

Application ref: 2024/1334/P  
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Date: 30 May 2024

**Development Management**  
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Mr Colin Savage  
The Phoenix Artist Club Limited  
Basement  
104-110 Charing Cross Road  
London  
WC2H 0JT

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990

### **Certificate of Lawfulness (Existing) Granted**

The Council hereby certifies that on the 07 May 2024 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Use of the basement level as mixed use (Sui Generis) comprising food and drink establishment, cabaret/performance space, and creative hub.

Drawing Nos: Previous and existing basement floor plans (dated from 1994, 2009, 2019, 2020), Copy of lease dated 10 December 2009, Copy of lease dated 12 November 2008, Letter written by Ken Wright (Director of the Phoenix Artists Club), Weblink to the Phoenix Artists Club website archive section, Location Plan

Second Schedule:

**The Phoenix Artist Club Limited**  
**Basement**  
**104-110 Charing Cross Road**  
**London**  
**WC2H 0JT**

Reason for the Decision:

- 1 The use of the basement level as mixed use (Sui Generis) began, on the balance of probability, more than ten years before the date of this application.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2023.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer

#### Notes

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and thus, was would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.