

Delegated Report	Analysis sheet		Expiry Date:		18/06/2021	
	N/A / attached		Consultation Expiry Date:		N/A	
Officer			Application Number(s)			
Obote hope			2021/1969/P			
Application Address			Drawing Numbers			
60 Charlotte Street London W1T 2NU						
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
The use of the ground floor and basement as commercial, business and service use (Class E1).						
Recommendation(s):		Grant Lawfulness Certificate				
Application Type:		Certificate of Lawfulness (Proposed)				
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:		N/A				
CAAC/Local groups* comments: *Please Specify		N/A				

Site Description

The host building is a seven-storey office block (B1) with planning permission for restaurant use (old use class A3) in the basement with access provided via Charlotte Street, on the perimeter block footprint formed by Whitfield Street, Scala Street, Tottenham Street, and Charlotte Street.

The application site is located in the Central London Area and within the Charlotte Street CA.

Relevant History

17/12/2019 Ref: 2019/3512/P Granted removal of condition 3 (restriction on ground floor use) and amendment to condition 2 (hours of operation) of planning permission 2007/5661/P dated 05/02/2008 (Amendment to planning permission (ref 2007/1531/P) dated 08 June 2007 (for the change of use of part basement to an alternative use as either offices (Class B1) or restaurant (Class A3) relating to change of use of part of ground floor behind approved restaurant reception area to either additional restaurant space (Class A3) or office accommodation (B1) and minor works to Tottenham Street ground floor elevation), namely to allow the serving of hot/cold food and beverages at ground floor level and to reduce the hours of operation.

05/02/2008 ref: 2007/5661/P GRANTED Amendment to planning permission (ref 2007/1531/P) dated 08 June 2007 (for the change of use of part basement to an alternative use as either offices (Class B1) or restaurant (Class A3)), relating to change of use of part of ground floor behind approved restaurant reception area to either additional restaurant space (Class A3) or office accommodation (B1) and minor works to Tottenham Street ground floor elevation.

09/06/2008 ref: 2008/1479/P REFUSED Removal of condition 3 of planning permission (ref 2007/5661/P) dated 05/02/08 'amendment to planning permission (ref 2007/1531/P) dated 08 June 2007 (for the change of use of part basement to an alternative use as either offices (Class B1) or restaurant (Class A3)), relating to change of use of part of ground floor behind approved restaurant reception area to either additional restaurant space (Class A3) or office accommodation (B1) and minor works to Tottenham Street ground floor elevation' namely, to allow the consumption of hot and cold drinks within the enlarged ground floor reception area ancillary to the approved restaurant.

Reason for refusal:

The proposed removal of Condition 3 of planning permission dated 05/02/08 (2007/5661/P) in order to allow the sales and consumption of hot and cold beverages at ground floor level would have a detrimental impact on residential amenity and the character of the area contrary to policies SD6 (Amenity for occupiers and neighbours), R1 (Location of new retail and entertainment uses), R2 (General impact of retail and entertainment uses) and R3 (Assessment of food and drink uses and licensed entertainment) of the London Borough of Camden Replacement Unitary Development Plan 2006 and the advice contained in Camden Planning Guidance 2006.

14/06/2007 ref: 2007/1531/P GRANTED Change of use of part basement to an alternative use of either offices (Class B1) or restaurant (Class A3).

23/09/2005 ref: 2005/2769/P GRANTED Alterations and refurbishment of existing office building including extensions at second and seventh floor level.

Assessment

A certificate of lawfulness for proposed development has been submitted to establish whether the proposed use of the basement and ground floors at 60 Charlotte Street for commercial, business and service use (Class E) would be lawful.

On 1st September 2020, the Town and Country Planning (Use Classes Order) 2015 was amended and introduced new use classes. Office use was previously within use Class B1, whilst the use as a restaurant was within class A3.

The basement and part of the ground floor of the host building was previously permitted to change from alternative use of either offices (Class B1) or restaurant (Class A3) in 2007 reference 2007/1531/P. Planning permission was granted in 2008 (2007/5661/P) for the ground floor reception area to be expanded by approximately 90sqm to provide ancillary restaurant space subject to condition which condition 3 stipulated that "*the sales and consumption of hot/cold food and hot/cold beverages at ground floor level is not permitted at anytime of day seven days a week*". The Council felt that it was necessary to impose a condition to restrict the manner in which the ground floor space was used to prevent it providing additional covers to the restaurant and use of this space by patrons eating or drinking. It was considered that use of the space in this way could harm the amenity of surrounding residents and the character of the area. A subsequent planning permission reference 2019/3512/P dated 17/12/2019 was granted under s73 to vary condition 2 (hours of operation and to remove condition 3 (restriction on the ground floor use).

Both B and A classes has since been revoked and a new class E was introduced on 01/09/2020. Schedule 2, Part A, of the amended use classes order has resulted in the uses e.g., offices and restaurant now being under the same use class E. The applicant's evidence to substantiate the lawful use is by reference to the site's planning history. On the basis of the site history, the local planning authority agrees that the existing lawful use of the basement and ground floor access point as shown on the submitted drawings is as a Restaurant, which was previously Class A3. Therefore its future use within Class E would not be a material change of use under the amended GPDO and as such there would be no material change of use from an alternative office/restaurant use to a restaurant, and the change of use would not constitute development.

The change of use is permitted under current legislation and therefore does not constitute development.

Recommendation: Approve