

LDC (Existing) Report		Application number	2022/1441/P
Officer		Expiry date	
Adam Greenhalgh		30/05/2022	
Application Address		Authorised Officer Signature	
1 Stanhope Street London Camden NW1 3FL			
Conservation Area		Article 4	
No		N/A	
Proposal			
Use of the basement and ground floor for storage (Use Class B8)			
Recommendation:	Approve Certificate of Lawfulness		

The application site

The site comprises a two storey building (basement and ground floor) with a children's nursery (building and play area) above, on the roof. The applicant has confirmed that the application relates to the basement and ground floor only. The surrounding area largely comprises blocks of flats. The site is not designated for any purposes on the LB Camden Local Plan Proposals Map.

Planning history

2018/3811/P – Basement and ground floors, former car storage facility, Stanhope Street NW1 3RA - Alterations to ground floor frontage – granted 09/01/2019

CTP/L12/3X/A/29483 - Use of the basement and ground floor for the storage of cars awaiting servicing and sale – granted 14/12/1979

Assessment:

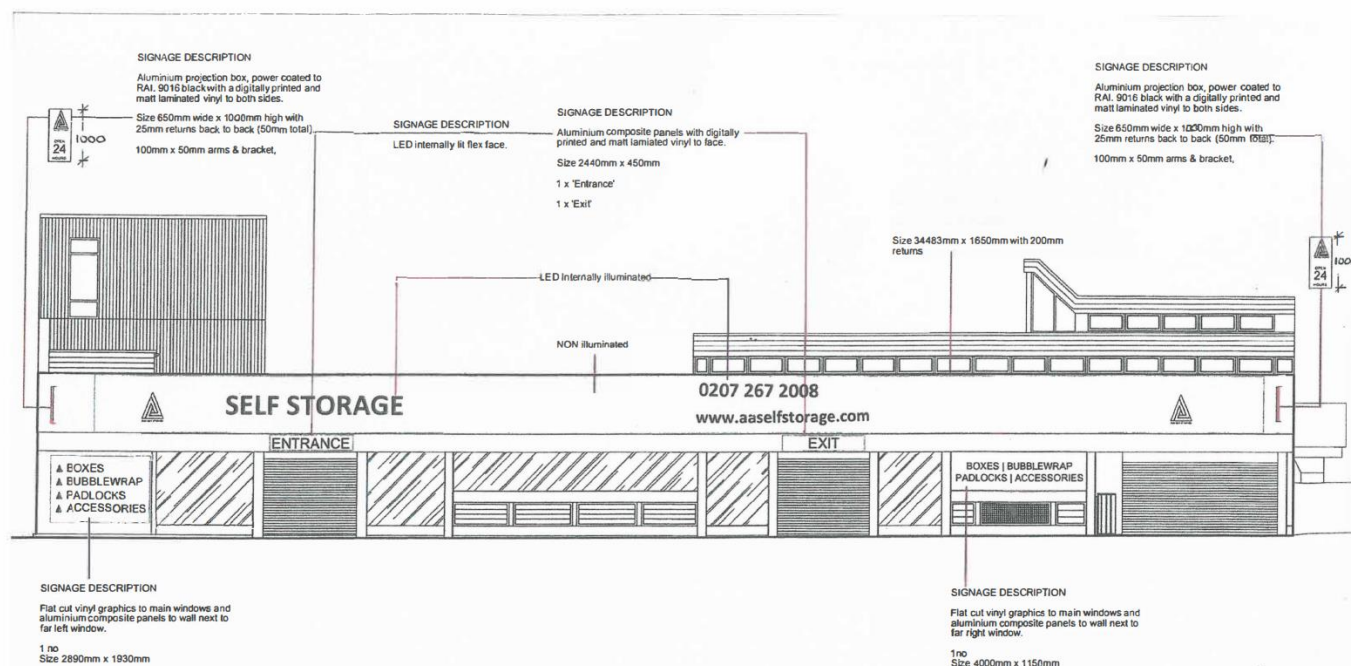
The application is for a Certificate of Lawfulness for the storage (Class B8) use of the building.

The application is made on the basis that the application premises have been in storage use for ten years preceding the date of the application and that the storage use is therefore lawful.

The application is accompanied by planning permission CTP/L12/3X/A/29483 for 'The use of the basement and ground floor for the storage of cars awaiting servicing and sale' (granted 14/12/1979). There have been no subsequent planning permissions for any other uses at the site.

Planning permission 2018/3811/P for alterations to the ground floor frontage of the basement and ground floors, former car storage facility was granted to A & A Self Storage on 09/01/2019. The

proposed elevation submitted with for planning permission 2018/3811/P shows the application premises in use for self-storage:



These planning permissions indicate that – in the absence of any information to the contrary - the lawful use of the site is for the storage (of cars) and that alterations were permitted in 2019 for a storage use.

There was a condition on planning permission CTP/L12/3X/A/29483 that *“The premises shall be used for storage of cars only and no repair or servicing of vehicles shall be undertaken on the premises”*. The reason for this condition is to: *“To safeguard the amenities of the adjoining premises and the area generally”* and it is considered that the purpose of the condition is not to preclude a storage use but to preclude repair, servicing or workshop activities which would harm the amenities of adjoining premises.

A general storage use would fall in the same class as a car storage use and the Council’s legal team has advised that if there has been no breach of any condition of CTP/L12/3X/A/29483 then change of use from car storage to general storage would not constitute ‘development’ and therefore there would have been continuous lawful use of the premises since implementation of the 1979 permission and therefore Certificate of Lawful Use can be granted.

Further evidence has been obtained by the Council in the form of confirmation from the Estates team (LB Camden is the freeholder) that the unit has been let for the purposes of a self-storage unit since April 2019. Prior to that it was storage of cars.

Historical photos on Google Maps (Streetview) show cars stored in the building in Sept 2012, July 2014 and July 2015.

LB Camden has no evidence to contradict the applicant’s version of events, there is no good reason to refuse the application provided the applicant’s evidence is sufficiently precise and unambiguous to justify the grant of a certificate.

It is concluded that, on the balance of probabilities, the application premises have been used for storage for the relevant period (i.e. ten years) and that a Certificate of Lawfulness can therefore be granted for a storage (Class B8) use.

Recommendation:

Grant Certificate of Lawfulness