

The Head of Planning
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Our ref: PE

30 July 2021

Dear Sir/Madam

PLANNING SUPPORT STATEMENT – Change of use of basement currently used as a store for the retail unit at ground floor level into a 1 bedroom flat at 53 Charlotte Street, London, W1T 4PA

This letter is provided as the Planning Statement to justify the above change use. It will focus on the principle of the change of use rather than the site-specific policy tests (for example, a Daylight/Sunlight report has already been prepared and submitted as has a Design and Access Statement – we do not need to cover these issues). We will explain why the proposed development is consistent with the development plan requirements.

The application site is located on the west side of Charlotte Street. It is currently occupied by a retail unit at ground floor level with ancillary storage in the basement with no public access. The upper floors are in residential use. The street scene from Google Street view[®] is shown below:





Section 70 of the Town and Country Planning Act 1990 and 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.

The Camden Local Plan is the key strategic document in Camden’s development plan. It sets out the vision for shaping the future of the Borough and contains policies for guiding planning decisions. The Local Plan was adopted by Council on 3 July 2017. The London Plan 2021 is also of relevance to the consideration of this application as a part of the adopted development plan. The Camden Planning Guidance – Town Centres and Retail (January 2021) is an adopted document which does not form part of the development plan but which is a material consideration in the determination of this application.

As a starting point, policy G1 of the Camden Local Plan sets out that the London Borough must deliver 16,800 new dwellings over the plan period. This figure is confirmed in policy H1 which states that the Borough will seek to exceed this number by, amongst others, d) where sites are underused or vacant, expecting the maximum reasonable provision of housing that is compatible with any other uses needed on the site.

The Camden Local Plan designates the application site as a “Secondary Frontage” – see extract from the Local Plan map below.



Application site

Policy TC2 of the Local Plan refers to Camden’s centres and other shopping areas and, on a high level, explains that they must (b) “provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice”. It continues, with specific reference to secondary frontages that (g) it will “protect the secondary frontages as locations for shops (A1) together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre.”

Clearly policy TC2 is focused at ensuring that the shops (etc.) remain on the frontage themselves – in the absence of a definition of “frontage” we take this as its normal meaning as the retail “frontage” which addresses the street at ground floor level. This focus is confirmed in the later



policy provision of TC2 which states that ***“Housing above and below shops - The Council supports the development of housing within centres and Central London including above and below shops where this does not prejudice the town centre function and particularly the ability of the ground floor to be used for town centre uses.”***

This is a clear policy focus. It doesn't say that the Council will accept, tolerate etc. It says that the Council will “support” development below shops as long as this does not prejudice the town centre function. In other words, it shouldn't prejudice the future viability of the retail unit. In this case, the retail unit itself is unaffected by the proposed development. It currently functions as a retail unit with no significant need for the storage provided in the basement (noting some storage at the rear of the basement will be retained). The basement storage is surplus to requirements for the retail unit. It is space that can be put to a better use – in this case, given the housing needs identified above, a residential use.

In terms of the Camden Planning Guidance – Town Centres and Retail document, we note that, despite it being dated January 2021, it still refers to the old use classes (A1 – A5) and does not acknowledge that A1, A2 and A3 are now part of the new E use class and A4 and A5 are now sui-generis uses. This undermines the approach set out in the document. Nonetheless, we can address it as it is. It states at paragraph 4.19 that “The Council will generally resist proposals that will result in less than 50% of the premises in Secondary Frontages being in retail use.” This proposal will not have any impact on the frontage. It will remain in retail use.

The site falls in the Fitzrovia area, identified in the Camden Planning Guidance – Town Centres and Retail document. Appendix 4 of the Camden Local Plan states that in this area there should be no more than “No more than 2 consecutive food, drink, or entertainment uses”. This is not relevant here. There is a more generic requirement 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”(paragraph 3.57). Again, we highlight that the key word is the “frontage”. The frontage remains unaltered by the proposed development.

The Case Officer's advice is that this Planning Statement must address policies E1 and E2 of the Camden Local Plan, stating “You need to explain and justify why you consider the change of use to respond to Local Plan policies and guidance, with particular reference to E1 and E2 policies.” These are policies which, as explained in paragraph 5.5 of the Local Plan, refers to sites in the old B1, B2, B8 use classes and “other unclassified uses of similar nature to those above, such as depots or building merchants (classed as Sui Generis).” As explained above, the application site is currently in a retail use (old A1, now Class E). Whilst, ironically, it could now be used as an old B1 use because it is in the same use class (E) as the old A1 retail use, the Camden Local Plan pre-dates these changes and remains set up to assess proposals under the old use classes than the new ones. As the retail use prevails and will continue to prevail if this application is granted planning permission, policies E1 and E2 are not relevant to the consideration of this application. Certainly, no marketing evidence is needed to support this application as there is no policy basis to request it.

On the basis set out above, the proposed development will not result in the loss of a retail unit on the secondary frontage. The existing retail unit will remain unaltered. The basement is not



fundamental to the function of the retail unit. Therefore, the Camden Local Plan **supports** the principle of the change of use of the basement to a residential use.

Should you wish to discuss further, please contact the writer.

Yours faithfully

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