London's major transport interchanges, which is only set to undergo further transformation linked to High Speed 2 and Crossrail 2, the Applicant believes that by removing the restrictive condition for office use only would allow the building to be utilised flexibly as envisaged by the introduction of Class E. For example, while the primary use of the building is likely to remain as office use due to the design and layout of the building, the flexibility of Class E could allow other users to inhabit parts of the building, such as shops or cafes at ground floor level, or specialist medical uses.

For this reason, the Applicant proposes to vary the wording of Condition 1 to permit this flexibility and to allow the building to contribute to vibrant, mixed use town centres as set out by central Government.

c. Section 73 Application

This application seeks to modify the wording of Condition 1 of planning application reference 2011/3120/P. This current condition confirms that the lawful use of the building is for “office purposes” and the Applicant wishes to vary this wording to “Class E ‘Commercial, Business and Service’ use”.

It is therefore proposed to vary Condition 1 of planning application reference 2011/3120/P from:

This permission shall be personal to Learning Tree international and/or EC English London Ltd during their occupation and shall not enure for the benefit of the land. On Learning Tree international and EC English London Ltd vacating the premises the use shall revert to the lawful use for office purposes.

To:

This permission shall be personal to Learning Tree international and/or EC English London Ltd during their occupation and shall not enure for the benefit of the land. On Learning Tree international and EC English London Ltd vacating the premises the use shall revert to the lawful use for Class E ‘Commercial, Business and Service’ use.

d. Planning Policy Assessment

The Government has confirmed that the introduction of Class E means that changing from one Class E use to another does not constitute development and therefore does not require an assessment against the statutory development plan. Notwithstanding, the Applicant still wishes to demonstrate how removing this restrictive condition and allowing the building to be used flexibly, would accord with the Council’s relevant policies.

The statutory development plan for the site comprises the London Plan (2016), the Camden Local Plan (2017) and the Euston Area Plan (2015). The Intend to Publish London Plan (2019) and the Draft Euston Planning Brief (2020) are also material considerations.

Euston House is situated within the Euston Area Plan boundary and is within the Eversholt Street Neighbourhood Centre. It is also adjoins Euston Station, which is set to undergo transformation and change in the short and medium term, and London’s CAZ. Collectively, these designations encourage the site and the surrounding area to become a major economic commercial hub of London, with a mix and range of employment and town centre uses deemed appropriate.

Specifically, Strategic Principle EAP 1 of the Euston Area Plan (2015) aims to see Euston Station and it’s surrounds to contain a range of employment uses, including traditional offices, research and development, science and creative sector industries. The Plan (2015) also notes that both offices and research and development uses is encouraged to help meet this need. These land use priorities are also reiterated in the draft Euston Planning Brief (2020). Policy E1 of the Local Plan (2017) also noted that other employment generating uses, including retail uses, are also important in commercial areas within the borough.

The site is also located within the Eversholt Street Neighbourhood Centre. Policy TC1 of the Local Plan (2017) notes that the provision of retail floorspace and other town centre uses such as food and drink premises, particularly at ground floor level, are encouraged.

Removing the current restriction permitting the office use of Euston House only, would enable the building to be used flexibly for a range of commercial uses that are all supported policies of the development plan. The Applicant’s intention is to continue using the building for office purposes, however having the flexibility to use the building for various Class E uses would enable the building to adapt and change into the future as part of Euston’s transformation. This could see, for example, town

centre uses provided at ground floor level to help contribute to the vitality of the Eversholt Street Neighbourhood Centre, or research and development companies occupy space within the building to help support the wider objective to see Euston become a knowledge based cluster.

In this regard, the proposed variation of the restrictive condition attached to planning permission reference 2011/3120/P is considered acceptable.

e. Conclusion and Summary

This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks to vary the wording of Condition 1 attached to planning permission reference 2011/3120/P.

Removing the office use only restriction would enable the Applicant to utilise the full flexibility of Class E, as encouraged and promoted by Government when the new Use Class Order was introduced on 1 September 2020. This change would allow the building to adapt and change as part of Euston's ongoing transformation, ensuring that ongoing commercial and employment use of the building would be retained and strengthened in the long term.

We trust this covering letter and the enclosed are sufficient and we look forward to receiving confirmation that the application has been registered and validated. In the meantime, please contact Lewis Westhoff or Kieron Hodgson of this office in the first instance should you have any questions.

Yours faithfully,

A handwritten signature in black ink that reads "Iceni Projects Ltd." in a cursive, slightly slanted font.

Iceni Projects Limited

Enc. As listed above