

Application ref: 2020/3407/P
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Wildstone Planning
22 Berghem Mews
Blythe Road
Brook Green
London
W14 0HN

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Use of ground floor as retail (Class A1) and 1st floor as residential (Class C3).
Drawing Nos: FGR-P-10; FGR-P-11; FGR-P-12B; Site Location Plan; Appendix 1: 80 Fortune Green Road Planning History Summary; Appendix 2: Decision Notice for Application Ref. 9358; Appendix 3: Decision Notice for Application Ref. 9323; Appendix 4: Decision Notice for Application Ref. 10414; Appendix 5: Decision Notice for Application Ref. 11349; Appendix 6: Decision Notice for Application Ref. 35847; Appendix 7: Decision Notice for Application Ref. 9005063; Appendix 8: Decision Notice for Application Ref. 9005670; Appendix 9: Application Drawings submitted for Application Ref. 9005670; Appendix 10: Decision Notice for Application Ref. 2007/1233/P; Appendix 11: Decision Notice for Application Ref. 2008/2396/P; Appendix 12: Decision Notice for Application Ref. 2012/1219/P; Appendix 13: Decision Notice for Application Ref 2018/0282/P; Appendix 14: Council Tax Band Details relating to Flat Second Floor 80 Fortune Green Road - Band B with effect from 01/04/1993; Appendix 15: Council Tax Band Details relating to Flat Third Floor 80 Fortune Green Road - Band B with effect from 25/04/2010; Covering letter (prepared by Wildstone Planning, dated 29/07/2020); Death Certificate of Dr Mahmud

Second Schedule:

80 Fortune Green Road
London
NW6 1DS

Reason for the Decision:

- 1 The proposed change of use of the ground floor from doctor's surgery (Class D1) to retail (Class A1) and the first floor from doctor's surgery (Class D1) to residential (Class C3) is considered to be a lawful change of use as per the conditions of planning permission 11349 dated 14/07/1971 and planning permission 35847 dated 26/05/1983.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the uses specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus, would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.