

<b>LDC (Proposed) Report</b>		<b>Application number</b>	2022/0776/P
<b>Officer</b>		<b>Expiry date</b>	
Sofie Fieldsend		22/06/2022	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
23A Lambolle Place London NW3 4PD			
<b>Conservation Area</b>		<b>Article 4</b>	
Belsize Park		Basements B1c - C3	
<b>Proposal</b>			
Change of use of ground floor from Class B2 (general industrial) to Class E(g) (business) use			
<b>Recommendation:</b>		Grant approval.	

**1.0 General Permitted Development Order 2015 (as amended) Schedule 2, Part 3, Class I – Industrial conversions:**

	<b>Permitted Development:</b>	
<b>I.</b>	<b><i>Development consisting of a change of use of a building</i></b>	
I.	<i>Development consisting of a change of use of a building from any use falling within Class B2 (general industrial) of Schedule 1 to the Use Classes Order, to a use for any purpose falling within Class B8 (storage or distribution) of that Schedule.</i>	<b>No</b>
	<b><i>Development not permitted</i></b>	
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:

2.2 *Change of use from B2 (car repair garage) to B1a (office) use under the General Permitted Development Order 2015 Schedule 2, Part 3, Class I.*

**3.0 Assessment**

3.1 The current Use Classes were updated on 1 September 2020, replacing Class B1 (office and industry) with Class E (g) within the Town and Country Planning (Use Classes) Order

1987 (as amended). The B2 use remains the same.

3.2 Historically the change of use from B2 (general industrial) to B1a (office) use was possible under the General Permitted Development Order 2015 Schedule 2, Part 3, Class I but is no longer possible after 1<sup>st</sup> August 2021 due to a change in regulations coming into force in Sep 2020. This amendment means that Class I now only covers the change of use from B2 (general industrial) to B8 (storage or distribution).

3.3 However, the GPDO continues to have effect in relation to the 'Protected Development' (ie. the change of use from B2 to B1(a) as permitted development) until the end of July 2022. Specifically this means that, as the applicant has applied for a change of use under paragraph I(a) of Class I (industrial and general business conversions) of Part 3 to Schedule 2 to the GPDO, and since that Class had effect immediately before 1st August 2021, that would result in the building being used as an office within sub-paragraph (g) of Use Class E, and thus the applicant is afforded the right to permitted development until 31 July 2022. *The application was submitted on 25/02/2022.*

3.4 The application site comprises a vehicle repair workshop on the ground floor known as 'Hayward Motor Ltd. The use has been established and in situ for several decades. The site is currently occupied and is still running as a vehicle repair workshop, it is still within its established use and has not been altered. In addition business rates and invoices for the car repair garage between 2021 and 2022 have been submitted as evidence that it was in operation prior to the legislation change. The Council are satisfied that the established and lawful use is Class B2.

3.5 Schedule 2, Part 3, Class I (Industrial and general business conversions) of the GPDO permits a change of use 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) of that Schedule. With the updated use class, this would now fall under Class E (g) (Business) and the permitted development right does not extend to the other uses within Use Class E without first seeking planning permission from the Council.

3.6 Therefore the change of use would be considered acceptable until 31/7/22.

#### **4.0 Recommendations:**

4.1 Approve Certificate of Lawful Development