

<b>LDC Report</b>		15/12/2009
<b>Officer</b>		<b>Application Number</b>
David Peres Da Costa		2009/4688/P
<b>Application Address</b>		<b>Drawing Numbers</b>
36 Lamb's Conduit Street London United Kingdom WC1N 3LJ		Refer to draft decision notice
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>Authorised Officer Signature</b>
<b>Proposal</b>		
Existing use of lower ground floor and ground floor as a mixed use comprising a Class B1 business unit at front part of both floors and a Class C3 non-selfcontained residential unit at rear of both floors.		
<b>Recommendation: Refer to Draft Decision Notice</b>		
<b>Assessment</b>		
<p>The building is a five storey building within a terrace that fronts onto Lambs' Conduit Street. The building is Grade II listed and falls within the Bloomsbury Conservation Area.</p> <p><b>Related planning history:</b> 2009/3007/P: Certificate of lawful development for existing use of building as part B1 office, part residential (C3 Use Class) at lower ground floor and ground floor levels. <u>Refused</u> 13/8/2009 due to insufficient evidence to support contention that B1 and residential had been in existence for over 10 and 4 years respectively.</p> <p><b>Assessment:</b></p> <p>The application seeks to demonstrate that the basement and ground floors of the building have been lawfully used for B1 use at the front part of the basement and ground floors for 10 years and residential use (C3 Use Class) at the rear of the basement and ground floors for at least 4 years.</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> <li>Sworn statement from Jennifer Elisabeth Fanshawe dated 24<sup>th</sup> September 2009 confirming that she has been a witness to the property's usage since 1995 and that the property consists of 4 clearly designated areas: Ground floor front – B1 (reception, showroom and office space); Ground floor rear – residential (bedroom, living and kitchen); Basement front – B1 (workshop, light industrial space used for photographic printing and scanning including a darkroom and office space); Basement rear- residential (bedroom and bathroom); she also confirms that the B1 areas have been continuously used for a period of more than 10 years and that the residential areas have been continuously used for a period of more than 4 years.</li> <li>Statutory declaration from Peter David Morgan (Morgan Lambert &amp; Partners - estate agents)</li> </ul>		

dated 25<sup>th</sup> September 2009 confirming that he has been a witness to the property's usage since 1995, that the property consists of 4 clearly designated areas, as described above; and that the B1 areas have been continuously used for a period of more than 10 years and that the residential areas have been continuously used for a period of more than 4 years.

- Notes to explain that both above witnesses have visited the premises frequently over the years and that the applicants live at the rear of the ground and basement floors as part of their photographic studio operation at the front
- A proposed drawing (LSC ga 001 A) produced by Douglas and King dated February 2004 showing the front part of the basement and ground floor marked as B1 use with the rear part of the ground floor and basement as residential use (C3 use class)
- Copies of Business Rates bills from Camden Council for the years 1998-2010 confirming that the property (basement and ground floor front) was described as offices and premises.
- Copies of sales invoices and invoice statement from Process Supplies Ltd from 1997-2009 to confirm that the sales/work of Matchless Prints was ongoing and continuous.
- Copies of Council Tax bills from Camden Council relating to ground floor flat rear for the Council Tax period 2001 – 2010.
- A valuation report from Belleveue Mortlakes Chartered Surveyors dated 24/11/2005 describing the property as comprising a ground and lower ground floor as being occupied and in use as a photographic studio with ancillary residential. The details of the accommodation have been provided (section 5) advising that the ground floor comprises studio, offices, lobby room, lounge and bedroom and the lower ground floor as offices, dark room, bedroom and vaults. The rating assessment of the property has been included that confirms that the basement and ground floor front of the property paid Council rates for offices and premises.
- Copies of sales invoices from Matchless Prints Ltd (one dated 11/8/97 and the remaining covering the period 11/07/03 to 21/9/09) to confirm that the sales/work of Matchless Prints was ongoing and continuous.

No objections have been received and the Council has taken no enforcement action against the established part B1 (office) part residential use over the past 10 years.

The information provided and declarations submitted are considered to be true and provides evidence that the front part of the ground floor and basement has been used as B1 (offices) for over 10 years and that the rear part of the ground floor and basement has been used as residential for over 4 years. The declaration have been signed and declared true by virtue of the Statutory Declaration Act 1935. The sworn statement has been notarised.

It is considered that the information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that, on the balance of probability, the front part of the ground floor and basement has been used as B1 for over 10 years and that rear part of the ground floor and basement has been used as residential for over 4 years, as part of an overall mixed use (given that the maisonette is non-selfcontained by virtue of its lower floor having to gain access to the upper floor via the office and the upper floor is only accessible through the office from its front street entrance).

**Recommendation:** Grant lawful development certificate

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