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Development Management  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London, WC1H 9JE

14<sup>nd</sup> July 2023

via E-mail

Dear Sir / Madam,

**SITE: 62-64 CHURCHWAY, LONDON, NW1 1LT**

**PRIOR APPROVAL APPLICATION FOR CHANGE OF USE FROM USE CLASS E TO USE CLASS C3 AT  
GROUND AND FIRST FLOOR**

On behalf of the applicant, please find enclosed an application for the change of use from Class E to Class C3 for a proposed development, relating to the change of use of retail space to residential use. This letter will set out how the proposed development complies with Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended 2021) ('the Order').

**Site Context**

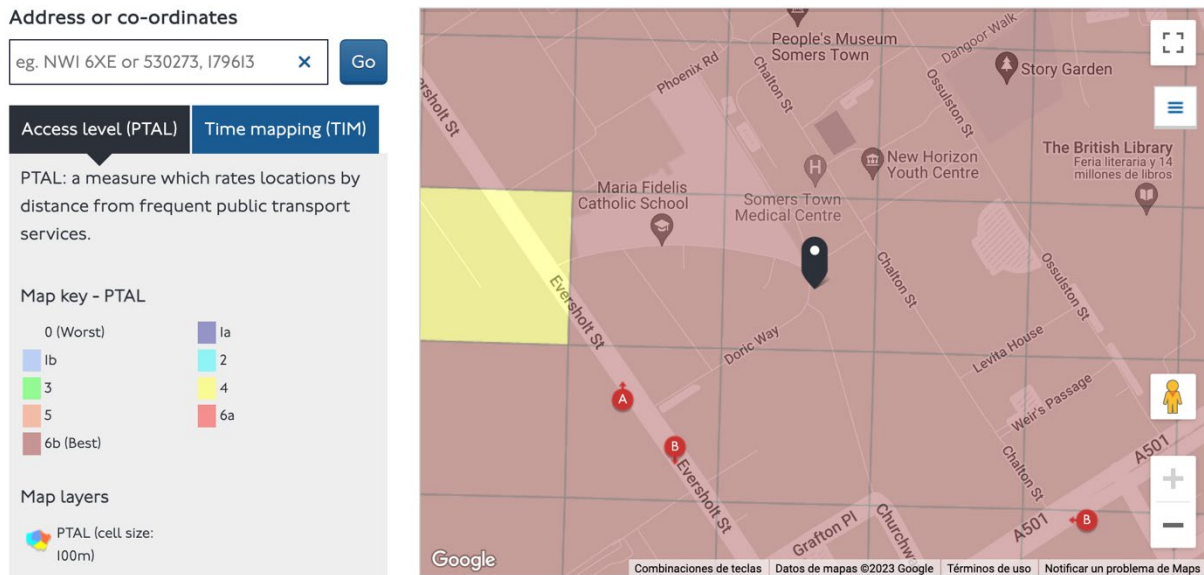
The site is located on the east side of Churchway, within Somers Town which is situated to the north of Central London, London Borough Camden.

62-64 Churchway itself is a three-storey partly painted yellow brick building with a traditional aesthetic and plain clay tile roof, constructed prior to 1870. The Applicant purchased the site in July 2022 with vacant possession of the commercial units.

The age of buildings within the locale ranges from older Victorian and inter-war units to later and often larger modern office buildings. Building heights range from 3 to 6 storeys within the immediate locale with appreciable height (up to 14 storeys) visible within the wider area and closer to Euston.

## Public Transport

The Application site has a PTAL rating of 6b which is regarded as 'excellent'. The Site benefits from a high level of accessibility with bus, rail and underground services in close proximity. The Site is within a Controlled Parking Zone (CA-G), operational Monday to Friday from 8.30am to 6.30pm.



