

<b>LDC Report</b>		04/12/2009
<b>Officer</b>		<b>Application Number</b>
Rob Tulloch		2009/4725/P
<b>Application Address</b>		<b>Drawing Numbers</b>
55 - 58 Wilkin Street Mews London NW5 3NN		See draft decision notice
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>Authorised Officer Signature</b>
<b>Proposal</b>		
Existing use of premises as general industry (Class B2).		
<b>Recommendation: Grant Certificate of Lawfulness</b>		
<b>Assessment</b>		
<p>The application seeks to determine that the lawful existing use of units 55-58 is Class B2 (General Industrial).</p> <p><b>Site Details</b></p> <p>The application site comprises four arches on Wilkin Street Mews located beneath the London Overground line, running north from Kentish Town West Station. Under the railway line there are a total of 15 units (Nos. 52-66). Units 55-66 were last used for general industrial use (Class B2), whilst Units 53 and 54 are ex-operational space below the platform structure owned by Network Rail and have never been used as commercial space.</p> <p>The site is located within the Kentish Town Area and is partially within the Inkerman Conservation Area.</p> <p><b>Planning History</b></p> <p><u>2007/5163/P</u> Railway Arches 52-66 Wilkin Street Mews - Change of use of unit 52 from Class B2 (General Industry) to Class A1 (retail), erection of rear extensions to units 56-58, reinstatement of brick wall to rear (east) elevation of units 55 and 59-66, alterations to western elevation of units 52-66, installation of new gates, alterations to southern elevation of Unit 52 fronting onto Prince of Wales Road and (part) resurfacing of mews. Granted subject to a section 106 agreement 20<sup>th</sup> July 2009.</p>		

## **Assessment**

The application seeks to determine that the lawful use of units 55-58 is Class B2 (General Industrial).

There is no explicit permission for the use of units 55-58 within the B2 Use Class, but the established use of arches 55-58 as B2 was accepted by the Council when an application was received in 2007 (2007/5163/P) for works of refurbishment which included changes of use from Class B2 to B1 and A1.

Although the application included a change of use of units 55-58 from Class B2 (General Industry) to Class B1 (Light Industry) this did not form part of the Council's decision because the proposed change of use would have been permitted development by virtue of Class B, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995.

The applicant contends that the change of use to B1 has not been implemented and therefore the lawful use remains B2. However, if a B1 use has begun then a return to a B2 use would be a material change of use that would require the submission of an application for planning permission.

To support this claim the applicants have submitted a letter from the freeholder's agents confirming that units 55-56 have been vacant since 2008 and units 57-58 since 2004, before the above planning permission was granted in 2007.

The Council's Business Rates department have confirmed that the premises were deleted from the rating list on 01 January 2008 because they were derelict and in need of refurbishment. The refurbishment was monitored by the Business Rates department and the premises were considered capable of reassessment and put back onto the register on 1<sup>st</sup> October 2009.

A site visit has shown that the physical works of refurbishment have taken place and units 55-58 have been renovated, but the units are currently empty.

## **Conclusion**

As the Council has already accepted the B2 use as the established use, and there is no evidence to suggest that a B1 use has been implemented, it is considered that on the basis of probability the B2 use has not been interrupted and remains the lawful use.

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