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L220402 SAV Cover Letter



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**SUBMITTED VIA PLANNING PORTAL PP-11168468**

Dear Sir or Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
APPLICATION TO CHANGE THE USE OF THE BUILDING TO 'COMMERCIAL, BUSINESS AND  
SERVICE' (CLASS E)  
UNIT 36, BRUNSWICK SHOPPING CENTRE, BLOOMSBURY, LONDON, WC1N 1AE  
EURO AFRIQUE LIMITED**

**Introduction**

We write on behalf of our client, Euro Afrique Limited t/a Smoothie Factory, to apply for a change of use from 'beauty treatment' (Sui Generis) to a 'Commercial, Business and Service' (Class E) at Unit 36 of the Brunswick Shopping Centre.

The intention is to use Unit 36 as a 'smoothie and juice bar' which will be a use operating primarily within sub-Class E(a). A commercial use of the premises within Class E will facilitate the re-occupation of this vacant unit and allow for future flexibility in accordance with the intention of the recent changes to the Use Class Order.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, the application comprises the following:

- This covering letter;
- The completed application form and certificates;
- Community Infrastructure Levy Form;
- Drawing Ref: FDD 0534 CU – Site Location Plan;
- Drawing Ref: 1895-BP01 – Existing Block Plan; and
- Drawing Ref: 1895-BP02 – Existing Arrangement Plan.

The application has been submitted and the relevant application fee of £462 paid electronically via the Planning Portal (Ref: PP-11168468).

**The Application Site**

The application site is Unit 36 at the Brunswick Shopping Centre which is located in Bloomsbury in London (the 'Site'). Unit 36 measures approximately 60 sq. m (GIA) is vacant following the cessation of the previous use by 'So Me' earlier this year.

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There is pedestrian access to the commercial floorspace at the Site and wider Shopping Centre from all of the surrounding streets including: Handel Street, Hunter Street, Bernard Street and Marchmont Street.

The building comprises a mix of commercial floorspace which is configured across the Ground (Level A) and Lower and Upper Basement Levels.

Unit 36 is situated on the Ground Floor (Level A). The extent of the Site is identified on the submitted Drawing Ref: – Site Location Plan.

The arrangement of the floorspace are also

### **Relevant Planning History**

On 8 November 2013, planning permission was granted for the: *'Change of use of retail unit (Class A1) to a beauty treatment unit (Sui Generis)'* (Ref:2013/5725/P) (the **'2013 Permission'**).

The 2013 Permission controls the operation of the floorspace at the Site.

### **The Proposed Development**

The application seeks planning permission for a change of use of the floorspace from 'beauty treatment' (Sui Generis) to a 'Commercial, Business and Service' use (Class E).

The proposed development is sought to allow a flexible commercial use of the premises in line with the strategic objectives of the Government following the introduction of Class E. The change will facilitate the reoccupation of the floorspace by 'Smoothie Factory'.

Smooth Factory will primarily sell juices and smoothies to either drink in store or takeaway. The wider offer will also include the sale of predominately cold food (e.g. sandwiches, wraps, salads, gelato, etc) and other cold and hot drinks. The proposed operation will retain an active frontage.

Whilst there may be provision of some seating within the store, the majority of customers are anticipated to 'takeaway'.

Whilst the exact composition of sales types will vary, the primary function (namely the sale of cold drinks and food for consumption off the premises) is one that falls within sub-Class E(a).

There are no physical changes proposed at the Site. This application relates only to the principle of the use of the floorspace.

### **Assessment of the Proposed Development**

Prior to the grants of the 2013 Permission, the previous use of the floorspace at the Site was for 'retail' within Class A1. Class A1 has now been revoked and replaced by Class E<sup>1</sup>.

The Explanatory Memorandum published as part of the legislative changes to the Use Class Order<sup>2</sup> was explicit that the historic classifications did not reflect the diversity of uses found within town centres. Furthermore, the old use classes did not provide the necessary flexibility to allow businesses to adapt and diversify to meet changing consumer demands. The introduction of a broader use classification (Class E) includes a comprehensive range of operations that are all considered suitable for a town centre location as they contribute towards vitality and viability.

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<sup>1</sup> Class E was enacted on 1 September 2020.

<sup>2</sup> Statutory Instrument 2020/757.

Critically the new Class E was introduced because it would create greater flexibility and fluidity to reduce vacancy rates. At Paragraph 7.3, the Explanatory Memorandum states:

*'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.'*

This application therefore seeks provision for the use of the premises for Class E given that all of the operations within that class are considered appropriate for Site (which is a defined 'Neighbourhood Centre').

The Local Plan was adopted in July 2017. The local policy framework therefore post dates the latest Use Class Order and the introduction of Class E which seeks to introduce flexible uses within commercial centres. The proposed composition of operations stipulated within Appendix 4 of the Local Plan are no longer consistent with the Use Class Order<sup>3</sup>.

The local policies can now only be afforded limited weight in the consideration of an application for Class E.

As set out above, the proposed use (a smoothie and juice bar) is one that would contribute towards the local policy objective to maintain a local retail function within its defined neighbourhood centres. However the application seeks flexibility for an unrestricted use within Class E to ensure the floorspace can adapt to meet local consumer needs in the future in line with the new Use Class Order.

The proposed development will bring vacant floorspace back into active use. It will contribute towards the vitality and viability of the Neighbourhood Centre and facilitate economic regeneration including private sector investment, local economic productivity and job and wage creation. These are all important benefits that weigh heavily in favour of the grant of planning permission.

## **Summary and Conclusion**

This application seeks planning permission for a change of use from 'beauty treatments' (Sui Generis) to 'Commercial, Business and Service' (Class E) at Unit 36 of the Brunswick Shopping Centre.

The proposed 'Commercial, Business and Service' use is entirely appropriate given the location of the Site within a Neighbourhood Centre. It will contribute towards vitality and viability and will help to meet local needs. The flexibility afforded by Class E will also ensure that the premises can adapt to meet future needs of both commercial operators and the local populous.

The proposal will bring vacant floorspace back into a positive, active use and represents a sustainable form of development.

In light of the above, we respectfully request that the application is approved and planning permission be granted for the use of the floorspace for any operation within Class E.

If you have any queries regarding the above or require any further information in order to be able to issue the certificate, please do not hesitate to contact Tim Price or Heloise Whiteman.

Yours faithfully,



**Savills (UK) Limited**

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<sup>3</sup> The SPG on Town Centres and Retail, whilst adopted in January 2021, also continues to refer to the old Use Classes and is therefore also 'out of date' and inconsistent with national legislation.