

<b>LDC Report</b>		24/08/2006
<b>Officer</b>		<b>Application Number</b>
Paul Wood		2006/2496/P
<b>Application Address</b>		<b>Drawing Numbers</b>
48 Mill Lane London NW6 1NJ		Site Location Plan 005/ML/P200; 005/ML/P201; 005/ML/P202; Drawing No 1; Drawing No 2; Drawing No 3; Drawing No 4A; Drawing No 5A; Drawing No 4B; Drawing No 5 B; Drawing No 6 A; Drawing No 6 B; Drawing No 7; Drawing No 8; 08 Sheets Council Tax Bills; 06 Photo Sheets
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>Authorised Officer Signature</b>
<b>Proposal</b>		
Application for Certificate of Lawfulness for Proposed Use for the basement as office space/ treatment rooms and storage ancillary to the beauty clinic (Class A1) on the ground floor		
<b>Recommendation : Refer to Draft Decision Notice</b>		
<b>Assessment</b>		
<p><b>Overview</b> A Certificate of Lawfulness is sought for the proposed use of the basement floor as an office space/treatment room and storage facility, ancillary to the use of the ground floor area as a beauty clinic (Class A1).</p> <p><b>Assessment</b> The applicants claim that the residential use at basement level is an ancillary use to the beauty clinic at ground floor level (Use Class A1), and that the area is not an established self-contained unit (Class C3). There is significant evidence contrary to this claim outlined below:</p> <ul style="list-style-type: none"> <li>Planning permission (ref: 9005039) was granted for the continued use of the basement as a self-contained residential unit (previously retail storage) on 18<sup>th</sup> May 1990. As the permission allowed for the <u>continued</u> use of the basement floor as residential accommodation (Class C3), and considering that there has been no subsequent planning permission granted to change the use, it is considered, on the balance of probability, that the established use of this basement area is as a self-contained flat (Class C3).</li> <li>Council tax records show that the lower ground floor flat has been subject to residential council tax payments from 1<sup>st</sup> April 1996 to the present time. This indicates the presence and establishment of the residential use as a residential use (Class C3) at basement level.</li> </ul> <p>The application covering letter attached also acknowledges that “the owners used it [the basement flat] in the past for their own accommodation until 2003/04 although since then it has remained vacant”, and also notes that “the site has an entrance at street level and is also connected through a door and shared landing to the existing beauty clinic on the ground floor”. With consideration to the occupancy of the site for accommodation, the provision of a separate entrance to the basement level from that of the beauty clinic, tax records paid for residential occupancy and the most recent planning permission granting continued use of the basement as a self-contained flat, it is evident that the established use of the basement is residential Class C3 and not an ancillary residential use to the Class A1 beauty clinic.</p> <p>Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 sets out the provisions regarding permitted changes of use. There is no provision allowing for the change of use from Class C3 to an A1 use or to that of an ancillary use to an A1 use, therefore the proposed change of use would not constitute permitted development.</p> <p>Recommendation: <b>Refuse Certificate of Lawfulness of Proposed Use.</b></p>		

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