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**PLANNING SUPPORT STATEMENT**

**SITE:** Tsunami, 93 Charlotte Street, London W1T 4PY

**APPLICANT:** The site is now under new ownership who has revised the plan and proposals for the site which require the existing planning permission to be varied in accordance with those plans.

**APPLICATION FOR A VARIATION TO CONDITION 3: of 2014/3710**

The applicant wishes to vary Condition No 3 of the planning permission 2014/3710/P which was for:-

"Erection of single storey rear and first floor level and renovation of restaurant"

Drawings listed were

Site plan 6239/22.115/01B, 6239/22.1.15/02B, 6239/22.115/03C, 6239/22.15/04C.

*"Condition No 3 The development hereby permitted shall be carried out in accordance with the following approved plans Site Plan, 6293/22.115/01D, 6293/22.1.15/02D, 6293/22.1.15/03D and 6293/22.1.15/04D."*

**DESCRIPTION**

"Variation of planning condition 3 (approved plans) of planning permission ref 2014/3710/p dated 02/03/2015 for the 'erection of single storey rear extension at first floor level and renovation of restaurant' to make minor material amendments to reconfigure the internal layout to provide additional restaurant seating"

**PROPOSED VARIATION OF DRAWINGS.**

The application proposes to substitute the approved drawings for the following as listed here:-

Proposed Floor Plans Elevations and Sections 6239/16.5/16/103A replaces  
6239/22.115/03D [first floor]

Proposed elevations and sections 6239/16.516/104A replaces  
6239/22.115/04D.[mainly basement]

### **ACTUAL CHANGES**

The actual changes proposed are actually quite minor and would normally be Permitted Development except that there is the planning condition requirement that the changes should be in accordance with the drawings.

The changes include:-

The basement has minor annotation and description changes allowing for alterations in positions of equipment and storage areas.

On the ground floor references to the spiral stair case is for clarification purposes as it had already been approved on the other drawings.

The first floor layout would provide for the inclusion of additional tables for customers and these are shown as laid out as single and paired tables. The spiral stair case remains in place as approved on the drawings. In effect the main use of the floor would be for restaurant eating purposes. The use of the first floor was already in restaurant use being the same planning unit, for storage, staff toilets, and office accommodation for the accounting area and storage of tables and equipment. The staff toilets are retained but the layout has changed to provide additional eating areas in accordance with the owner's business plan.

### **Internal Layout Changes: Basement, Ground and First floor changes**

The Planning Officers E- Mail states *"so long as the building isn't listed and the works wouldn't go against any conditions placed upon the permission, then internal works would not require further planning permission."*

This building is not statutorily listed.

Then looking at the legal situation the law appears to be as follows as set out in the Encyclopaedia of Planning Law and Practice.

#### **(b) the exception of internal works**

An important exception is established by subs. (2) (a) in respect of works affecting the interior of a building, or not affecting its external appearance. The subsection *excludes*:

*“(a) the carrying out for maintenance, improvement or other alteration of any building works which-*

- (i) affect only the interior of the building, or*
- (ii) do not materially affect the external appearance of the building*

*And are not works for making good war damage or works begun after December 5 1968 for the alteration of a building by providing additional space in it underground;”*

Thus planning control does not extend to works which are purely of internal alteration or conversion, except for cases where the building is a listed building.

#### **BACKGROUND – THE PLANNING UNIT.**

The former owner of this property operated the restaurant known as Tsunami since 2008 when he first purchased it with the knowledge that it had been used previously as an Indian Restaurant.

The restaurant part of the building included the basement which incorporated the kitchen, customer toilets, and storage and administration offices.

The restaurant dining area was on the ground floor which extended from the front to the back of the premises, and included the customer entrance from the pavement.

The first floor was also an integral part of the restaurant use giving direct access to the staff toilets, roof terrace, storage and administrative accounts office. This area also provided much needed washing facilities for kitchen staff who work long hours and required rest periods.

In effect the basement, ground floor and first floor were all used as part of the restaurant [ A3 Use Classes Order] which considered together was the primary Planning Unit, to which , under ordinary circumstance would not require planning permission for internal changes.

This appears to meet the requirements for that definition by the whole area being within one ownership with a single main purpose. Also, importantly there are no areas within the Planning Unit which are separate or functionally separate, the commercial activities requiring full integration of activities and uses.

#### **CONCLUSION**

It is considered that the variation in the Condition No 3 by the substitution of two drawings would not cause any demonstrable harm and would contribute to the economic activity of the restaurant.

Approval is therefore sought for this variation of condition.