

17 December 2019

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

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Dear Sir / Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
APPLICATION FOR CERTIFICATE OF PROPOSED LAWFUL USE  
FORMER CAR GARAGE, 1 NORTHWAYS PARADE, FINCHLEY ROAD, NW3**

We are instructed by our Client, the owner of the above site to submit an application for a Proposed Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 (as amended) to ascertain that the proposed use of the subject site as B1 office space is lawful.

This application comprises the following information:

- This Covering Letter
- Site Plan (042-TWA-XX-00-DR-AX-00000)
- Certificate of Lawfulness (Existing) (Application Reference; 2005/2472/P)
- Certificate of Lawfulness (Existing) Site Plan (Application Reference; 2005/2472/P)
- Existing Ground Floor Plan (042-TWA-XX-00-DR-AX-01000)
- Proposed Ground Floor Plan (042-TWA-XX-00-DR-AX-11010)
- Lease between Benesco Charity Ltd and Regent Automotive Ltd (May 2012)
- Lease between Benesco Charity Ltd and Speedway Tyres Ltd (May 2004)

Section 192 of the Town and Country Planning Act 1990 outlines that to ascertain whether any proposed use of buildings or other land would be lawful, an application may be made for the purpose specifying the land and describing the use or operations in question. As such, this application outlines the uses in question and the reasons determining the proposed use to be lawful.

### **Background**

Northway's Parade contains three residential blocks of part 6 / part 5 storey buildings above a ground floor retail plinth. There is a part lower ground floor level (fronting College Crescent) and part ground floor level garage (fronting Finchley Road), due to level changes, located under Block 1, which contains the 'property' the subject of this Certificate of Proposed Lawful use. The property comprises a now vacant car garage and occupies 1038 sq.m of floor space.

The garage operation comprised motor vehicle repairs and ancillary MOT testing of vehicles, and has been occupied within the same use for over 40 years. The Euro Exhaust Centre operated at the garage under Block 1 Northways Parade between 1978 to 2003, whilst Speedway Tyres held a lease from October 2004. Volvo Cars have only recently vacated the garage in early 2019, having signed a lease in 2012, leaving the garage vacant. The garage is therefore, currently unoccupied.

### **Assessment**

In 2005, Speedway Tyres submitted an application under Section 191 of the Town and Country Planning Act 1990 (as amended) (TCPA) for a lawful development certificate confirming that the existing use of land as Class B2 is lawful for planning purposes.

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The Certificate of the Lawful Existing Use was granted for the garage in 2005 and serves to establish the existing use of the subject site as Class B2 use. The decision notice and red line plan have been included in within this application for reference.

Since the Certificate of the Lawful Existing Use was granted in 2005, Speedway Tyres conducted operations on the premises as a garage with motor vehicle repairs and ancillary MOT testing of vehicles until 2012. In 2012, Volvo Cars London took over operations on the site, maintaining the continuous use of the site as B2 garage space. Both the Lease for Speedway Tyres and Volvo Cars have been included in this application for reference. This provides evidence to the fact that there have been no intervening uses subsequent to the Certification of the Lawful Existing B2 Use granted in 2005. The continuous use of the garage as B2 space since 2005, exceeding a period of 10 years, confirms that the B2 use remains lawful pursuant to Section 191(2) of the TCPA.

The Town and Country Planning (Use Classes) Order 1987 (as amended) categories the uses of land and buildings into segregated 'Use Classes'. As outlined above, the subject site has a current existing lawful use as B2. The Town and Country Planning (General Permitted Development) (England) Order 2015 Class 1, outlines that development is permitted for a change of use of a building from any use falling within Class B2 (general industrial) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B1 (business) of that Schedule.

For the reasons outlined prior, the subject site is considered to be within lawful B2 use under section 191(2) of the TCPA. As such, The General Permitted Development (England) Order, 2015 authorises a change of use under permitted development rights at the subject site from B2 (general industrial) to B1 (office.) The proposed use of office space at the subject site is considered to fall within PART B, Class B1(a) - office as described in the Town and Country Planning (Use Classes) Order 1987, as amended. The site, therefore, can be used as offices without building operations that would require planning permission.

