

Application ref: 2023/5228/P
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Montagu Evans LLP
70 St Mary Axe
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EC3A 8BE

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Proposed mixed use of the premises as a cabaret/dance venue, club, bar/community space and as a public house (Sui Generis), consisting of: use of the ground floor as cabaret dance club with bar and live performances and community use with toilets at the rear and use of the first floor as a bar and community space (including kitchen and toilets) and use of the first floor external terrace as a drinking/smoking area; with ancillary uses of the basement as storage for beer and stock, the second floor as five rooms of accommodation with bathrooms and the third floor as one management room (office and accommodation) and one room of accommodation. Basement, second and third floor uses serve the primary use of cabaret/dance venue, club, bar/community space and public house (Sui Generis).

Drawing Nos: Cover letter prepared by Montagu Evans dated 8 November 2023; Legal opinion prepared by James Strachan KC dated 3 November 2023; GHA-XX-XX-DR-A-: 0001 P01; 0200 Rev P01; 0201 Rev P01; 0202 Rev P01; 2000 P01; 2001 P01; 2002 P01

Second Schedule:

171 Camden High Street
London
NW1 7JY

Reason for the Decision:

- 1 The internal works including the reconfiguration of toilet facilities at ground and first floor, the relocation of the kitchen from second to first floor, the reconfiguration of bedrooms on second and third floor so that all bedrooms have en suite bathrooms and the creation of an additional bedroom at second floor, are not considered to fall within the "meaning of development" requiring planning permission as defined by the Town and Country Planning Act 1990.
- 2 The proposed use of five rooms of accommodation on the second floor and one room of accommodation on the third floor as short term visitor accommodation for paying customers and by those booked to perform at the venue and the proposed use of one room on the third floor as a management room, all uses are considered to be ancillary to the existing mixed use of the premises as a cabaret/dance venue, club, bar/community space and as a public house (Sui Generis) and as such the proposed uses do not fall within the "meaning of development" requiring planning permission as defined by Section 55 of the Town and Country Planning Act 1990.

Informative(s):

1

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 2021.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/would have been* lawful on the specified date and thus, was not*/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*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* 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.