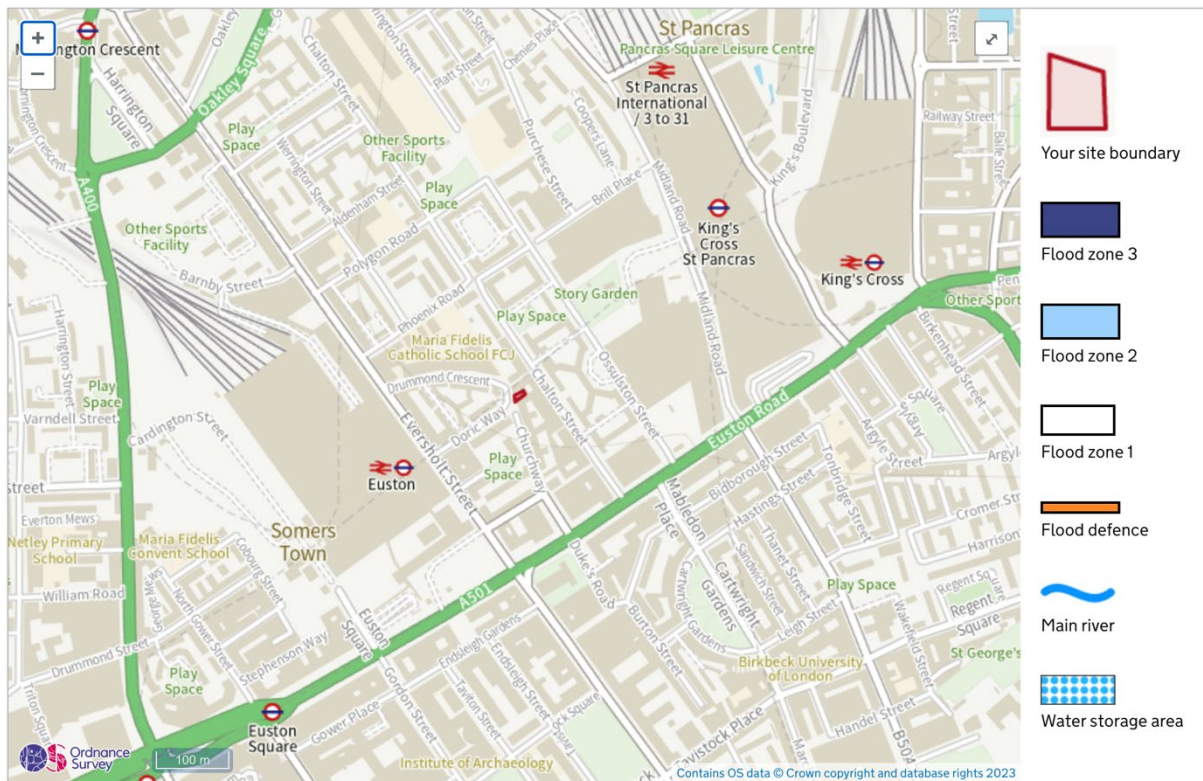
Within 0.5 miles radius of the site is London Kings Cross to the east, St Pancras Station to the north and Euston Station to the west.

## Heritage Considerations

The building is not statutorily listed nor is it locally listed.

## Flood Risk

A search of the Government's Flood Map for Planning, as well as the LPA's online mapping service confirms the site falls within Flood Zone 1.



### Planning History

Relevant Planning History relating to this Site is included below.

