

LDC Report		21/07/2022	
Officer		Application Number	
Fast Track SC		2022/2294/P	
Application Address		Recommendation	
Elm House 13-16 Offices And Premises At 2nd Floor Elm Street London WC1X 0BJ		Grant lawful development certificate	
1st Signature		2nd Signature (if refusal)	
Proposal			
Use of premises as a taxi and private hire vehicle operator office (Class E).			
Assessment			
<p>The application site is on the 2nd Floor of this Offices And Premises at Elm House, 13-16 Elm Street, London, WC1X 0BJ between King's Cross, Clerkenwell and Chancery Lane.</p> <p>The application relates to the existing use of the 2nd floor office space as taxi and private hire vehicle Operator Office.</p> <p>The building is not listed or located in a Conservation Area.</p> <p>The application seeks to demonstrate that the lawful use of the premises is an office use (Class E) and that the nature of the taxi and private hire vehicle operator office operates within the Class E use class.</p> <p>In order to demonstrate the lawful use existing premises is Class E the applicant must demonstrate there is planning permission for this use or that the use has been continuous for a period of 10 years or more.</p> <p>The applicant is then required to demonstrate that the nature of the specific operation as a taxi and private hire vehicle operator falls within a Class E use.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Application - Renewal Operator licence – PHVR/101R - 18/6/2022 • Gett Operator Licence - 0100150401 - 1/08/2022 - 31/01/2023 • Gett Operator Licence - 0100150201 - 1/06/2020 - 31/05/2022 • Supporting email from Agent – 05/09/2022 			

The applicant has also submitted the following plans:

- Site Location Plan outlining the application site - TQRQM22145174207456
- 2nd Floor- Floor Plan;

Council's Evidence

Planning History

2016/0247/P – Full Planning Permission - Reconfiguration of existing basement including creation of 2 lightwells and 2 roof lights in existing car park, installation of 3 slot windows at ground floor level on the southern elevation, 2 plant rooms to north of site at ground floor level (with 2 x air handling units, 3 x condensers and 1 x generator) and replacement of all existing car park spaces with amenity space including cycle and bin store. –**Granted 06/15/2016**

2015/5008/P – Full Planning Permission - Installation of wheelchair platform lift, replacement sliding doors, infilling of windows and re-modelling of external steps at front entrance of existing building. -**Granted 30/10/2015**

1705/26580 - The erection of a building on the site of No. 12-16 Elm Street, St. Pancras comprising basement, ground and nine floors over for use as stores and workshops in the basement, shops and trade counter on the ground floor and offices on the floors above, and for use of the remainder of the site for car parking, generally as shown in the plans submitted.
Granted 25/06/1963

Enforcement

There has been no enforcement action on the subject site.

Business Rates

A search carried out on the Valuation Office Agency site lists as Business Rates Valuation for Offices and Premises - Camden Council – Ref:01029131600009

Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the “balance of probability”, and authorities are advised that if they have no evidence of their own to contradict or undermine 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. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

Lawful use of premises

The Council's evidence demonstrates continued use of the 2nd floor office space (CLASS E) for 10 years or more, the council’s evidence (Valuation Office Agency records) and previous planning history also denotes that the application site has been in use and existed as office and

premises for the required period.

Nature of the proposed use

The applicant's submission confirm that the proposed taxi and private hire vehicle operation use would have no public access to customers or drivers, no parking areas, and no ranking up areas. The office is purely for administrative purposes. There are no public or driver facing facilities; the business will be operated entirely via app and web booking portal.

The business involves the use of vehicles operating remotely from the site and would not result in the generation of additional pedestrians, traffic or vehicles visiting the property.

No complaints have been received by the planning enforcement team in terms of the operation of the site or vehicles attending the site.

It is considered that the proposal would fall within a Class E use and is not dissimilar to other offices uses considering that there would be no vehicles or customers attending the officers as works as a remote taxi control office. As the premise is already in an office use (Class E) the proposal as described within the application would not constitute development, and would not therefore require planning permission.

In the event of intensification of the business use or an instance where customer or drivers were attending the premises this would require planning permission for a change to a 'sui generis' use class.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the 2nd floor office space has existed and been in use for a period of 10 years or more as required under the Act and that nature of the use would fall within use Class E (Commercial, business and service) Furthermore, the Council's evidence does not contradict or undermine the applicant's version of events.

Recommendation: Approve