

**Committee Report
Planning Committee on 29 March, 2006**

**Item No.
Case No.**

**1/01
05/3503**

RECEIVED: 20 December, 2005

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 16 Wotton Road, London, NW2 6PX

PROPOSAL: Certificate of lawfulness for existing use as car repairs garage with ancillary MOT testing (Class B2)

APPLICANT: MOT'S Direct Limited

CONTACT: MZA Associates Limited

PLAN NO'S: N407/00/01; N407/02/01; N407/02/02.

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Development Control Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Sub-Committee rather than under Delegated Powers.

Name of Councillor

Jack Sayers

Date and Reason for Request

09/02/2006- The reason for the request is residents' concerns.

Details of any representations received

Residents' complaints dating back two years. No further details are given

Name of Councillor

Bill Duffin

Date and Reason for Request

09/02/2006 - The reason for the request is residents' concerns

Details of any representations received

Residents' complaints dating back two years. no further details given.

MEMBER CALL-IN PROCEDURE. SECTION 10 OF THE DEVELOPMENT CONTROL CODE OF PRACTICE AND PART 5 OF THE CONSTITUTION

RECOMMENDATION

The Certificate of Lawfulness to be Granted

EXISTING

M.O.T Garage

PROPOSAL

Certificate of lawfulness for existing use as car repairs garage with ancillary MOT testing (Class B2)

HISTORY

04/2025. Certificate of proposed lawful development for installation of internal spray booth within first floor level of building and associated alterations, including extract duct.

04/2026. Full planning permission for the retention of roller shutters on factory building and erection of new metal gate at entrance to premises. Granted 16/07/2004.

E/03/0381. Installation of solid metal gate to drive, enlargement of entrance and installation of metal roller shutter. This was addressed by the planning application 04/2026 .

E/03/0031. The change of use of the premises to car repairs including an MOT Testing Station. This case was closed as it was determined the change of use to B1 granted planning permission on 07/02/1990, was never implemented. Therefore the use of the building reverts back to the previous use of the premises, which is Use Class B2.

89/0321. Full Planning Permission granted for refurbishment and adaption of existing building, external alteration, installation of rooflights, entrance canopy, metal cladding to walls and change of use to Business Use (Class B1). Granted 07/02/1990

E5211 7408. Section 53 Determination granted for use of premises for manufacture of transparent bags with ancillary storage & office accomodation. 10/06/1974.

POLICY CONSIDERATIONS

Town and Country Planning Act 1990, Section 191 as amended.
Town and Country Planning (General Permitted Development Procedure) Order (1995).

SUSTAINABILITY ASSESSMENT

Not relevant for an application of this size.

CONSULTATION

No consultations necessary for a certificate of lawfulness.

REMARKS

A Determination under Section 53 of the 1971 Act was granted on 10/06/1974 for the use of the premises for the manufacture of transparent bags with ancillary office and storage space. This use falls within Use Class B2- General Industrial of the Use Class Order 2005. The principal issues with this application is whether the property has been in continuous use as General Industrial (Use Class B2) in accordance with permission granted in 1974 and whether the existing use can be classified under General Industrial (Use Class B2).

Under planning permission 89/0321 a change of use to Business (Use Class B1) was granted on 07/02/1990. An enforcement case (ref: E/03/0031) was opened on 27/02/2003 to investigate an apparent unlawful change of use of the premises to car repairs including an MOT Testing Station. This file was never validated as it was determined that the change of use to Business (Use Class B1) was never implemented. Therefore the use of the premises remained as Use Class B2- General Industrial.

The applicant has also submitted further information regarding the breakdown of the present use of the premises.

The proportion of the floor area used and the proportion of staff working on:

- (a) MOT related repairs is approximately 10%
- (b) Non MOT related repairs is approximately 90%

The number of cars that can be accommodated in the building at any one time is 40. The proportion of these that are:

- (a) MOT related is approximately 10%
- (b) Non MOT related is approximately 90%

The proportion of service time spent on:

- (a) MOT related work is under 10%
- (2) Non-MOT related over 90%.

This shows that the principle use of the premises is as a motor vehicle maintenance and repair place with the use as MOT garage ancillary to this use. Motor vehicle maintenance and repair is classified as B2 General Industrial in the Use Class Order 2005. A motor vehicle testing station for MOT is also classified as B2 General Industrial, but if it is mixed use then it can be classified as sui generis. However from the information submitted it is clear that the use as an MOT testing station is ancillary to the main use as motor vehicle maintenance and repair. Therefore the main use of the building is classified under B2 General Industrial. This recommendation has been decided in consultation with the Council's Legal Services.

