

LDC (Proposed) Report		Application number	2020/0032/P
Officer		Expiry date	
Laura Hazelton		28/02/2020	
Application Address		Authorised Officer Signature	
1, Northways Parade Finchley Road London NW3 5EN			
Conservation Area		Article 4	
No		Yes: A1 to A2 B1a to C3 Basements	
Proposal			
Change of use use of floorspace under Block 1 of Northways Parade from car repair garage (general industrial - class B2) to office (class B1a) under under the General Permitted Development Order 2015 Schedule 2, Part 3, Class I.			
Recommendation:		Grant Lawful Development Certificate	

1.0 General Permitted Development Order 2015 Schedule 2, Part 3, Class I – *Industrial and general business conversions*

I.	Permitted development:	
	Development consisting of a change of use of a building	
I. (a)	from any use falling within Class B2 (general industrial) or B8 (storage or distribution) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B1 (business) of that Schedule;	Yes
I. (b)	from any use falling within Class B1 (business) or B2 (general industrial) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B8 (storage or distribution) of that Schedule.	N/A
	Development not permitted:	
I.1	Development is not permitted by Class I, where the change is to or from a use falling within Class B8 of that Schedule, if the change of use relates to more than 500 square metres of floor space in the building.	N/A

2.0 Lawful development certificate application

2.1 Section 192 of the Town and Country Planning Act 1990 provides for an application to determine whether any proposed use or operations would be lawful for planning purposes. This application seeks to determine if the following use would be lawful:

Change of use use of floorspace under Block 1 of Northways Parade from car repair garage (general industrial - class B2) to office (class B1a) under under the General Permitted Development Order 2015 Schedule 2, Part 3, Class I.

3.0 Assessment

3.1 The application site comprises a vehicle repair garage known as 'Garage beneath Block 1 Northways Parade, Finchley Road. The use as a car garage has been established and in use for several years, following the approval of the following Certificate of Lawfulness (Existing):

2005/2472/P - Use of whole premises as Class B2, including motor vehicle repairs and ancillary MOT testing of vehicles. Approved 21/09/2005.

3.2 The Euro Exhaust Centre operated at the garage from 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. The site has been in this use for over 40 years, but the lawful use was established following the approval of the above application, submitted by Speedway Tyres in 2005. The applicant has submitted the lease for both Speedway Tyres and Volvo Cars which demonstrates the continuous use of the garage in Class B2 since 2005.

3.3 The site is currently vacant; however, the established use of the site has not altered and the Council is satisfied that the established and lawful use is Class B2.

3.4 Schedule 2, Part 3, Class I (Industrial and general business conversions) of the GPDO permits the change of use from any use falling within Class B2 (general industrial) or B8 (storage or distribution) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B1 (business) of that Schedule. An additional condition (I.1) is imposed in the case of Class B8 use, which states that development is not permitted where the change is to or from a use falling within Class B8 of that Schedule, if the change of use relates to more than 500 square metres of floor space in the building.

3.5 In this instance, the site measures 1,038sqm; however, the established use is Class B2 (general industrial) and not Class B8 (storage of distribution), and as such, condition I.1 does not apply in this instance.

4.0 Recommendation

4.1 Approve certificate of lawful development