

5 July 2022
L220629 SAV Cover Letter U36



Head of Planning
Camden Council
Town Hall Extension
Argyle Street
London
WC1H 8EQ

Savills (UK) Limited
DL: +44 (0) 20 7409 8025
F: +44 (0) 20 7495 3773

33 Margaret Street
London
W1G 0JD
T: +44 (0) 20 7499 8644
savills.com

SUBMITTED VIA PLANNING PORTAL PP-11361297

Dear Sir or Madam

SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) APPLICATION TO CERTIFY THE PROPOSED USE OF THE BUILDING FOR ANY OPERATION WITHIN CLASS E IS LAWFUL 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 Certificate pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended), to confirm the proposed use of Unit 36 at the Brunswick Shopping Centre for any purpose within Class E ('Commercial, Business and Services') is lawful.

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;
- Planning Permission: 2013-5725-P; and
- Site Location Plan.

The application has been submitted and the relevant application fee of £231 paid electronically via the Planning Portal (Ref: PP-11361297).

Prior to the submission of this application, the Local Planning Authority has advised that the a 'beauty salon' is now an operation that falls within Class E.

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) and is currently vacant following the cessation of the previous use (So Me Beauty and Wellness).

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.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East..

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS. A subsidiary of Savills plc. Registered in England No. 2605138.
Registered office: 33 Margaret Street, London, W1G 0JD



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

Relevant Planning History

The root planning permission for the refurbishment of the Shopping Centre was granted on 1 September 2003 (App Ref: PSX0104561) (the ‘**2003 Permission**’).

On 8 November 2013, planning permission was granted at Unit 36 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 was granted subject to three planning conditions. All of the conditions relate to physical aspects and seek to control the appearance of the development. There are no conditions which restrict or limit any future the use of the premises.

The operation or ‘use’ of the floorspace at the Site is controlled exclusively by the 2013 Permission.

Lawful Nature of the Proposed Use

Section 192(a) of the Act states that an application for a Certificate of Lawfulness of Proposed Use or Development should be submitted if ‘...*any person wishes to ascertain whether...any proposed use of buildings or other land is lawful*’.

The Applicant seeks to certify that the proposed use of the floorspace at the Site for any purpose within Class E is lawful.

Operation of the Site

Unit 36 has been operated for ‘beauty treatment’ services in accordance with the 2013 Permission.

The floorspace was originally occupied by ‘Unico’ which commenced its occupation of the premises in January 2014. Its occupation ceased in May 2018.

The associated application documents demonstrate that the 2013 Permission was granted expressly to meet the requirements of ‘Unico’. The Design and Access Statement confirms the use of the premises was for massage, beauty treatments and retailing beauty products. The Unico website¹ confirms that the Company offers a range of treatments including (but not limited to): threading, laser hair removal, face peels and fillers.

‘So Me Beauty’ commenced its operation in August 2018 and the lease was disclaimed by the administrator effective as of 3 November 2021.

‘So Me Beauty’ offered a smaller range of treatments than Unico focussing on: threading, brows and lashes, nails (manicures and pedicures) and waxing.

Google reviews² provided independent evidence of the operation and services offered by ‘So Me Beauty’ over the three year period of its operation.

We are not aware of any formal enforcement action or investigations into a breach of planning control at the Site by the Council.

A Photographic Supplement provides showing the transition of uses is included at **Appendix 1**.

¹ <https://www.unicoclinics.com/>

² [https://www.google.com/maps/place/So+Me+Beauty+Bar+\(Bloomsbury\)/@51.5244144,-0.1243007,15z/data=!4m7!3m6!1s0x0:0xe5028fb360801ac6!8m2!3d51.5244144!4d-0.1243007!9m1!1b1](https://www.google.com/maps/place/So+Me+Beauty+Bar+(Bloomsbury)/@51.5244144,-0.1243007,15z/data=!4m7!3m6!1s0x0:0xe5028fb360801ac6!8m2!3d51.5244144!4d-0.1243007!9m1!1b1)

Lawful Nature of the Use

As set out above, the floorspace at the Site has been occupied for 'beauty treatment' services in accordance with the 2013 Permission. At the time of the approval, the operation was one that fell within the 'Sui Generis' classification.