It is therefore recommended that a Certificate of Lawfulness be granted for the existing use of the premises as a car repairs garage with ancillary MOT testing.

RECOMMENDATION: Certificate of Lawfulness - Granted

CONDITIONS/REASONS:

- (1) This is a determination based on plans and evidence submitted as to whether or not planning permission is required and is given on the basis that the property is a car repairs garage including an MOT testing station. This is not a grant of planning permission.

INFORMATIVES:

- (1) This is a determination based on plans and or evidence submitted as to whether or not planning permission is required and is given on the basis that the property is an MOT garage. This is not a grant of planning permission.

REFERENCE DOCUMENTS:

N407/00/01; N407/02/01; N407/02/02.

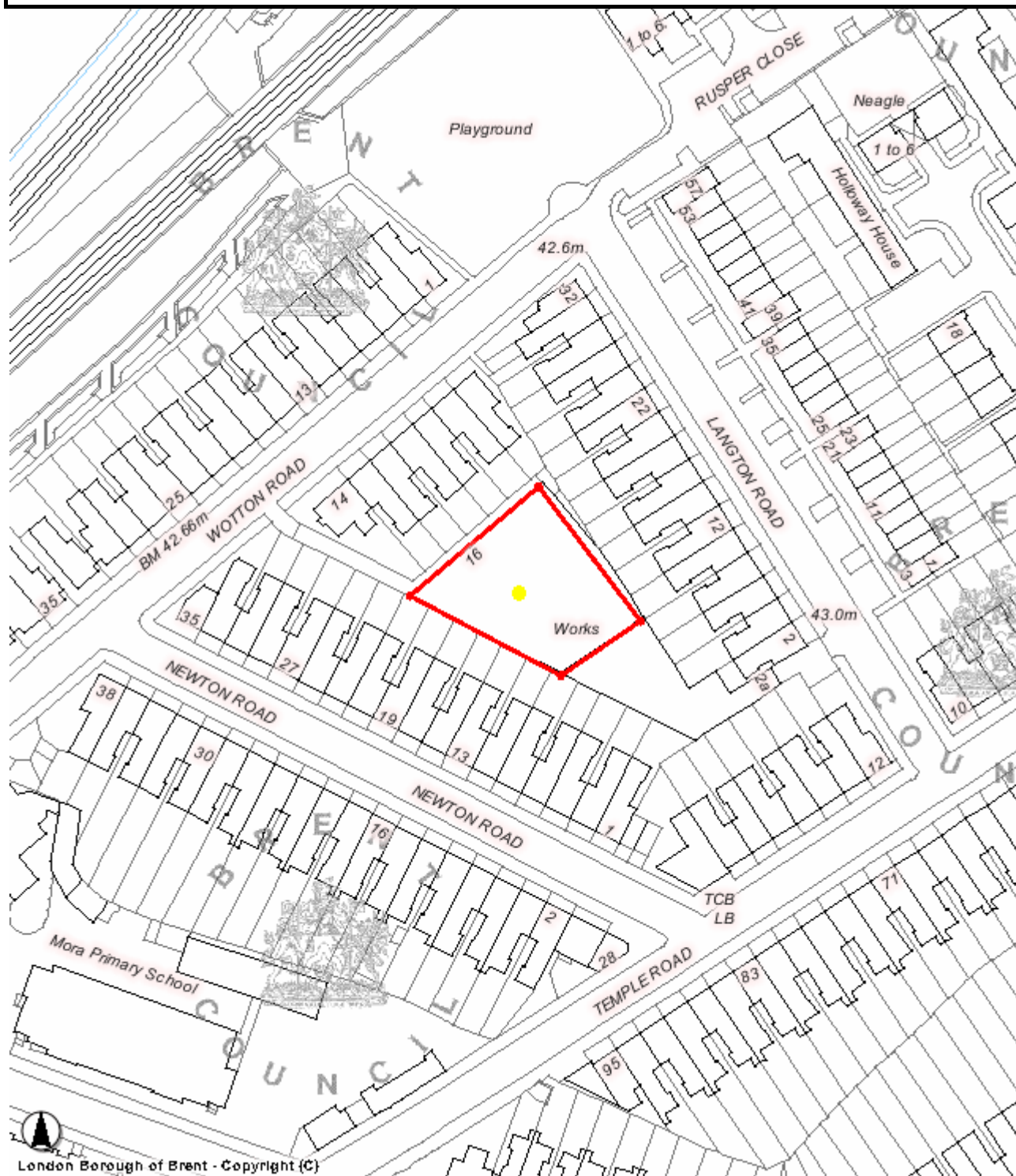
Any person wishing to inspect the above papers should contact Robin James Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 16 Wotton Road, London, NW2 6PX

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