



5 April 2023

**Development Control
London Borough of Camden
5 Pancras Square
London N1C 4AG**

DP9 Ltd
100 Pall Mall
London SW1Y 5NQ

Registered No. 05092507


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Dear Sir/Madam,

12-16 FITZROY STREET: CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

Please find enclosed on behalf of our client, West London and Suburban Property Investments Limited, an application under Section 191 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness of existing use or development (CLEUD) at 12-16 Fitzroy Street, W1T 4BP.

The CLEUD application seeks confirmation that the lawful use of the ground and lower ground of the building is as an unrestricted Class E 'Commercial, business and service' use. Due to the lack of planning history records confirming the use of the space, the Certificate is sought to give comfort to potential future tenants rather than as a result of any apparent uncertainty over the use.

As part of this application please find enclosed the following:

- Signed and dated application forms
- Site location plan
- Enclosure 1: Design and Access Statement 2012 application
- Enclosure 2: 2017/5598/P Decision Notice
- Enclosure 3: Streetview Photographs
- Enclosure 4: CBRE Live Report

The application fee has been paid directly through the Planning Portal.



The Site and Background

The application site is an 8 storey building which comprises commercial and residential uses. The site fronts onto Fitzroy Street but can be accessed from Maple Street. The property is not listed or located within a designated conservation area. The applicant acquired the building in 2007 as part of a merger.

The Evidence

Evidence is provided, both within this covering letter to demonstrate the following:

- The lawful use of the ground and lower ground floor of the building is in Class E ‘an unrestricted Class E ‘Commercial, business and service’ use’.

The Planning Practice Guidance (Reference ID 17c-006-20140306) states that:

‘In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.’

The Design and Access Statement to a 2012 application for replacement plant (App Ref 2012/1801/P) [Enclosure 1] notes that the existing ground and lower ground floor are in office use.

The 2017 application for external alterations references that the use of the ground floor is in office use (App Ref 2017/5598/P). This references the current tenants of the space, Ergomon, who have been in occupation since 2017. [Enclosure 2].

The applicants have confirmed that this space has been leased to the following tenants for the use of the space as offices. These were used under the former Class B1(a) offices, which now falls into Class E:

Tenant	Start	End
Efficient Frontier Europe Ltd	16 June 2011	7 May 2013
Adobe Systems Europe Limited	7 May 2013	19 June 2017
Ergomon Limited	27 July 2017	Current

A copy of these leases can be provided if necessary.



These tenancies are reflected in the enclosed Streetview photographs, which show the occupants of the space since 2008 [Enclosure 3].

The CBRE Live Valuation Report [Enclosure 4] for the space shows that the space has been rated as offices since at least 2010.

It is therefore clear that the use of the ground and lower ground floors have consistently been used for offices for a period in excess of 10 years, including both during the time the applicant has owned the site and before this. Therefore from the evidence provided that the lawful use is Class E.

We trust that the CLUED will be issued in due course. We trust that the enclosed information is sufficient to validate and determine the application. however should you wish to discuss this further or require any additional information please contact [REDACTED]

Yours faithfully

DP9 Ltd.

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