

LDC Report	16/12/02022
Officer	Application Number
Fast Track SC	2022/3948/P; 2022/3949/P; 2022/3950/P; 2022/3951/P; 2022/3952/P; 2022/3953/P
Application Address	Recommendation
Flats (Various) 5 Anglers Lane London Camden NW5 3DG	Grant lawful development certificate
1st Signature	2nd Signature (if refusal)
Proposal	
Use as self-contained flat (Class C3). Separate applications have been submitted for Flats 101, 102, 103, 201,202 and 203.	
Assessment	
<p>The application site is 5 Anglers Lane, London, Camden, NW5 3DG. The site is located within the Inkerman Conservation Area and is not listed.</p> <p>The application relates to self-contained Flats 101, 102, 103, 201,202 and 203. The application seeks to demonstrate that self-contained flats 101, 102, 103, 201,202 and 203 have existed and been in use for a period of 4 years or more such that the continued use would not require planning permission.</p> <p>The applicant is required to demonstrate, on balance of probability that the existing self-contained residential units have existed for a period of 4 or more years.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <p><u>Tenancy Deposit Scheme</u></p> <p>Flat 101 - 21/05/2021 – 20/05/2022 - Sam Kamall & Elodie Vincent Flat 102 - 24/05/2021 – 23/05/2022 - Harvey Rich & Amelia Paszkowski Flat 102 - 05/08/2022 – 04/08/2023 - Luis Diaz & Anastasia Stulova Flat 103 - 05/06/2021 – 16/05/2022 - Luis Diaz & Anastasia Stulova Flat 201 - 07/05/2021 – 06/05/2022 - Kane Morgan Thomas and Ella Rosy Dean Flat 202 - 26/05/2021 – 25/05/2022 - Richard A P Alpaca & Franz G Cortez Vega Flat 202 - 30/04/2021 – 29/04/2022 - Nicola Jayne Frost</p> <p><u>Rent Schedule</u></p> <p>Flat 101 - 5 Anglers Lane - Rent Schedule - 05/01/2018 – 25/12/2020 - Sonder Europe Ltd Flat 102 - 5 Anglers Lane - Rent Schedule - 05/01/2018 – 25/12/2019 - Sonder Europe Ltd</p>	

Flat 103 - 5 Anglers Lane - Rent Schedule – 05/01/2018 – 25/12/2019 - Sonder Europe Ltd
Flat 201 - 5 Anglers Lane - Rent Schedule – 05/01/2018 – 25/12/2019 - Sonder Europe Ltd
Flat 202 - 5 Anglers Lane - Rent Schedule – 05/01/2018 – 25/12/2019 - Sonder Europe Ltd
Flat 203 - 5 Anglers Lane - Rent Schedule – 05/01/2018 – 25/12/2019 - Sonder Europe Ltd

Rent & Council Tax (Payments) – Residential Use

Flat 101, 5 Anglers Lane – Council Tax & Rent - 10/2017 – 2/2023
Flat 102, 5 Anglers Lane – Council Tax & Rent - 10/2017 – 2/2023
Flat 103, 5 Anglers Lane – Council Tax & Rent - 10/2017 – 2/2023
Flat 201, 5 Anglers Lane – Council Tax & Rent - 10/2017 – 2/2023
Flat 202, 5 Anglers Lane – Council Tax & Rent - 10/2017 – 2/2023
Flat 203, 5 Anglers Lane – Council Tax & Rent - 10/2017 – 2/2023

Sonder Europe Ltd & Sonder Canada Inc – Rent Paid (Debtor History Report)

Flat 101 - Rent Payments - 04/01/2018 – 25/03/2021 - Sonder Europe Ltd & Sonder Canada Inc
Flat 101 - Rent Payments - 05/01/2018 – 25/12/2020 - Kamal & Vincent
Flat 101 - Rent Payments - 17/05/2021 – 21/02/2023 - Sam Kamall & Elodie Vincent

Flat 102 - Rent Payments - 04/01/2018 – 25/03/2021 - Sonder Europe Ltd & Sonder Canada Inc
Flat 102 - Rent Payments - 24/05/2021 – 10/08/2022 - Harvey Rich & Amelia Paszkowski
Flat 102 - Rent Payments - 07/07/2022 – 01/03/2023 - Luis Diaz & Anastasia Stulova

Flat 103 - Rent Payments - 04/01/2018 – 25/03/2021 - Sonder Europe Ltd & Sonder Canada Inc
Flat 103 - Rent Payments - 19/05/2021 – 05/03/2023 - Edward James-Morley & Emma Wood