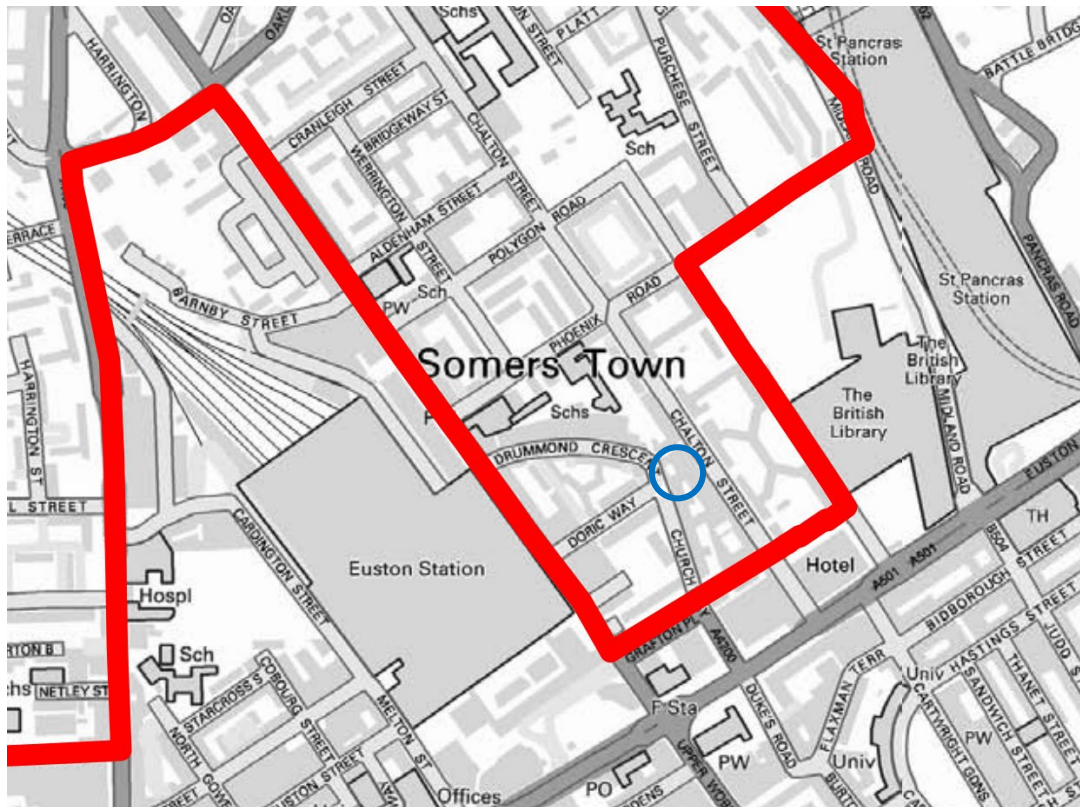
- **LPA Ref: 2019/2165/P** – Retention of House in Multiple Occupation (HMO) comprising 3no. bedsits at ground/basement and upper floor levels. – Refused 26 July 2022
- **LPA Ref: 2006/2436/P** – Construction of a two-storey rear extension to create 2 x self-contained studio flats (Class C3).
- **LPA Ref: 9101066** - The retention of the rear extension at ground floor level for use in connection with the shop unit – Granted 07/01/1992
- **LPA Ref: 34373** - Change of use, including works of conversion, of the first and second floors to two self-contained flats. – Granted 27/07/1982

Planning permission for the conversion of the two commercial units to HMOs was sought under planning application LPA ref: 2019/2165/P. The application was refused, the first reason for refusal stated:

*“The proposed development, by reason of the proposed residential use, would result in loss of employment space which supports the functioning of the Central Activity Zone (CAZ), contrary to policies E1 (Economic development) and E2 (Employment premises and sites) of*

*the London Borough of Camden Local Plan 2017."*

However, this is incorrect as the Application site does not sit within the CAZ and never did. The CAZ zone can be seen below, and the Application Site is highlighted blue.

