

Our Ref: 17149/MS/KM  
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Date: 20 July 2017

Gideon Whittingham  
London Borough of Camden  
2nd Floor, 5 Pancras Square  
c/o Town Hall, Judd Street,  
London, WC1H 9JE

Dear Gideon,

**APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED USE  
WORKSHOP AT 36 – 52 FORTRESS ROAD, FORTRESS GROVE, LONDON, NW5 2HB**

This letter is submitted in support of an application for a Certificate of Lawfulness relating to the proposed change of use of the buildings from vehicle repair workshop (B2) to offices (B1) and insertion of mezzanine floors. The application is submitted on behalf of Alephco Development Ltd, the owners of the building.

In accordance with national and local validation requirements the following documents are attached in support of this application:

- Completed Certificate of Lawfulness application forms;
- CIL forms;
- Site Location Plan and Site Plan, ref: 1014-LE-S-B-00
- Existing Layout - Ground Floor Plan, ref: 1014-EX-A&B-00
- Existing Section – Section 01, ref: 1014-ES-A&B-01
- Existing Section – Section 02, ref: 1014-ES-B-02
- Proposed Layout – Ground Floor Plan, ref: 1014-LE-A&B-00
- Proposed Layout – First Floor Plan, ref: 1014-LE-A&B-01
- Proposed Layout – Second Floor Plan, ref: 1014-LE-A&B-02
- Proposed Section – Section 01, ref: 1014-S-A&B-01
- Proposed Section – Section 02, ref: 1014-S-LE-02

Payment of the requisite planning application fee has been made online via the planning portal.

**Background information**

The application site comprises two buildings which were both in use as vehicle repair workshops (Class B2) by M&A Coachworks until the end of October 2015.

The existing use as B2 was confirmed by the Council in the consideration of a recent planning permission for *“change of use from vehicle repair workshop (Class B2) within re-developed buildings to provide business floorspace (Class B1) within retained shell, 1 x 2-bed dwelling on Railey Mews, 8 x 3-bed dwellings within*

*retained shell (Class C3) and 1 x 2-bed social rent dwelling” which was granted in March 2017 (ref: 2015/4501/P).*

The extant consent 2015/4501/P is not being implemented and there is no intention to do so. None of the pre-commencement conditions nor S106 requirements have been discharged.

Class I of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows the change of use of a building *“from any use falling within Class B2 (general industrial) or B8 (storage and distribution) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B1 (business) of that Schedule.”*

It is therefore clear that this change of use is lawful and there are no restrictions associated with this clause.

It is also proposed to insert mezzanines within the buildings.

Section 55 of the 1990 Town and Country Planning Act states that:

*“...“development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of an buildings or other land.”*

It goes on to clarify that:

*“The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land –*

*a) The carrying out for the maintenance, improvement or other alteration of any building of works which*

- i) Affect only the interior of the building, or*
- ii) Do not materially affect the external appearance of the building.”*

Given that the proposed mezzanines will be accommodated entirely within the existing envelope of the building, this should not be considered “development” under the Town and Country Planning Act, and does not require planning consent.

In the light of the above, it is clear that the proposed change of use and insertion of mezzanines is lawful.

We trust that the information enclosed is sufficient to enable the Council to process and determine the application. However, should you require anything further or clarification on any point, please do not hesitate to contact me.

Yours sincerely



KATE MATTHEWS  
Director

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