

Gregory Munson RIBA
34 Raglan Street
London
NW5 3DA

Application Ref: **2016/2466/P**
Please ask for: **Ian Gracie**
Telephone: 020 7974 **2507**

9 May 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Change of use from ancillary retail floorspace (Class A1) to a 3-bed flat at first, second and third floors (Class C3).

Drawing Nos: 1; CLU2; CLU3; CLU8; CLU9; Business Rates Information for 30 Museum Street; drawings consented under reference no. 2015/5855/L; Listed Building Consent Decision Notice reference no. 2015/5855/L dated 15 March 2016

Second Schedule:

30 Museum Street
London
WC1A 1LH

Reason for the Decision:

- 1 The change of use from Class A1 (shops) to a 3-bedroom flat is permitted under Class G of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Informative(s):



- 1 Under Class G of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, development consisting of a change of use of a building from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A1 (shops) of that Schedule and as up to 2 flats is considered permitted development provided a number of conditions are adhered to. These are:
 - a) some or all of the parts of the building used as a betting office or pay day loan shop or for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;
 - b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;
 - c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)-
 - i. by a single person or by people living together as a family, or
 - ii. by not more than 6 residents living together as a single household (including a household where care is provided for residents).

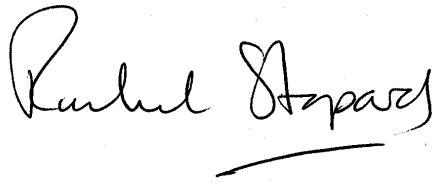
The upper floors of the application site provide only ancillary accommodation to the ground floor A1 unit, not least by virtue of the fact that there is no independent access to the upper floors. Although planning permission for the change of use of first, second and third floors from office (Class B1) to 1 x 3-bed unit was refused 15/03/2016 (planning reference: 2015/5856/P) it is evident that the floorspace was not in fact in B1 use. This was clear in the officer's delegated report which states: *the basement and first to third floors of the building support the A1 function of the ground floor gallery space. The basement provides storage space whilst the upper floors provide the office space and assembly areas for the employees to use to support the ground floor A1 function.* Whilst the previous application was refused on the grounds of loss of employment space, this application confirms that the floorspace is in ancillary A1 use and a change of use to a 3-bed flat would therefore be permitted development by virtue of Class G of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

It is noted that Listed Building Consent has already been granted 15/03/2016 for the change of use of first, second and third floors to 1 x 3-bed unit (Class C3) and associated internal and alterations to rear (ref: 2015/5855/L).

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Rachel Stopard
Director of Supporting Communities

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/would have been* lawful on the specified date and thus, was not*/would not have been* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.