

Application ref: 2019/5828/P
Contact: Tony Young
Tel: 020 7974 2687
Date: 16 January 2020

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Bidwells
Seacourt Tower
West Way
Oxford
OX2 0JJ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Existing) Granted

The Council hereby certifies that on the 10 December 2019 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 ground and basement floors as a café/restaurant (Class A3).

Drawing Nos: Cover letter (ref. JB55813) from Bidwells LLP dated 15/11/2019; Email from Renzo Rapacioli dated 15/10/2019 (ref. KW1); Extracts from London Borough of Camden website (ref. KW2 & KW3); Copy of London Borough of Camden delegated report for planning (2009/0085/P) and advertisement consent (2009/0086A) applications (ref. KW4); Proposed ground and basement floor drawings (ref. 495.01-201 revision A) dated October 2008 (ref. KW5); Various customer food reviews (Eataly) dated from 2008 to 2012 (ref. KW6); Photographs of menu and internal layout at premises (No Barriers to Food) undated (ref. KW7); Letter (ref. KW/P18-2757) from Pegasus Group dated 06/11/2019 (ref. KW8).

Second Schedule:

86 Kingsway
London
WC2B 6AQ

Reason for the Decision:

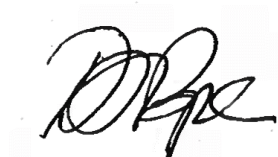
- 1 Sufficient evidence has been provided to demonstrate that, on the balance of probability, the use of the basement and ground floors of the building as restaurant/café (Use Class A3) began more than ten years before the date of this application.

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 2019.

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 positioned above the printed name and title of the signatory.

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 not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the 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.