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| LDC (Proposed) Report | | Application number | 2020/1544/P |
| Officer | | Expiry date | |
| Jonathan McClue | | | |
| Application Address | | Authorised Officer Signature | |
| 52 Holmes Road London NW5 3AB | | | |
| Conservation Area | | Article 4 | |
| No | | Yes – B1a/c to C3 and basements | |
| Proposal | | | |
| Use of the basement and ground floors of the approved development under 2016/1986/P dated 25th July 2017 (as amended by 2018/3318/P dated 8th March 2019) as offices (Use Class B1a) | | | |
| Recommendation: | | Grant Certificate of Lawfulness (Proposed) | |

1.0 Site Analysis

1.1 The site is 52 Holmes Road, which has a substantially completed building constructed under 2016/1986/P 2016/1986/P dated 25th July 2017 (as amended by 2018/3318/P dated 8th March 2019). The approved development included retention of an employment use (B1c) on the basement and ground floors, with 9 self-contained flats above. Within the relevant informative behind the approval it is set out that the proposal would provide 377m² of B1 space within the ground floor, mezzanine and basement. This application relates to this space.

1.2 The previous building on-site was a two storey building located on the northern side of Holmes Road with the rear facing Regis Road. It provided office and light industrial (B1) accommodation for a fabric distributor. The site is not listed or within a conservation area and is located just outside the Kentish Town Industrial Area.

2.0 Site History

- **2016/1986/P:** Full planning permission was granted subject to a S106 on 25/05/2017 for: Demolition of existing building and replacement with a new build mixed use development of 6 storeys (plus basement) comprising of 9 self-contained units (8x2 bed and 1x3 bed) on floors 1-5 and 377sq.m of industrial employment space (B1c) on the basement and ground floors.
- **2018/3318/P:** Variation of Conditions (a Section 73/minor-material amendment) was granted subject to a S106 (Deed of Variation linking to the above) on 08/03/2019 for changes to the approved scheme under 2016/1986/P, including amendments to lightwells, basement, plant, internal revisions etc.
- Various application to discharge planning conditions have been submitted.

3.0 Proposal

3.1 A Certificate of Lawfulness for a Proposed Use or Development (CLOPUD) has been submitted to use the above consented (and substantially completed) basement and ground floor spaces as office (B1a) space. This is essentially a change of use from light industrial (B1c); however, it is noted that this is within the same use class.

4.0 Evidence Submitted and Justification

4.1 The submission is supported by a covering letter, statement, application form, site location plan and various appendices. It seeks to demonstrate that on the 'balance of probability' the proposed B1a use is lawful. The relevant legal framework and planning guidance is detailed, including the responsibility of the applicant to provide sufficient supporting information and relevant case law.

4.2 The crux of the applicant's justification is that planning permission is not required to move between the different uses within Class B1, which includes a (office), b (research and development) and c (light industrial), and that there is no restrictions on the original permission by way of planning condition near legal obligation. Relevant case law is included to justify that the proposal to change from B1a to B1c would not constitute a change of use and it would only need planning permission if this were to be restricted via condition.

5.0 Assessment

5.1 Officers consider the above rationale to be sufficient and consider that the proposed change constitutes lawful development.

6.0 Recommendation: Grant Certificate of Lawfulness (Proposed)