

KW/P18-2757

6th November 2019

Mr M Sadik
Chopstix Group

(Via email to m.sadik@chopstixgroup.com)

Dear Menashe

Planning Permission for New Shopfront at 86 Kingsway, Holborn WC2B 6AQ

I write to clarify my understanding of the planning use class of the above premises.

As you know, Pegasus Group submitted a planning application on your behalf for a new shopfront. On the application forms it answered the question about the current use of the site, describing it as "vacant retail unit". The question that followed on the application form asked for a description of the last use of the site. This was answered as "Site was last occupied by a café operator".

In this context, the use of the word retail did not mean class A1 (shop) but a broader meaning of retail in the sense of an A-class use, in the same sense that the word "shopfront" doesn't only relate to A1 shops. You will note that the answers to the questions did not mention specific uses within the A Class.

In our covering letter we noted: "Prior to the unit's vacancy the ground floor operated as a 'No Barriers to Food' café". That occupier is still visible on Google Street View where its fascia sign states "seating downstairs". I am satisfied that this unit was in A3 use prior to occupation by Chopstix.

I also attach below an extract from the Council's website showing the planning history prior to our shopfront application. As can be seen, the site address has been noted as "café" and "Eataty" and the applications are for tables and chairs. This confirms that the unit has been in use as a café since as far back as 2009 at least, and the café use is therefore an established use. There is no evidence of any intervening change of use that would make the No Barriers to Food or the Chopstix occupations unlawful.

2018/5870/TC	Cafe 86 Kingsway London WC2B 6AE	3 Tables and 6 Chairs Monday to Saturday 08:00-23:00 Sunday 08:00-22:00	Monday to Sunday Renewal Application	FINAL DECISION	29-11-2018	Granted
2017/5673/TC	Cafe (Knightwalk Restaurant Ltd) 86 Kingsway London WC2B 6AE	3 Tables and 6 Chairs Monday to Saturday 08:00-23:00 Sunday 08:00-22:00	Monday to Sunday Renewal Application	FINAL DECISION	11-10-2017	Granted
2016/5163/TC	Cafe (Knightwalk Restaurant Ltd) 86 Kingsway London WC2B 6AE	4 Tables and 8 Chairs Monday to Saturday 08:00-23:00 Sunday 08:00-22:00	Monday to Sunday New Application	FINAL DECISION	21-09-2016	Granted
2011/3701/TC	Eataly Ltd 86 Kingsway London WC2 6AQ	4 Tables and 16 Chairs: Monday to Sunday: 09:00 to 18:00: Renewal application		FINAL DECISION	26-07-2011	Granted
2010/2293/TC	Eataly Ltd 86 Kingsway London WC2 6AQ	4 Tables and 16 Chairs on the highway between the hours of 9am until 6pm 7 days per week. Renewal		FINAL DECISION	13-05-2010	Granted
2009/0732/TC	Eataly Ltd 86 Kingsway London WC2 6AQ	to Place 4 Tables and 16 chairs on the highway on Kingsway WC2 outside 86.between the hours of 9am until 6pm 7 days per week		FINAL DECISION	05-03-2009	Granted

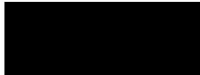
Importantly, our shopfront application was not for a change of use. The Council, in dealing with the application, were fully aware that the proposed occupier was Chopstix which is an A3 occupier, given that one of the emails referred to in the decision notice and one of the plans on the Council's website clearly reference Chopstix. At no time did the Council suggest that the intended occupier would not fall within the authorised use of the site, nor would we expect them to given that both the existing (previous) and proposed occupiers were A3 use and not A1 shops.

The decision notice (attached, reference 2018/5920/P) makes it clear that no change of use was considered or even anticipated, as evidenced by the description of the development and by the justification for approval in Informative 1. I can see that the Details Page for the application on the Council's website notes the existing and proposed Land Use as A1 Shop. However, these details would have been completed by an administrator of the Council when registering the application, not by anyone associated with the submission of the application. This is a misunderstanding on behalf of the Council.

Whilst it is regrettable that it wasn't picked up during the progress of the application, the Council's error made no difference to their judgement, sine the application was for a shopfront.

I trust this clarifies the matter, but if you have any outstanding queries or concerns, please do not hesitate to get in touch.

Yours sincerely



Kate Wood BA(Hons) MRTPI
Associate Planner

