

CONSULTATION SUMMARY

Case reference number

2019/3214/P

Case Officer:

Samir Benmbarek

Application Address:

55 Heath Street, London, NW3 6UG

Proposal

Change of use of first and second floor levels from financial and professional services (use A2) to residential (use C3) to provide 2x 1bedroom self-contained flats pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class G.

Representations

Consultations:	No. notified	--	No. of responses	01	No. of objections	01
					No of comments	00
					No of support	00
Summary of representations <i>(Officer response in italics)</i>	<p>As the application is a Certificate of Proposed Use in which seeks to ascertain if the proposal is permitted development, no consultation is statutorily required and as such no site or press notices were displayed.</p> <p>One objection was received from the Hampstead Neighbourhood Forum. Their comments are as summarised below:</p> <ol style="list-style-type: none"> 1. Contrary to Policy EC1 of the Hampstead Neighbourhood Plan which states “<i>where permission is required, the change of use of space in Class A or B1a uses at first floor or higher above shops to residential occupation will not be supported unless it can be shown that there is a long history of vacancy.</i>” 2. Commercial properties, once converted to homes, are likely to stay in residential use, as noted in the Camden Local Plan, leading to ever 					

decreasing availability of retail and office footage in the Hampstead.

3. 55 Heath Street is within the Article 4 Direction area removing permitted development from office (B1A) to residential (C3).

Officer's Comments

1. *This application is a Certificate of Proposed Use in which the applicant seeks to ascertain the proposal is permitted development and is therefore lawful and does not require planning permission. As such, Schedule 2, Part 3, Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 is referred to determine this application. Should a planning application be submitted for the same development on this site, the proposal would have been determined in reference to the Camden Local Plan 2017 and the Hampstead Neighbourhood Plan 2018.*
2. *Although unfortunate, and this is what the Council seeks to address with its local policies, the proposed development is deemed as permitted development in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015.*
3. *It is confirmed there is an Article 4 direction removing permitted development rights for the loss of B1a; however, the existing use of the application property is A2.*

Procedure for 2019/3214/P

If there is a relevant material objection to an application from a Conservation Area Advisory Committee, a residents or amenity group or Ward Councillor, or three or more respondents from different addresses, a decision cannot be made by delegated powers without first bringing it to the attention of the Council's Members' Briefing Panel.

In this instance, although the objection has been duly noted and addressed, it is considered that the objection is not a '*relevant material objection*' as the application is for a lawful development certificate to ascertain whether the development is permitted development. Should the application be a Full Planning Application in which it would have been determined using the relevant local and neighbourhood policies, this objection would be a relevant material objection.

Furthermore, it should be noted that as the application is to confirm the creation of the 2x new dwellings are permitted development (in accordance with Schedule 2, Part 3, Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015), the Council can not apply any obligations to the development such as car-free development

	<p>or an affordable housing contribution. This is as the relevant class does not grant the Council authority to gain such obligations/contributions. Should this development be sought under a planning application, these would have been applied as a S106 legal agreement in line with the local plan policies.</p>
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Recommendation:-

Approve (permitted development)