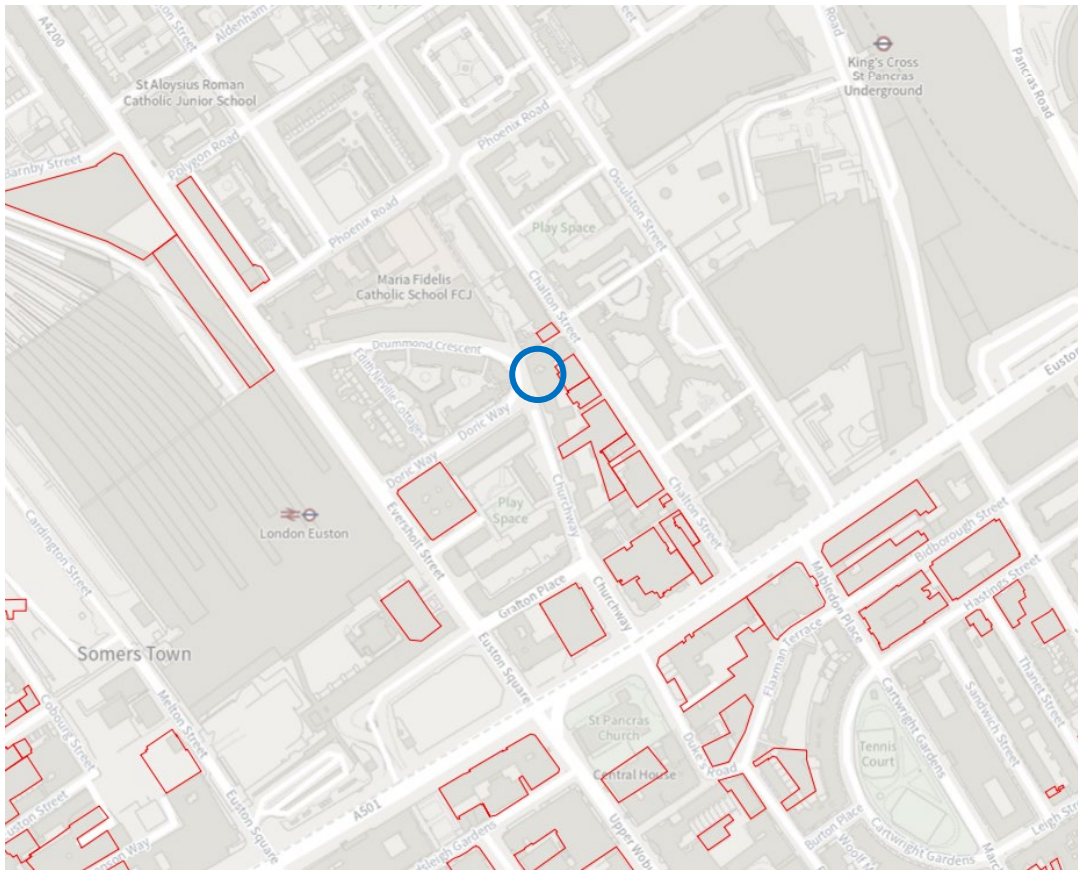


*Map of the CAZ highlighted in red (to the south) and the Site highlighted in blue.*

On 26th July 2021 the London Borough of Camden made a direction under Article 4(1) of the General Permitted Development Order disapplying Class MA for the whole of the Camden Central Activities Zone and parts of the Camden Knowledge Quarter ("the Article 4 direction"). The Article 4 direction was confirmed on 29th June 2022 and came into force on 29th July 2022.

The application site falls outside of the CAZ and therefore, the Article 4 direction never applied. Further, the Secretary of State has since modified these Directions. The effect of the modified Directions is that from 23 February 2023, permitted development rights for this type of development are withdrawn in the modified areas and that planning permission will be required for change of use from Use Class E (Commercial, Business, and Service) to Use Class C3 (dwellinghouses).





*Map of the modified Direction from 23 February 2023 that removes Class MA within the areas highlighted in red. The Site is highlighted in blue.*

### **Proposed Development**

Prior Approval is sought for the change of use of the ground and rear portion of the first floor from Use Class E to Use Class C3 residential, under Schedule 2, Part 3, Class MA of the Order.

Alterations to the internal layout are required to facilitate the residential conversion of the building and subdivide the individual units, as well as the habitable rooms within the units. The layout is illustrated in the accompanying plans prepared by scheme architects.

The proposed plans are included below for ease of reference.