Flat 201 - Rent Payments - 04/01/2018 – 25/03/2021 - Sonder Europe Ltd & Sonder Canada Inc
Flat 201 - Rent Payments - 07/05/2021 – 07/03/2023 - Kane Morgan Thomas & Ella Rosy Dean

Flat 202 - Rent Payments - 24/05/2021 – 26/02/2023 - Richard A P Alpaca & Franz Vega
Flat 202 - Rent payments - 04/01/2018 – 25/03/2021 - Sonder Europe Ltd & Sonder Canada Inc

Flat 203 - Rent payments - 04/01/2018 – 25/03/2021- Sonder Europe Ltd & Sonder Canada Inc
Flat 203 - Rent payments - 30/04/2021 – 28/02/2023 - Nicola Jayne Frost

Council Tax

HBSV(All) 5 Anglers Council Tax Payments – 24/10/2017 – 16/07/2021

Flat 101 - Council Tax - 5185984 - 24/10/2017
Flat 102 - Council Tax - 5185985 - 24/10/2017
Flat 103 - Council Tax - 5185986 - 24/10/2017
Flat 201 - Council Tax - 5185987 - 24/10/2017
Flat 202 - Council Tax - 5185988 - 24/10/2017
Flat 203 - Council Tax - 5185989 - 24/10/2017

Energy Performance Certificates

Flat 101 - Energy Performance Certificate - 8703-7839-5739-5482-3902 - 2/11/2017
Flat 102 - Energy Performance Certificate - 8993-7839-5739-9472-3902 - 2/11/2017
Flat 103 - Energy Performance Certificate - 0526-2973-7339-5643-8994 - 2/11/2017
Flat 201 - Energy Performance Certificate - 8993-7839-5739-9472-3902 - 2/11/2017

Flat 202 - Energy Performance Certificate - 0528-3973-7349-5843-8910 - 2/11/2017
Flat 203 - Energy Performance Certificate - 8773-7839-5749-2472-3906 - 2/11/2017

Additional Information

Letter from Martin Macro (Director) - HB Surveyors and Valuers Ltd
Correspondence Street naming and numbering
3318 Greendoor Final Certificate and letter to client
5-8 Anglers Lane Building Control Commencement Details.
3318 Greendoor Building Control Site Inspection Report 17.5.2016

The applicant has also submitted the following plans:

Title Deed - NGL905704;

Flat 101 - Site Plan; Existing Plan - CGL-XX-01-DR-A-970214
Flat 102 - Site Plan; Existing Plan - CGL-XX-01-DR-A-970215
Flat 103 - Site Plan; Existing Plan - CGL-XX-01-DR-A- 972016
Flat 201 - Site Plan; Existing Plan - CGL-XX-02-DR-A-972017
Flat 202 - Site Plan; Existing Plan - CGL-XX-02-DR-A-972018
Flat 203 - Site Plan; Existing Plan - CGL-XX-02-DR-A-972019

Council's Evidence

There is no relevant planning history or enforcement action on the subject site.

Council tax liability has been confirmed via VOA site accessed 24/04/2023. Council Tax started from the dates below and have been in payment continuously since then.

Flat 101 - Council Tax - 5185984 - 24/10/2017
Flat 102 - Council Tax - 5185985 - 24/10/2017
Flat 103 - Council Tax - 5185986 - 24/10/2017
Flat 201 - Council Tax - 5185987 - 24/10/2017
Flat 202 - Council Tax - 5185988 - 24/10/2017
Flat 203 - Council Tax - 5185989 - 24/10/2017

FLAT 101 AT 5 ANGLERS LANE, London, NW5 3DG	C
FLAT 102 AT 5 ANGLERS LANE, London, NW5 3DG	C
FLAT 103 AT 5 ANGLERS LANE, London, NW5 3DG	C
FLAT 201 AT 5 ANGLERS LANE, London, NW5 3DG	C
FLAT 202 AT 5 ANGLERS LANE, London, NW5 3DG	C
FLAT 203 AT 5 ANGLERS LANE, London, NW5 3DG	C

Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the “balance of probability”, and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant’s version of events, there is no good reason to refuse the application provided the applicant’s evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The Council does not have any evidence to contradict or undermine the applicant’s version of events.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that ‘on the balance of probability’ self-contained Flats 101, 102, 103, 201,202 and 203 have existed and been in residential use for a period of more than 4 years as required under the Act. Furthermore, the Council’s evidence does not contradict or undermine the applicant’s version of events.

Recommendation: Approve