

CONSULTATION SUMMARY

Case reference number(s)

2017/1246/P

Case Officer:

Leela Muthoora

Application Address:

Shop and Premises at Ground and 1st Floor
 Unit 1 Kingswell
 58-62 Heath Street
 London
 NW3 1EN

Proposal(s)

Use of the ground and first floor unit from retail use (Class A1) to financial and professional services (Class A2).

Representations

Consultations:	No. notified	0	No. of responses	2	No. of objections	2
					No of comments	0
					No of support	0
Summary of representations <i>(Officer response(s) in italics)</i>	<p>The owner/occupier of 14 Denning Road has objected to the application on the following grounds:</p> <p>The loss of a retail unit (Class A1) in Hampstead Town Centre would result in less than 75% of the core frontages being in retail use which would be contrary to CPG5 and the emerging Local Plan TC2.</p> <p>The proposal is also contrary to CPG5, which resists proposals that would result in less than 75% of the premises in Core Frontages being in retail use.</p> <p>The Heath and Hampstead Society have objected to the application on the following grounds:</p>					

The Kingswell Centre was developed as a shopping centre and the loss of retail units in Central Hampstead for another estate agent is unacceptable.

Officers response

The scheme can only be assessed against the relevant planning legislation which is the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO"). The determination of this application can only be made by assessing whether the scheme is lawful as defined by the criteria set out in the GPDO. This is to determine whether it is permitted development and hence can go ahead without the specific grant of planning permission from the local planning authority. An assessment of its planning merits as to its acceptability under current policies is therefore not relevant or possible here, as it is purely a legal determination.

The unit described as shop and premises at ground and first floor, Unit 1 Kingswell, 58-62 Heath Street was granted in 1969 for retail use, with a further permission allowed on appeal in 1994 to infill the piazza at ground floor level and re-arrange the retail units into 3 large retail units and a large restaurant that can be seen in use today. The planning history supports that a shop has been operating in this unit for more than 10 years and Class A1 use is considered to be lawful.

The site is within the Hampstead Conservation Area and Hampstead Town Centre; however, there are currently no Article 4 directions or other restrictions removing permitted development rights. Whilst it is noted that the Council is in the process of applying an Article 4 Direction to remove the permitted development right to change shops (Class A1) to financial and professional uses (Class A2) without planning permission within Town Centres; it has not yet been made and therefore is not a consideration for this determination.

Class D of Part 3, Schedule 2 of the GPDO permits the proposed change of use from Class A1 (retail) to Class A2 (financial and professional services) without limitations or conditions and therefore the site benefits from that permitted development right.

**Recommendation:-
Grant certificate for proposed lawful use**