*Proposed Class MA floor plans showing proposed residential layout at lower ground and upper ground floors.*

### **Relevant Planning Legislation**

**The Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended 2020)**

***Class MA – commercial, business and service uses to dwellinghouses***

*MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.*

*Development not permitted*

*MA.1.—(1)Development is not permitted by Class MA—*

- (a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;*
- (b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;*
- (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;*
- (d) if land covered by, or within the curtilage of, the building—*
  - i. is or forms part of a site of special scientific interest;*
  - ii. is or forms part of a listed building or land within its curtilage;*
  - iii. is or forms part of a scheduled monument or land within its curtilage;*
  - iv. is or forms part of a safety hazard area; or*
  - v. is or forms part of a military explosives storage area;*
- (e) if the building is within—*
  - i. an area of outstanding natural beauty;*
  - ii. an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;*
  - iii. the Broads;*
  - iv. a National Park; or*
  - v. a World Heritage Site;*
- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*
- (g) before 1 August 2022, if—*
  - i. the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
  - ii. the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

*(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—*

- (a) the following classes of the Schedule as it had effect before 1st September 2020—*

- i. *Class A1 (shops);*
- ii. *Class A2 (financial and professional services);*
- iii. *Class A3 (food and drink);*
- iv. *Class B1 (business);*
- v. *Class D1(a) (non-residential institutions – medical or health services);*
- vi. *Class D1(b) (non-residential institutions – crèche, day nursery or day centre);*
- vii. *Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;*

*(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.*

### **Conditions**

*MA.2.—(1) Development under Class MA is permitted subject to the following conditions.*

*(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—*

- (a) transport impacts of the development, particularly to ensure safe site access;*
- (b) contamination risks in relation to the building;*
- (c) flooding risks in relation to the building;*
- (d) impacts of noise from commercial premises on the intended occupiers of the development;*
- (e) where—*
  - i. the building is located in a conservation area, and*
  - ii. the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;*
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;*
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and*
- (h) where the development involves the loss of services provided by—*
  - i. a registered nursery, or*
  - ii. a health centre maintained under section 2 or 3 of the National Health Service Act 2006,*

*the impact on the local provision of the type of services lost; and*



- (i) *where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.*

*(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.*

*(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—*

- (a) for paragraph (e) of sub-paragraph (2) there were substituted—*

*“(e) where—*

- (i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;*
- (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts*

*and standards that have been applied to the development,”;*

- (b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;*

- (c) after sub-paragraph (6) there were inserted—*

*“(6A)Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;*

- (d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;*

*(5) Development must be completed within a period of 3 years starting with the prior approval date.*

*(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.*

### ***Interpretation of Class MA***

*MA.3.Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development*

*relates to a building which will—*

- (a) contain two or more dwellinghouses; and*
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.*

### **Compliance with Legislation**

- The ground and first floor have been vacant since the Applicant purchased the freehold title

of 62-64 Churchway on 15 July 2022 and therefore longer than 3 months, the signed contract can be found within Appendix 1.

- The lawful use of the building is Use Class E as confirmed within the Officer's Report for planning application LPA ref: 2019/2165/P. In addition, business rates for the unit can be found below:

64, Churchway, London, NW1 1LT					Gnd F 62, Churchway, London, NW1 1LJ				
Floor	Description	Area m <sup>2</sup> /unit	£ per m <sup>2</sup> /unit	Value	Floor	Description	Area m <sup>2</sup> /unit	£ per m <sup>2</sup> /unit	Value
Ground	Retail zone a	13.8	£250.00	£3,450	Ground	Retail zone a	19	£250.00	£4,750
Ground	Retail zone b	8.6	£125.00	£1,075	Ground	Retail zone b	0.9	£125.00	£113
Ground	External storage	4.1	£12.50	£51	Ground	Kitchen	6.5	£25.00	£163
<b>Total</b>		<b>26.5</b>		<b>£4,576</b>	<b>Total</b>		<b>26.4</b>		<b>£5,026</b>

