LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS 05/02/2016

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2015/3739 **Ward:** Tottenham Hale

Date received: 16/12/2015

Drawing number of plans: SR.67.EX and SR.67.PR

Address: 67 Scales Road N17 9HD

Proposal: Certificate of Lawfulness for proposed C3 use

Applicant: Mr Wiseman

Ownership: Private

Site Visit Date: 05/02/2016

Officer contact: Anthony Traub

2. RECOMMENDATION

GRANT CERTIFICATE

REASON: The proposal does not constitute development under the Town and Country Planning Act 1990 and relevant amendments, .

3. PROPOSED DEVELOPMENT

Certificate of Lawfulness for proposed C3 use

4. RELEVANT LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This is not a planning application but instead the applicant seeks confirmation that the proposed development is lawful. As such the impact of the proposed development on the neighbour's amenities or the character of the area cannot be taken into consideration for this submission.

5. ANALYSIS/ASSESSMENT OF THE APPLICATION

Section 55(1) of the Town & Country Planning Act 1990 defines "development" as; the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land. For the purposes of this Act. 'building operations' includes –
a. demolition of buildings;
b. rebuilding;
c. structural alterations of or additions to buildings; and

d. other operations normally undertaken by a person carrying on business as a builder.
The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land -
a. the carrying out for maintenance, improvement or other alteration of any building or works, which –
i. affect only the interior of the building; or do not materially affect the external appearance of the building.

The proposal makes no external alterations to the existing building and seeks to reverse unlawful works undertaken in the past to covert the building into 6 unlawful flats. These rectifying works consist of:

- Removing all locks and numbers from individual doors to rooms;
- Remove cooking facilities in each room;
- Removing bedroom 3 and extend lounge area.

It is noted that the inspector considered the previous unlawful works to have created 6 individual self contained flats.

Overall, there would be no change of the use class of the building through these rectifying works, that being C3. The proposal is therefore not considered to be development and would not required planning permission.

6. CIL APPLICABLE

There would be no increase in floor area and therefore the proposal is not liable for the Local or Mayoral CIL charge.

7. SUMMARY AND CONCLUSION

The proposal does not constitute development under the Town and Country Planning Act 1990 and relevant amendments.

8. RECOMMENDATION

GRANT CERTIFICATE

Registered No. HGY/2015/3739

Applicant's submissions: SR.67.EX and SR.67.PR

REASON: The proposal does not constitute development under the Town and Country Planning Act 1990 and relevant amendments.

INFORMATIVE: The property lies within the C4 article 4 zone, the use of the property other than for C3 purposes, will require planning permission and may result in planning enforcement action.