

<b>LDC Report</b>	27/09/2021
<b>Officer</b>	<b>Application Number</b>
Kate Henry	2021/3719/P
<b>Application Address</b>	<b>Recommendation</b>
Cedar Way Industrial Estate, Unit 21-22 Cedar Way London N1C 4PD	
<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature (if refusal)</b>
<b>Proposal</b>	
Use of premises for business use (Class E)	
<b><u>Application site</u></b>	
Cedar Way Industrial Estate is located between Camley Street (to the west) and the main railway line out of St Pancras Station (to the north and east). Units 21 and 22 are on the eastern side of the road.	
<b><u>Relevant planning history</u></b>	
<b>2004/1110/P:</b> A replacement external staircase with a small single storey ground floor extension underneath to contain electrical equipment, new and replacement of windows and doors throughout (PVCu) and the installation of security shutters on openings throughout. <b>Granted 15/04/2004</b>	
<b><u>Assessment</u></b>	
This application seeks a Certificate of Lawfulness (Existing) for use of Units 21-22 Cedar Way Industrial Estate as business use (Class E).	
The applicant is required to demonstrate that the existing use of the land is lawful for planning purposes under section 191 of the Town and Country Planning Act 1990. For the purposes of the Act, uses and operations are lawful at any time if:	
<p>(a) <i>no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and</i></p> <p>(b) <i>they do not constitute a contravention of any of the requirements of any enforcement notice then in force.</i></p>	

## **Applicant's Evidence**

The applicant has submitted the following information in support of the application:

- Site Location Plan at 1:2500
- Floor plan at 1:1250
- Cover letter, dated 30/07/2021, outlining the changes that have occurred at the building
- Copy of Tenancy at Will, dated 20/07/2021, which defines the permitted use

The cover letter notes that the application site was previously in Class B8 (storage and distribution) use and was changed to business use on 19/07/2021 through Network Rail's use of the site as offices, welfare facilities and storage, all of which fall under Class E. The floorspace equates to 497 sqm.

The Tenancy at Will defines the permitted use of the building as follows:

- As to the forecourt coloured yellow on the attached plan for the purpose of parking and the access and egress of motor vehicles and other plant and materials;*
- As to the interior of Units 21/22 for the purpose of main project compound, site offices and welfare cabins with ancillary storage of plant, materials and vehicles.*

## **Council's Evidence**

There is no recent planning history or enforcement action at the application site. The Council does not have any evidence to contradict the evidence provided by the applicant.

## **Assessment**

On 19/07/2021 (i.e. the date the change of use of the units occurred), Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allowed for development consisting of a change of use of a building from any use falling within Class B2 (general industrial) or B8 (storage or distribution) to a use for any purpose falling within Class B1 (business). Development was not permitted by Class I if the change of use related to more than 500 sqm of floorspace in the building. The floorspace involved in this case is less than 500 sqm.

[Revised permitted development rights later came into effect: Class I (industrial and general business conversions) was deleted by Statutory Instrument 2021 No. 814, which came into effect on 01/08/2021.]

The Use Classes Order was updated on 01/09/2020. The new use Class E brings together former use classes A1, A2, A3 and B1 as well as parts of classes D1 and D2 into one single use class to allow for changes of use without the need for planning permission. The new use of the units falls within Class E.

On the basis that the change of use constituted permitted development on the date it occurred, the lawful development certificate can be issued.

**Recommendation:** Approve