The rateable value is rounded down to <b>£4,550</b> and was applied on 1 April 2023					The rateable value is rounded down to <b>£5,000</b> and was applied on 1 April 2023				
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- The cumulative floor space of the existing building changing use under Class MA is 132 sqm and therefore does not exceed 1,500 square metres.
- The building does not form part of a site of special scientific interest; listed building; scheduled monument, safety hazard area; military explosives storage area; area of outstanding natural beauty; area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; the Broads; National Park; or World Heritage Site.
- The building does not sit within a conservation area.
- Works have not commenced, and the developer is applying for prior approval in accordance with MA.2(2), as to –

### ***transport impacts in relation to the development***

The Application site has a PTAL rating of 6b which is regarded as 'excellent'. The Site benefits from a high level of accessibility with bus, rail and underground services in close proximity. The Site is within a Controlled Parking Zone (CA-G), operational Monday to Friday from 8.30am to 6.30pm.

The scheme provides 2 residential units and units as car free is in line with National and Local policy to drive towards sustainable modes of transport, reduce reliance of private vehicles and improve air

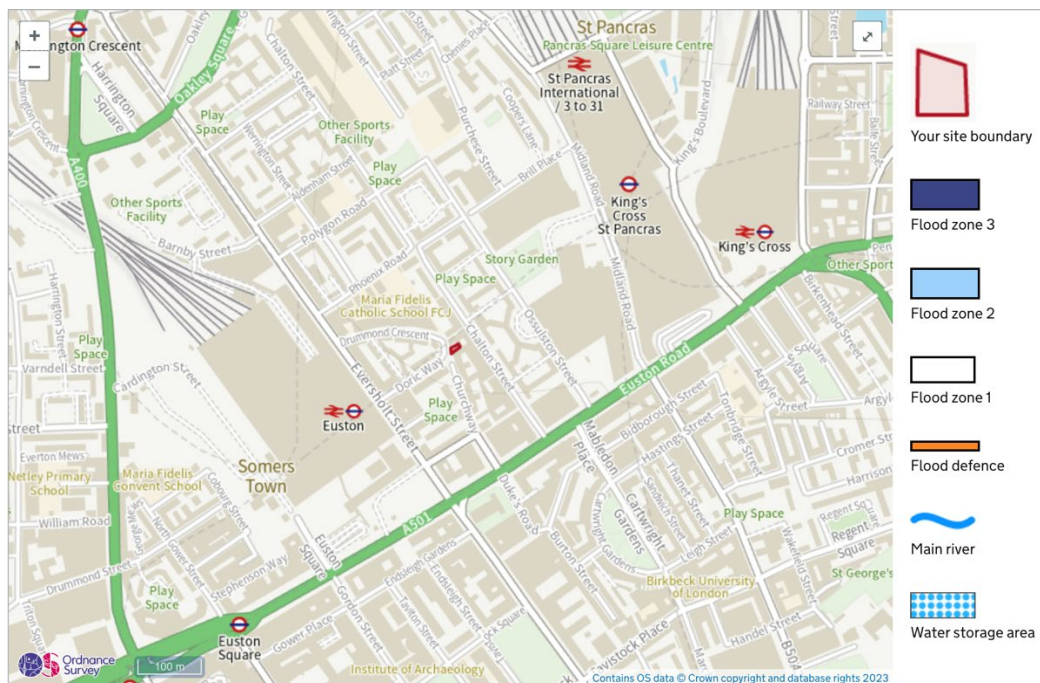
quality. London Plan parking standards are set as a maximum, therefore the provision of no parking on site would be deemed acceptable in planning terms.

