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CHARTERED TOWN PLANNERS

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

Our ref: 10055

**28 April 2022**

Dear Sir/Madam

**31A Highgate High Street: Proposed Removal of Condition 1 of Planning Permission Reference PE9606096/AF under Section 73 of the Town and Country Planning Act 1990**

Bell Cornwall LLP has been instructed by our client Ben Schott ('the Applicant') to submit a planning application, under Section 73 of the Town and Country Planning Act, to Camden Council ('the Council'). The proposed removal of the condition relates to the 'withdrawal' of the restrictive use of the rear unit at 31A, Highgate High Street, London, N6 5JT ('the Site').

The application seeks to remove the wording of condition 1 attributed to Planning Permission Reference PE9606096/AF. This submission follows discussions with Nathaniel Young (Senior Planning Officer) regarding the acceptability in principle for the removal of the condition. His comments relating to this matter are set out in the planning history section of this letter.

This planning statement should be read in conjunction with the submitted supporting information comprising of:

- Site Location Plan.

This application has been submitted via the planning portal (ref: PP-11221056). The requisite planning application fee of £234.00 has been paid at the time of submission.

## Site Description

The boundary of the site is delineated in red on the Site Location Plan. The area to which the application relates extends to 39 sq. meters. The site to which the application relates includes the rear annex with basement, known as 31A Highgate High Street.

For the avoidance of doubt, the Site excludes the existing ground floor and basement shop (Use Class E) which fronts Highgate High Street, also known as 31A Highgate High Street.

No 31A Highgate High Street relates to an annex located to the rear of 31 Highgate High Street. It is accessed via the archway/undercroft set back from Highgate High Street and does not benefit from any frontage onto the High Street. No 31A, a single storey building plus basement, is in use as a Homeopathic



Clinic (Use Class E). The annex was originally in ancillary use to the main house. There is no dedicated parking associated with the property.

The site is located within the Highgate Neighbourhood Centre and the Highgate Village sub area of the Highgate Conservation Area. The property forms part of a Grade II group listing including 31, 33, 35 and 35A Highgate High Street. The list description, as included on the Historic England Mapping Service, states:

*4 terraced houses with later shops. No.35A is part of and was formerly known as No.35. No.31: late C18, refronted mid C19. Multi-coloured stock brick. 3 storeys 3 windows. Early C19 wooden shopfront with pilasters, projecting canted bay window, panelled stallboard and part panelled/part glazed shop door with overlight. Fascia with dentil cornice extending over vehicle entrance to left. Cambered arches to recessed 2-pane sashes. Parapet. Nos 33, 35 & 35A: early C18, refronted mid C19. Multi-coloured stock brick. Old tiled roofs with later dormers. 2 storeys and attics. 1 window each. No.31 with late C19 shopfront, altered; No.35, C20 shopfront; No.35A, mid C19 shopfront. No.33, segmental arch to C20 sash; Nos 35 & 35A, segmental arches to flush framed sashes with exposed boxing. Parapets. INTERIORS: not inspected. (Survey of London: Vol. XVII, The Village of Highgate, Parish of St Pancras: London: -1936: 27-29).*

The character of the surrounding area comprises a mix of ground floor commercial buildings along Highgate High Street with residential properties above. Either side of the High Street, beyond the immediate frontage are predominantly residential properties, including the converted Angel Yard to the west of the site.

## **The Proposal**

The applicant, who currently owns the site, plans to re-let the property following the units vacation by the previous long-term tenant in February 2022. The lawful use of the Site, as a result of the restrictive condition, is as a Homeopathic Clinic only.

The applicant would like to be able to market the unit to prospective tenants as an open Class E use. Such a use would have no increased impact upon neighbouring amenity over the existing use.

Condition 1 attributed to Planning Permission Reference PE9606096/AF states that:

*The rear unit shall be used only as a homeopathic clinic and for no other purpose, (including any other purpose within Class D1 of the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.*

*Reason: To ensure that the accommodation is used in accordance with the intentions of the proposed scheme and is not used for unauthorised uses.*

The restrictive condition, attributed to the consent, prevents the unit being used for any other use other than a Homeopathic Clinic, previously a D1 use. Such restrictive conditions were typically used so that the unit could not change to any other D1 use (school, nursery, place of worship etc), without seeking planning permission first.

The previous Use Class Order, which set the context for the restrictive condition, was replaced in September 2020. The Homeopathic Clinic is now an E Class Use. The restrictive condition is therefore no longer relevant.

The applicant therefore seeks to remove the restrictive condition, for which no alterations to the building are required.

## **Planning History**



A review of the Council's online planning register identifies the following relevant planning application as pertaining to the property:

Application Reference	Proposal	Decision & Date
2021/5662/L	Change of use from homeopathic clinic (Class E) to create additional residential floorspace (Class C3), associated internal alterations including reinstatement of access to existing dwelling and works to the roof and facade of the rear annexe.	Withdrawn – 11/04/2022
2021/3894/P	Change of use from homeopathic clinic (Class E) to create additional residential floorspace (Class C3), associated internal alterations including reinstatement of access to existing dwelling and works to the roof and facade of the rear annexe.	Withdrawn – 11/04/2022
PE9606096	Mixed use of ground floor as shop (Class A1) and consulting room (Class D1), as shown on one unnumbered ground floor plan.	Approved – 27/11/1996

As part of the most recent planning applications referred to above, the following comments were made by the Senior Planning Officer in relation to the principle for the removal of the restrictive condition:

- *“If the applicant wishes to increase the marketability of the unit I would recommend applying to remove/amend the restrictive condition so it can be used as an alternative Class E use such as retail or office (which would have no more notable amenity impact than the existing clinic).”*
- *“As previously stated the restrictive condition was put in place (at the time) to prevent it changing into another Class D1 use (such as a school or place of worship) without the need for planning permission – this is no longer relevant given the changes to the use class order in Sept 2020.”*
- *“If a clinic was found acceptable in this location it is likely a number of other Class E uses would be found to be acceptable.”*

### Planning Assessment

This planning application seeks the removal of Condition 1 attributed to Planning Permission Reference PE9606096/AF. The condition, to restrict the use of the site, is no longer required. The wording of the condition restricts the use of the site to a Homeopathic Clinic solely, threatening the continued viability and use of the listed building.



The reason for the condition, as stated on the planning consent, is *'to ensure that the accommodation is used in accordance with the intentions of the proposed scheme and is not used for unauthorised uses'*.

This planning application will allow the applicant to increase the marketability of the unit to find a new tenant, maintaining the viability of the listed building.

Neither an increase in parking provision nor any physical amendments to the property are sought as part of this application. The open Class E use of the unit, allowed through the removal of the condition, would not result in any increased amenity impacts upon the existing arrangement. The proposed use would also support the vitality of the Neighbourhood Centre in accordance with Policy TC5 of the Camden Local Plan (2017).

### **Conclusion**

The proposed removal of Condition 1 will allow for the occupation of 31A under an open Class E use. This will ensure the viability of the listed building is maintained through its continued use/occupation.

The proposed operation will provide a wholly compatible use to the benefit of the High Street. There will be no implications in terms of the proposed operation from a highways or amenity perspective and as such there should be no objection to the proposals.

Should you have any queries regarding the above please do not hesitate to contact me directly via the contact details below. We look forward to receiving confirmation from you that the planning application has been validated in due course.

Yours sincerely,

**BELL CORNWELL LLP**

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