Statutory Instrument 2020 No. 757 introduced amendments to the Town and Country Planning (Use Classes) Order 1987 (the "UCO") which sought to simplify the classification of commercial uses. The effect of the legislation was to revoke Use Classes A, B1 and D and replace those classes with a new, single classification covering 'Commercial, business and service' uses (Class E). It became effective on 1 September 2020.

The provision of 'beauty treatment' services or a 'beauty salon' now falls within Class E under sub-category Class E(c)(iii).

The LPA confirmed in writing prior to the submission of this application its view that the provision of 'beauty treatment' services is one falling within Class E.

It follows that the use of the floorspace at the Site is now correctly described as being within Class E of the UCO.

As set out above, the 2013 Permission does not explicitly remove the provisions of the UCO.

As the Council will be aware, moving from one operation to another within the same use classification is not development as defined by Section 55(2)(f) of the Town and Country Planning Act 1990 ('**the Principal Act**').

Section 55(2)(f) of the Principal Act states:

- (2) *The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land –*
 - (f) *in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.*

It follows that there are no operational controls or limitations on the use of the Site and therefore it can be used for any operation within Class E.

Summary and Conclusion

This application seeks to certify that the proposed use of the floorspace in Unit 36 of the Brunswick Shopping Centre in London, for any operation within Class E is lawful.

As set out in this submission, the lawful use of the floorspace at the Site is for the provision of 'beauty treatment' services which is a use now falling within Class E³.

The 2013 Permission does not explicitly remove the provisions of the UCO. Section 55(2)(f) of the Principal Act is explicit that moving between operations within the same use classification does not constitute development of land. It follows that such operations do not require planning permission and the proposed use of the premises for any operation within Class E is lawful.

In light of the above, we respectfully request that the Council issues a Certificate, under Section 192 of the Act, to confirm that the proposed use of the floorspace for any purpose within Class E is lawful.

³ Effective date from 1 September 2020.



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,

A handwritten signature in grey ink that reads "Savills".

Savills (UK) Limited
Planning

Appendix 1

Photographic Supplement of Occupiers of Unit 36

So Me Beauty (August 2018 – November 2021)



[HOME](#) [ABOUT](#) [BEAUTY](#) [HAIR](#) [AESTHETICS](#) [SHOP](#) [BLOG](#) [GIFT VOUCHERS](#) [CAREERS](#) [FIND US](#)

Offering the best *value for money* seven days a week, So Me are the *one-stop locale* for all your beauty requisites.

From hair & nails, threading & waxing to massage & facials our highly-trained therapists only use the best possible equipment and products to bring you results that *we are proud of*. Our clinics only employ experienced and qualified doctors who provide *satisfaction guaranteed* cosmetic procedures. Why settle for less, you should know you are in the best of care with all our aesthetic treatments.

You will always be greeted with warmth and are sure to leave our premises brimming with confidence and feeling So You.

MEET THE TEAM

OUR TEAM IS OUR GREATEST RESOURCE

The So Me Team is made up of stylists, nail technicians, threading and waxing specialists, masseurs, skin therapists, make-up artists, beauticians, dental hygienists and doctors. They are well-grounded individuals who are not only dedicated but also highly skilled in their respective crafts and enjoy paying close attention to detail.

TESTIMONIALS

- ” ALWAYS FRIENDLY COME HERE TO HAVE EYEBROWS THREADED. STAFF KNOW WHAT THEY'RE DOING AND CAN EXPLAIN THE PROCESS.
- ” I ALWAYS WALK OUT LOOKING SO MUCH BETTER THAN WHEN I CAME IN! THANK YOU.
- ” LOVE MY NEW HAIRSTYLE. I'VE HAD SO MANY POSITIVE COMMENTS FROM FRIENDS, FAMILY AND WORK COLLEAGUES. THANK YOU!
- ” REALLY GOOD EXPERIENCE! ALL YOUR STAFF ARE VERY HELPFUL AND PLEASANT. I'VE BENEFITTED FROM USING THE PRODUCT I BOUGHT AND THE ADVICE GIVEN TO ME.

Unico (January 2014 – May 2018)



Gamesland (24 November 2009 – 29 December 2013)