The proposed lawful use as office space seeks to transform the existing under-croft garage space into a high quality co working space to maximise the potential of the now vacant garage.

It is our view that the information provided affords satisfactory evidence that the B1(s) use as described would be lawful if instituted or begun at the time of this application.

### **Summary**

This application has been submitted through the planning portal (ref: PP-08376055.) We would be grateful for confirmation of receipt of this letter and its enclosures. Please feel free to contact myself or Holly Driscoll (0207 330 8678) of these offices in the first instance if you have any queries or would like to discuss.

Yours sincerely,

**Matt Richards**  
Director

Enc. Certificate of Lawfulness (Existing) (Application Reference; 2005/2472/P)  
Certificate of Lawfulness (Existing) Site Plan (Application Reference; 2005/2472/P)



RECEIVED 23 SEP 2005

**Development Control  
Planning Services**  
London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8ND

Tel 020 7278 4444  
Fax 020 7974 1975  
Textlink 020 7974 6866

env.devcon@camden.gov.uk  
www.camden.gov.uk/planning

Speedway Auto Care  
Northways Parade  
Finchley Road  
London  
NW3 5EN

Application Ref: **2005/2472/P**  
Please ask for: **Matthew Durling**  
Telephone: 020 7974 2643

21 September 2005

Dear Sir/Madam

## DECISION

Town and Country Planning Acts 1990, Section 191 and 192 (as amended by Section 10 of the Planning and Compensation Act 1991)  
Town and Country Planning (General Development Procedure) Order 1995

### **Certificate of Lawfulness (Existing) Granted**

The Council hereby certifies that on the 09 August 2005 the use described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

#### First Schedule:

Use of whole premises as Class B2, including motor vehicle repairs and ancillary MOT testing of vehicles.

Drawing Nos: Site Plan; Lease of Premises dated 25 Aug.1978; Lease of Premises dated 22 Oct. 2004.

#### Second Schedule:

**1 Northways Parade  
Finchley Road  
London  
NW3 5EN**

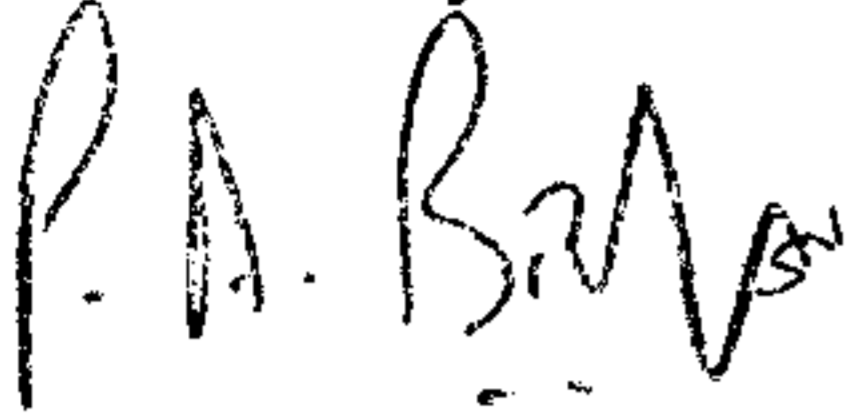
#### Reason for the Decision:

- 1 The use began more than ten years before the date of this application.



Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully



Environment Department  
(Duly authorised by the Council to sign this document)

#### Notes

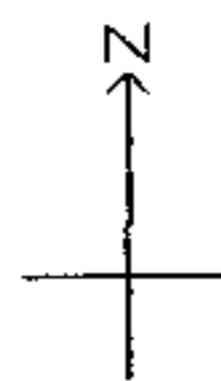
1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use\*/operations\*/matter\* specified in the First Schedule taking place on the land described in the Second Schedule was\*/would have been\* lawful on 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.



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Centre Coordinates: 526591 184485

National Grid sheet reference at centre of this Siteplan: TQ2645E

Supplied by: Starfields  
Serial Number: 6207500

