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Ref: IC/2741
VIA PLANNING PORTAL

April 2024

Head of Planning
Camden Council

Dear Sir/Madam,

**CLASS MA PRIOR APPROVAL SUBMISSION
529, FINCHLEY ROAD LONDON NW3 7BG – PRIOR APPROVAL UNDER CLASS MA FOR
THE CHANGE OF USE OF CLASS E (FORMERLY A1) RETAIL UNIT AT GROUND FLOOR
LEVEL 529 FINCHLEY ROAD TO A ONE-BEDROOM TWO-PERSON SELF-CONTAINED
DWELLING**

We are instructed by our client, Mr N. Dha, to submit a prior approval under Class MA for the change of use of a retail unit (Class A1, now Class E) to a one-bedroom two-person self-contained unit.

Class MA reads as follows:

Class MA – commercial, business and service uses to dwellinghouses

Permitted development

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

The property lies on the corner of Finchley Road and Burrard Road within defined settlement limits.

It is the corner unit of a small parade and is currently vacant but was formerly occupied by a carpet shop trading as "London Carpet", see Google image below:



We are aware that the local planning authority has in place a series of Article 4 directions in respect of Class MA and these are shown on the maps online and confirmed as modified areas: the current application site is outside of these restrictions and so the full remit of Class MA permitted development rights are in place.

In addition to this we note that Class MA has been modified recently by statutory instrument 141 dated March 2024: as a consequence of this the requirement for the building to be vacant for three months is no longer a component of this class and, in addition to this, there are no floor space limitations as to the total space that can change under this class: albeit we do note that if either way if these restrictions were still in place then they would have no impact on this particular submission.

We now deal with the remaining **preclusive provisions**.

MA1 (b) requires the use to have fallen in one of those listed in paragraph 2.

In this case the use is retail A1 and consequently from September 2020 Class E.

We also enclose google street view images of the past retail use of the site to show that it has been used as such for a period of 2 years pre the date of the application: In October 2018 it was a sports supplement retailer: see image below:



In respect of **critterion (d)** the site is not within any of the designations listed; namely;

- it is not part of a site of scientific interest;
- it does not form part of a listed building or land within its curtilage;
- it does not form part of a scheduled monument or land within its curtilage;
- it does not form part of a safety hazard area; and,
- it does not form part of a military explosive storage area.

In respect of **critterion (e)** the site is equally not within any of these designation, namely it is not within an AONB, an area specified under the Wildlife and Countryside Act, The Broads, a national park or a world heritage site.

In respect of **critterion (f)** the site is not and has never been occupied by an agricultural tenancy (as one would expect).

Criterion (g) is not relevant as we are now post August 2020.

MA.2 then sets out the **relevant conditions**.

We start with (2) (a) namely the transport impacts of the development.

No new access is required and the site has a loading bay which can be used for car parking with no need for any modification to the access/egress: see image below, all of which lies within the red line planning unit.



In respect of **criterion (b)** there are no contamination risks.

The proposal is a change of use of a carpet shop and there is no contamination or potential for such.

In respect of **criterion (c)** the site does not lie within a flood risk area and we enclose the Environment Agency's map extract as part of this submission.

Criterion (d) deals with impacts of noise from commercial premises: the unit is part of a small parade of shops and none of the Class E uses are sources of noise.

In addition to this there is no heavy industry or suchlike in close proximity.

In respect of **criterion (e)** the property does not lie within a conservation area. It adjoins a conservation area but it is not within one which is the relevant test.

Criterion (f) concerns the provision of adequate natural light in all habitable rooms of the dwellinghouse. There are floor to ceiling windows to the front and the side as per the Google image below:



A significant component of the structure at this point is glazed and we note that there is much more glazing as compared to the self-contained flats above.

In respect of **criterion (g)** the site does not lie within an area that can be considered important for general or heavy industry, waste management, storage and distribution or a mix of such uses. Indeed the prevailing character is residential with some supporting retail.

Criterion (h) is not relevant as the proposal does not concern the loss of a registered nursery or healthcare use.

Finally, in respect of **criterion (i)** there is no fire risk condition: in the event of the fire access away from the unit onto the street is clearly very easy.

Finally we also note that the proposal also meets relevant NDSS standards for a one-bedroom two-person property and the figure of 53 square metres is notated on the proposed layout plan and this exceeds the 50 square metre minimum needed for a 1B 2 P property which is the size presented.

The local planning authority is therefore in a position to confirm that either prior approval is not required or required with conditions to address the matters outlined above.

Ian Coward from these offices is dealing with this matter.

Yours faithfully

Collins & Coward
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