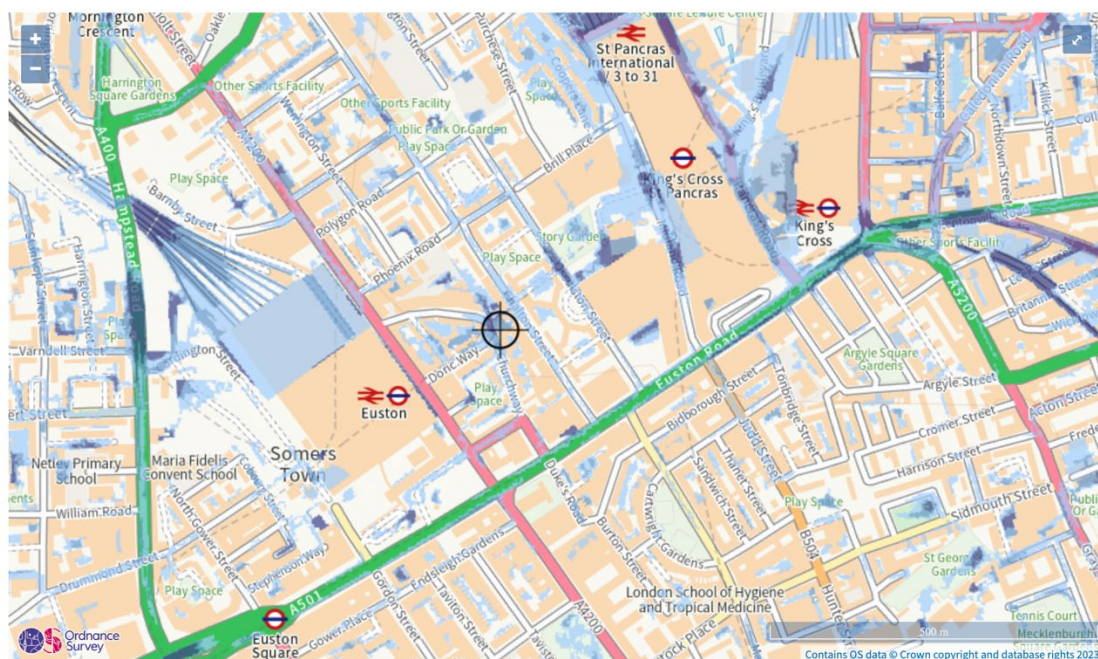
### ***contamination risks in relation to the building***

The previous and current use of the site and immediate area (various retail and residential) do not suggest any pre-existing contamination risks. Furthermore, the proposed use of the ground and first floor as exclusively residential will cause no contamination risks to either future or nearby residents.

### ***flooding risks in relation to the building***

The Application site falls within Flood Zone 1 and has a very low chance of flooding from surface water, that is show within the flood maps below provided by the Environment Agency.





Extent of flooding from surface water

● High 
 ● Medium 
 ● Low 
 ● Very low 
 ⊕ Location you selected

### ***impacts of noise from commercial premises on the intended occupiers of the development***

The application is accompanied by a Noise Report prepared by Quantum Acoustics that assesses noise impact from commercial premises upon the proposed residential dwellings.

The report concludes that there was no significant noise from any of the existing commercial properties. The operation of all the current commercial properties including the Public House in Chalton Street is fettered by their location near to existing residential properties. The proposed application would not further fetter the operation of the commercial properties.

Therefore, no mitigation is required and is acceptable in planning terms.

### ***the provision of adequate natural light in all habitable rooms of the dwellings;***

The application is accompanied by floor plans that clearly show the internal layout of the proposed flats. Each habitable room is provided with good natural light from the existing windows. The application is accompanied by an Internal Daylight Assessment prepared by T16 Design and concludes that the proposed habitable rooms meet the recommendations using the DFT test. This means the future occupants will enjoy a well-lit environment, with reduced reliance on artificial lighting and are therefore acceptable in planning terms.

### ***the fire safety impacts on the intended occupants of the building;***

The application is accompanied by floor plans d that clearly show the internal layout of the proposed

flats. Each unit contains adequate fire compartmentation, and the application is accompanied by a Fire Statement.

### **Conclusion**


The lawful use of the ground and first floor of the building is Use Class E. As the change of use would comply with the planning legislation set out above and in accordance with Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended 2021), we therefore seek consent of Prior Approval for the change of use.

The application comprises:

- This Cover Letter;
- Site Location Plan;
- Existing and Proposed plans;
- Noise report;
- Internal Daylight Assessment and
- Relevant Application form and fee (£200).

