

LDC (Proposed) Report		Application number	2021/4385/P
Officer		Expiry date	
Matthew Dempsey		04/11/2021	
Application Address		Authorised Officer Signature	
126 Boundary Road London NW8 0RH			
Conservation Area		Article 4	
St John's Wood		Basements	
Proposal			
Confirmation of use classes E(e) Provision of medical or health services, and; F1(a) Provision of education (previous use: non-residential institution (class D1).			
Recommendation:		Grant Lawful development certificate	

Site Description:

The application site is located on the western side of Boundary Road sitting within a terrace of similar properties. The property is three storeys in height.

The site is not listed, nor in close proximity to any listed buildings, however it is situated within the St John's Wood conservation area and lies within the Kilburn Neighbourhood Forum area.

Site Planning History:

8073/NW The use of the first and second floors of No126 Boundary Road, Hampstead as a language school and reading room, **granted 14/03/1958**.

2018/4836/P Use of the ground and basement floors as language school (Class D1), **granted 27/11/2018**.

2018/5487/P Installation of roof top air conditioning plant and acoustic enclosure, granted **12/12/2018**.

2019/0116/P Erection of single storey rear extension at ground floor level and erection of roof extension to create 39sqm additional D1 floorspace. Formation of front facing roof terrace at third floor level, and replacement of existing uPVC window frames with timber, **granted subject to Section 106 legal agreement, 05/02/2019**.

2019/0155/P Erection of part single, part two-storey rear extension at ground and first floor level, **Appeal refused 07/02/2019**.

2019/5870/P Installation of replacement shopfront, **withdrawn 28/01/2020**.

2020/0434/A Display of 1x non-illuminated fascia, **withdrawn 07/02/2020**.

2021/2182/P Certificate (proposed) for use of the premises 126 Boundary Road as a medical training facility (Class F1). This certificate was issued because a use as an education use (formerly under D1) could have still occurred under the scope of a permission allowing expansion of a D1 use (ref: 2019/0116/P), or continuation of a lawful education use (now use class F1).

Assessment:

In June 1958, planning permission was granted for the use of the property as a language school (ref: 8073/NW). This use continued until it ceased in around January 2018. At that time, the lawful use of the property remained as a language school which fell within the D1 use class.

A use is lawful if it is excluded from the definition of development under s.55. This includes material changes within the same Use Class which are excluded under s.55(2)(f).

In August 2019, planning permission was granted for extensions and alterations, and continued use of the property as a D1 use – but this time as a medical clinic with clinical and teaching functions as shown on the approved plans (ref: 2019/0116/P). At that time, the clinical functions and medical teaching functions both fell within the D1 use class and so within the scope of the permission.

A use is lawful if permission has been granted for the change to that use, either expressly or by development order, and it remains in accordance with the terms of that permission. The permission, granted on 2 August 2019, can still be implemented until it expires at the end of 1 August 2022, and the applicant confirms that works commenced in September 2019 in any event.

Therefore, the use of the property as a medical facility with clinical and medical teaching functions were lawful at the date of the application and in line with the planning permission 2019/0116/P.

On 1 September 2020, amendment regulations 2020 No. 757 revoked use class D1, which had included medical services (Use class D1(a)) and education (Use class D1(c)). It provided for a new Class E which includes medical services (Use class E(e)) and F1 which includes education (Use class F1(a)). Any subsequent changes of use will be subject to the new use classes.

Recommendation: Grant Lawful Development Certificate.