

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	24/08/2022
		N/A		<b>Consultation Expiry Date:</b>	
<b>Officer</b>			<b>Application Number(s)</b>		
Sam FitzPatrick			2022/2760/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
86 Plender Street Camden London NW1 0JN			Refer to decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Use as a restaurant (Class E)					
<b>Recommendation(s):</b>		Grant certificate of lawfulness			
<b>Application Type:</b>		Certificate of Lawfulness (Existing)			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice			
<b>Informatives:</b>					

## Site Description

The host building is a three-storey building on the southern side of Plender Street, on a corner site at the junction of Bayham Street and Plender Street. The site comprises a retail unit at ground floor and residential units at upper floor levels.

The application site is located in the Camden Town Conservation Area. The property is not listed.

## Relevant History

**2016/5356/P:** Use as 4 studio units (C3) at 1<sup>st</sup> and 2<sup>nd</sup> floor levels. **Refused 13/03/2017**

**2011/5751/P:** Retrospective application for change of use of ground floor from retail (A1) to estate agency (A2). **Granted on appeal 28/06/2012**

**2005/1837/P:** Change of use of ground floor from retail (A1) to restaurant (A3) together with installation of external ventilation duct. **Withdrawn**

**2004/5494/P:** The erection of a rear extension at first floor level to form two-bedroom residential unit and installation of new shopfront to existing unit at ground floor. **Granted 16/02/2005**

**2004/4219/P:** The erection of a rear extension at first and second floor levels to form two studio flats and installation of a new shopfront to the existing ground floor retail unit. **Refused 25/11/2004**

**2003/0002/P:** The installation of a new shopfront and use of upper floors as 2 self-contained residential units with associated works to extend in the rear and side. **Refused 18/03/2004**

## 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 for existing development has been submitted to establish whether the use of the ground floor at 86 Plender Street for commercial, business and service use (Class E) would be lawful.

The planning history, local authority retail survey, and street photography sets out the use of the property over recent years. The unit was in retail use until permission was granted on appeal for a change to an estate agent (Class A2, at the time), permission granted in 2012. The use has then changed again to a restaurant at some point between 2019 and 2020.

On 1 September 2020, the Town and Country Planning (Use Classes Order) 2015 was amended and introduced new use classes. Retail and shop uses were previously within use Class A1. This is confirmed in the Land Use Gazetteer.

The planning history at the application site does not include any conditions restricting the use of the premises.

Both Class A1 (Shops) and Class A2 (Financial and professional services) were revoked, and a new Class E was introduced on 1 September 2020. Schedule 2, Part A, of the amended use classes order has resulted in the uses previously falling within the following classes: A1, A2, A3, B1 along with some D1 and D2 uses, being under the same use class, Class E (commercial, business and service use). The applicant's evidence to substantiate the lawful use is 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 ground floor which was previously Class A2 would now be within Class E. In accordance with NPPG stats that *'Movement from one primary use to another within*

*the same use class is not development, and does not require planning permission.* Therefore, movement between Class E uses at the premises would not be a material change of use under the amended GPDO, and as such would not constitute development.

**Recommendation: Grant Certificate of Lawful development.**