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Regeneration and Planning
London Borough of Camden
2nd Floor, 5 Pancras Square
c/
Londono Town Hall, Judd Street
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23 December 2019

Dear Sir/Madam

LAWFUL DEVELOPMENT CERTIFICATE APPLICATION
39 COLLEGE CRESCENT, LONDON NW3 5LB

Further to our recent discussions with Richard Limbrick of your offices, on behalf of our client The Blue Tree Clinic Ltd we hereby submit a lawful proposed development certificate application for:

“Temporary change of use for three years of first floor and basement from B1 (business) to Class D1a (health services), in accordance with Class D of Schedule 2, Part 4 of the General Permitted Development Order 2015 (as amended) ”

The application comprises the following documentation:

- This covering letter / statement;
- All statutory application forms;
- Site Location Plan @ 1:1250, together with existing and proposed floorplans;
- Application Fee of £231.00 (paid online upon submission)

Proposals

The application seeks a certificate of lawful proposed development for the temporary change of use of the first floor and basement of 39 College Crescent (currently in B1 use) for use as a therapy clinic operated by The Blue Tree Clinic (use class D1a) for a period of three years. The ground floor will remain in office use.

It is considered that the proposed development is classed as permitted by reason of Schedule 2, Part 4 (Class D), Part of the General Permitted Development Order (1995) (as amended). On this basis, planning permission is not required for the proposal as described on the plans hereby submitted.

Scheme Assessment

The aforementioned Permitted Development Order Class D of Schedule 2, Part 4 of the GPDO sets out the requirements for temporary changes of use. Set out below are the sections relevant to the proposal and their compliance with these criteria (our **emphasis** and **clarification**):

Permitted development

D. Development consisting of a change of use of a building and any land within its curtilage—

(a) from—

(i) a use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways), **Class B1 (business)**, Class D1 (non-residential institutions) and Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, or

(ii) a use as a betting office or pay day loan shop,

(b) to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business), **Class D1(a) (the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner)**, Class D1(d) (the display of works of art (otherwise than for sale or hire)), Class D1(e) (museum), Class D1(f) (public library or public reading room), or Class D1(g) (public hall or exhibition hall) of that Schedule, for a single continuous period of **up to 3 years** beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier.

Development not permitted

D.1 Development is not permitted by Class D if —

(a) the change of use relates to more than 150 square metres of floor space in the building;

- **The change of use relates to approx 119sqm of floor space in the building.**

(b) the site has at any time in the past relied upon the permission granted by Class D;

- **The site has not benefited from a previous Class D change of use.**

(c) the site is, or forms part of, a military explosives storage area; **Not relevant**

(d) the site is, or forms part of, a safety hazard area; **Not relevant**

(e) the building is a listed building or a scheduled monument; or **Not relevant**

(f) the building is a specified building and the development is undertaken during the specified period, regardless of whether any notification has been given in accordance with paragraph D.2(a). **Not relevant**

Conditions

D.2 Development is permitted by Class D subject to the following conditions—

(a) the developer must notify the local planning authority of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins;

- **The applicant will serve notice on the Council in due course once the specific date of occupation has been confirmed;**

(b) at any given time during the 3 year period referred to in Class D the site is used for a purpose or purposes falling within just one of the use classes comprising the flexible use;

- **The site will be used for D1(a) only;**

(c) the site may at any time during the 3 year period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification as provided in paragraph (a);

- **No further change is anticipated but notices will be served if required;**

(d) for the purposes of the Use Classes Order and this Order, during the period of flexible use the site retains the use class it had before changing to any of the flexible uses under Class D;-

- **Not Relevant;**

(e) the site reverts to its previous lawful use at the end of the period of flexible use;

- **The use will revert to B1 office use unless further permanent permission is granted;**

(f) in the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, the conditions set out in paragraphs C.2(f)(i) to (iii) apply. - **Not Relevant.**

Conclusion

For the reasons outlined above it is considered that the proposed temporary change of use complies with the criteria set out by the GPDO and that a certificate of lawful proposed use should be granted accordingly.

This is an important matter for our client and we would therefore be grateful to maintain a dialogue with you throughout your processing of the application. We look forward to receiving your validation letter as soon as possible, but if you have any queries, or require printed versions of the plans or further information, please do not hesitate to contact us.

Yours faithfully



Matt Bailey
Bsc(Hons) DipTP MRTPI

Encl.