

LDC Report	09/01/2019
Officer	Application Number
Gideon Whittingham	2018/5596/P
Application Address	Recommendation
17-33 William Road London NW1 3ER	
1st Signature	2nd Signature (if refusal)
Proposal	
Implementation of planning permission 2015/5721/P dated 04/12/2015 for the change of use from storage (Sui Generis) to office (Class B1a), including the installation of two air-conditioning units and replacement of the garage door by new office doors.	
Assessment	
<p>The site comprises a mixed commercial and residential building that has an extensive frontage to the west side of William Road.</p> <p>The application seeks confirmation of the implementation of planning permission 2015/5721/P dated 04/12/2015 for the change of use from storage (Sui Generis) to office (Class B1a), including the installation of two air-conditioning units and replacement of the garage door by new office doors. The permission expired on 04/12/2018.</p> <p>There are no pre-commencement conditions associated with this planning permission.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Application form prepared by Hanily McGarry Property Ltd; • Approved Planning Application Drawings prepared by KSR Architects; • Planning Statement prepared by Hanily McGarry Property Ltd; • Existing Plans and Elevations prepared by AHMM Architects; • Practical Completion Certificate <p>The Planning statement confirms the following:</p> <p><i>'The aforementioned works were completed on 12th November 2018. The Planning Permission is now lawfully implemented. Building control consultancy, MLM Group inspected the work on the same date and confirmed all was constructed in accordance with the relevant standards and drawings. A site inspection note will be prepared by MLM Group and this can be provided in due course.'</i></p>	

Council's Evidence

Relevant planning history:

- 2015/5721/P - Change of use from storage (Sui Generis) to office (Class B1a), including the installation of two air-conditioning units and replacement of the garage door by new office doors. Granted 04/12/2015.
- 2003/1814/P - Planning permission was granted for the erection of a single storey extension at ground floor level, side elevation to the existing B1(C) light industrial unit. Granted 08/12/2003
- 2018/2613/P - A Certificate of Lawful Proposed Development confirming that the carrying out of the following works before 04/12/2018 would constitute lawful implementation of planning permission 2015/5721/P within the meaning of Section 56 of the Town and Country Planning Act 1990:
The construction of the office frontage facing William Road, replacing recessed garage door, in accordance with the approved drawings (proposed)

A site visit to the property was undertaken on the 04/12/2018, the date of expiry of the permission. The officer was satisfied that the associated alterations, in particular those to the front elevation, had been implemented and completed.

Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the "balance of probability", and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The Council does not have any evidence to contradict or undermine the applicant's version of events.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the implementation of planning permission 2015/5721/P dated 04/12/2015 for the change of use from storage (Sui Generis) to office (Class B1a), including the installation of two air-conditioning units and replacement of the garage door by new office doors, has taken place before the permission lapsed on 04/12/2018. Furthermore, the Council's evidence does not contradict or undermine the applicant's version of events.

Recommendation: Approve