The above documents are in accordance with the requests of the legislation and the application should be validated on receipt. I trust this letter is self-explanatory but if you have any questions do not hesitate to get in touch.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dean Slidel', with a stylized, flowing script.

Dean Slidel

## **APPENDIX 1 – Signed Contract**



## CONTRACT

(Incorporating the Standard Commercial Property Conditions (Third Edition))

Date:

15 July 2022

Seller:

Ali Syed Akhtar of 39 Stranraer Way, London N1 0DR and Sarah Hillion of 15 Anchor House, Old Street, London EC1V 9JL as administrators of the estate of the late Syed Jamal Akhtar also known as Alhaj Syed Jamal Akhtar

Buyer:  
Misano

Lorenzo Serafini of Via Giuseppe Garibaldi, N. 36 – Interno: 2, Comune Adriatico (RN), Italy

Property:

62 & 64 Churchway

Title Number:

NGL234244

Specified

Incumbrances:

- (1) All matters contained or referred to in the Property and Charges Register of the Title Number as subsisting at 08:24:45 on 21<sup>st</sup> January 2022.
- (2) All matters which are (or where the Property is not registered would be) unregistered interests which override first registration of the Title under the Land Registration Act 2002 Schedule 1 and (where the Property is registered) unregistered interests which override registered dispositions under the Land Registration Act 2002 Schedule 3.

Title Guarantee:

Limited

Completion Date:

15 July 2022

Contract Rate: 4% over National Westminster Bank Plc Base Rate.

Purchase Price:

£750,000.00

Deposit:

£75,000.00

Contents Price  
(if separate):

Seller's

Conveyancers: W H Matthews & Co of 109 Old Street, London EC1V 9JR

Buyer's

Conveyancers: Montecristo LLP of Lansdowne House, 57 Berkeley Square, London W1J 6ER

The Seller will sell and the Buyer will buy the Property for the Purchase Price subject to the Special

Conditions endorsed hereon.

Signed

☐

### **SPECIAL CONDITIONS**

- 1 (a) This Contract incorporates the Standard Commercial Property Conditions (Third Edition) (the "Standard Conditions") (2018 Revision).
- (b) The terms used in this Contract have the same meaning when used in the Standard Conditions.
- 2 Subject to the terms of this Contract and to the Standard Conditions the Seller is to transfer the Property with the title guarantee specified on the front page.
- 3 (a) The sale includes those contents which are indicated on any attached list as included in the sale and the buyer is to pay the Contents Price (if any) for them.
- (b) The sale excludes those fixtures and contents which are at the Property and are indicated on any attached list as excluded from the sale.
- 4 The Property is sold subject to and with the benefit of the following leases:
  - a) A lease of the First Floor Flat dated 4<sup>th</sup> December 1986 for a term of 125 years from 25<sup>th</sup> March 1986 as is registered at HM Land Registry under title number NGL579027 at a current ground rent of £150.00 pa.
  - b) A lease of the Second Floor Flat dated 21<sup>st</sup> November 1986 for a term of 125 years from 25<sup>th</sup> March 1986 as is registered at HM Land Registry under title number NGL579083 at a current ground rent of £150.00 pa.
- But otherwise with vacant possession on completion.
- 5 Neither party can rely on any representation made by the other unless made in writing by the other or his Conveyancer, but this does not exclude liability for fraud or recklessness.
- 6 (a) Standard Conditions 1.3.3 (b) and 1.3.7 (e) shall not apply.
- (b) Standard Condition 1.1.1 (c) is amended so that a reference to "clearing bank" means a bank which is a "direct participant" in the CHAPS system operated by the Bank of England.
- 7 The Transfer Deed to the Buyer shall include a covenant on the part of the Buyer to observe and perform the covenants on the part of the Lessor contained in the leases of the First Floor Flat and the Second Floor Flat as referred to in Special Condition 4 above and to keep the Seller indemnified in respect of any breach thereof from the date of the Transfer Deed.
8. The provisions of this Contract shall not merge on completion of the transfer of the Property so far as they remain to be performed.