

LDC Report		Expiry Date 11/02/2022
Officer		Application Number
Elaine Quigley		2021/6166/P
Application Address		Recommendation
179-181 West End Lane London NW6 2LH		Grant Certificate of Lawfulness
1st Signature		2nd Signature (if refusal)
Proposal		
Change of use of basement and ground floors from Metropolitan Police safer neighbourhoods unit to dental surgery		
SITE DESCRIPTION		
<p>The application site is located on the west side of West End Lane directly opposite Broadhurst Gardens. The application relates to the basement and ground floors of the building. The building is not listed and it is located in the South Hampstead Conservation Area.</p> <p>The site was visited on 28th February 2022. It was not possible to go inside the building but from the street it was possible to see builders inside the building and it was clear that the ground floor was vacant at this time.</p>		
PROPOSAL		
This application seeks to demonstrate that the existing, authorised use falls with Class E and that the change of use from the Metropolitan Police Safer Neighbourhoods unit to a dental surgery falls within the same use class and would therefore not require planning permission.		
RELEVANT POLICY		
<p>Section 55(2)(f) of the Town and Country Planning Act 1990 (as amended).</p> <p>Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020.</p>		
PLANNING HISTORY		
Planning permission was granted (ref 2009/3162/P) on 28/09/2009 for the change of use of basement and ground floors from retail (use A1)/Housing Office (use B1 current temporary consent) to a Metropolitan Police Safer Neighbourhoods Unit (use B1).		
ASSESSMENT		
Under Schedule 2, part B of the Town and Country Planning (Amendment) (England) Regulations 2020, <u>Class E</u> includes uses within for commercial, business and service purposes and these are defined in the regulations as:		

Use, or part use, for all or any of the following purposes:

- (a) For the display or retail sale of goods, other than hot food, principally to visiting members of the public.
- (b) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises.
- (c) For the provision of the following kinds of services principally to visiting members of the public:
 - (i) Financial services
 - (ii) Professional services (other than health or medical services), or
 - (iii) Any other services which it is appropriate to provide in a commercial, business or service locality
- (d) For indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public.
- (e) For the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner
- (f) For a crèche, day nursery or day centre, not including a residential use, principally to visiting members of the public
- (g) For
 - (i) an office to carry out any operational or administrative functions
 - (ii) the research and development of products or processes, or
 - (iii) Any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit.

The applicant has submitted a site location plan and decision notice from 2009 (ref 2009/3162/P). Having checked the planning history of the site the authorised use of the basement and ground floors was B1 (office) which is now Class E(c)(iii) (in the Use Classes Order). A dental surgery which is principally open to visiting members of the public also falls within Class E, under Class E(e). The change of use is permitted under current legislation, it represents a lawful use which can be undertaken without planning permission and a Certificate of Lawfulness can be issued for the use.

Recommendation: Approve