

LDC (Proposed) Report		Application number	2022/2858/P
Officer		Expiry date	
Obote Hope		30/08/2022	
Application Address		Authorised Officer Signature	
36 Brunswick Centre London WC1N 1AE			
Conservation Area		Article 4	
Bloomsbury		Basements	
Proposal			
Use of the premises as a commercial, business and service use (Class E).			
Recommendation:		Grant certificate of lawful development.	
Application Type:		Certificate of Lawfulness (Proposed)	

Site Description

The application site is Unit 36 at the Brunswick Shopping Centre. No 36 is part of the Grade II listed Brunswick Centre. The Brunswick Centre was completed in 1972 and comprises dwellings above a shopping centre. It is bounded by Bernard Street to the south, Marchmont Street to the west, Handel Street to the north and Brunswick Square to the east. It is within a Central London Neighbourhood Centre.

The site lies within the Bloomsbury Conservation Area.

Relevant History

The site has an extensive planning history. Of particular relevance are:

Unit 36 Brunswick Centre:

2013/5725/P & 2013/5774/L: Change of use of retail unit (Class A1) to a beauty treatment unit (Sui Generis); Internal and external alterations in association with the change of use of retail unit (Class A1) to a beauty treatment unit (Sui Generis). **Granted conditional planning permission and listed building consent 04/10/2019.**

The Brunswick Centre:

PSX0104561 and LSX0104562 - Refurbishment of The Brunswick Centre; the forward extension of the existing retail units fronting the pedestrian concourse; the creation of a new supermarket (Class A1) across northern end of the pedestrian concourse; creation of new retail units (Class A1) within redundant access stairs to the residential terrace; erection of new structure above Brunswick Square for potential alternative use as retail (Classes A1, A2, and A3), business (Class B1) or as non-residential institutions (Class D1); redesign of the cinema entrance; redesign of existing steps and ramps at the Brunswick Square, Handel Street and Bernard Street entrances; removal of two existing car park entrances at pedestrian concourse level; installation of retail display windows within Bernard Street elevation; redesign of the existing southern car park stairway; replacement of waterproofing layers to the pedestrian concourse and the residential terrace; concrete repair works and introduction of new hard and soft landscaping surfaces and works. Application approved.

Relevant legislation

Town and Country Planning Act 1990

Town and Country Planning (Use Classes Order) 2015

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Assessment

A certificate of lawfulness has been submitted to establish whether the proposed use within Class E (commercial, business and service uses) would be lawful.

The application is made on the basis that the existing lawful use, as a beauty salon, is a Class E use and that the premises can be therefore lawfully be used for any purposes within Class E.

Lawful use of premises as Class E

Planning permission reference: 2013/5725/P granted a change of use from retail (Class A1) to beauty salon (Class Sui-generis). The beauty salon use consisted of a range of treatments including (but not limited to): threading, laser hair removal, face peals and fillers.

On 1 September 2020, the Town and Country Planning (Use Classes Order) 2015 was amended and introduced new use classes. A beauty salon use was previously 'sui-generis', not within any particular Class. But it is not a 'sui-generis' use under the 2020 Use Classes Order.

Use Class E within the 2020 Use Classes Order provides for a wide range of commercial uses including office, light industry, retail, food and drink, and 'any service appropriate in a commercial area'.

A beauty salon use is now considered to be a commercial use which falls within Class E under the 2020 Use Classes Order.

The 2013 planning permission does not include any conditions which explicitly remove the provisions of the Use Class Order (UCO). Section 55(2)(f) of the Town and Country Planning Act is explicit that moving between operations within the same use classification does not constitute development of land. The site's planning history and the applicant's evidence of the use of the premises demonstrate that the lawful use of the premises is as a beauty salon and this is now considered to be a commercial, business and service use under Class E.

Conclusion:

The planning history and evidence demonstrates that the existing lawful use as a beauty salon now falls within Class E (commercial, business and service use). In the absence of any conditions or restrictions expressly prohibiting the use from Class E the Certificate of Lawfulness for a Class E use should be granted.

Recommendation: Grant Certificate of Lawful development

