

London Borough of Camden
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London Borough of Camden
Town Hall
Judd Street
London
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Date: 1 May 2025

Our ref: 68741/01/SB/JT/LU/33633389v1

Dear Daren,

Lief House, 3 Sumpter Close, London, NW3 5HR: Application for Prior Notification for Commercial (Class E) to Residential (Class C3) use.

Introduction

On behalf of our client, Kennedy Alternative Investments Ltd, ('The Applicant' and site owner), please find enclosed an application for Prior Notification relating to the proposed change of use of Lief House, 3 Sumpter Close, NM3 5HR ('The Site'), from commercial (Class E) to residential (Class C3) to provide a 20 no. residential dwellings, as set out in The Town and Country Planning (General Permitted Development) (England) (2015) (as amended), Schedule 2, Class MA (commercial, business and service use to dwellinghouses). The proposed description of development is as follows:

"Prior Approval (Class MA) for the change of use of Class E floorspace at Lief House, 3 Sumpter Close, London, NW3 5HR, to provide 20 no. dwellings, submitted under Class MA of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)."

Prior Approval Application Scope and Submission

The application has been made via the Planning Portal (ref. PP-13976188) alongside the application fee of £5,000 (plus £85 Planning Portal admin fee) has been paid by bank transfer.

This application fee has been determined on the basis of 20 no. new dwellings at a charge of £250 for each dwelling under the 'Prior Approval' fee category in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits (England) Regulation 2012 (as amended).

Paragraph W of the General Permitted Development Order (GPDO) requires an application proposed under Class MA to be accompanied by the following:

- a Description of the proposed development.
- b A plan indicating the site and showing the proposed development.

- c A statement specifying the net increase in dwellinghouses proposed by the development.
- d A floorplan indicating the total floorspace in square metres of each dwellinghouse, the dimensions of each room, the position and dimensions of windows, doors and walls, and elevations of the dwellinghouses.
- e The developer's contact details.
- f The developer's email address if the developer is content to receive communications electronically; and
- g The required fee.

In accordance with the above requirements, this Prior Approval application comprises the following documents:

- 1 Completed Prior Notification application form;
- 2 This Covering Letter including (Annex 1), providing a description of the site context, planning history and existing use, a description of the proposed development and statement specifying the net increase of dwellings proposed for this development;
- 3 Site Location Plan (drg. No: 288-0000), prepared by GROUPWORK
- 4 Existing and Proposed Plans, prepared by GROUPWORK as listed in Appendix 1;
- 5 Area Schedule, prepared by GROUPWORK;
- 6 Daylight and Sunlight Report (dated April 2025), prepared by Syntegra Consulting;
- 7 Contamination Assessment Report (dated 11 April 2025), prepared by Geo2;
- 8 Noise Impact Assessment (dated 27 April 2025), prepared by Sharps Acoustics; and
- 9 Community Infrastructure Levy (CIL) additional information form.

Site & Surroundings

Lief House is located on Finchley Road at the junction with Sumpter Close, within the London Borough of Camden ("LB Camden"). It comprises a building of masonry construction arranged over ground and three upper floors. The main entrance to the building is located on the south side, accessed via stairs and ramp. An area for car parking is located to the rear of the building.

The property was previously occupied by the 'British College of Osteopathic Medicine' (as indicated by the signage fixed to the western façade of the building). It is our understanding that the College vacated the premises in 2019. The NHS then occupied part of the building for the purposes of office use until September 2024. Since this time, the building has remained unoccupied and vacant.

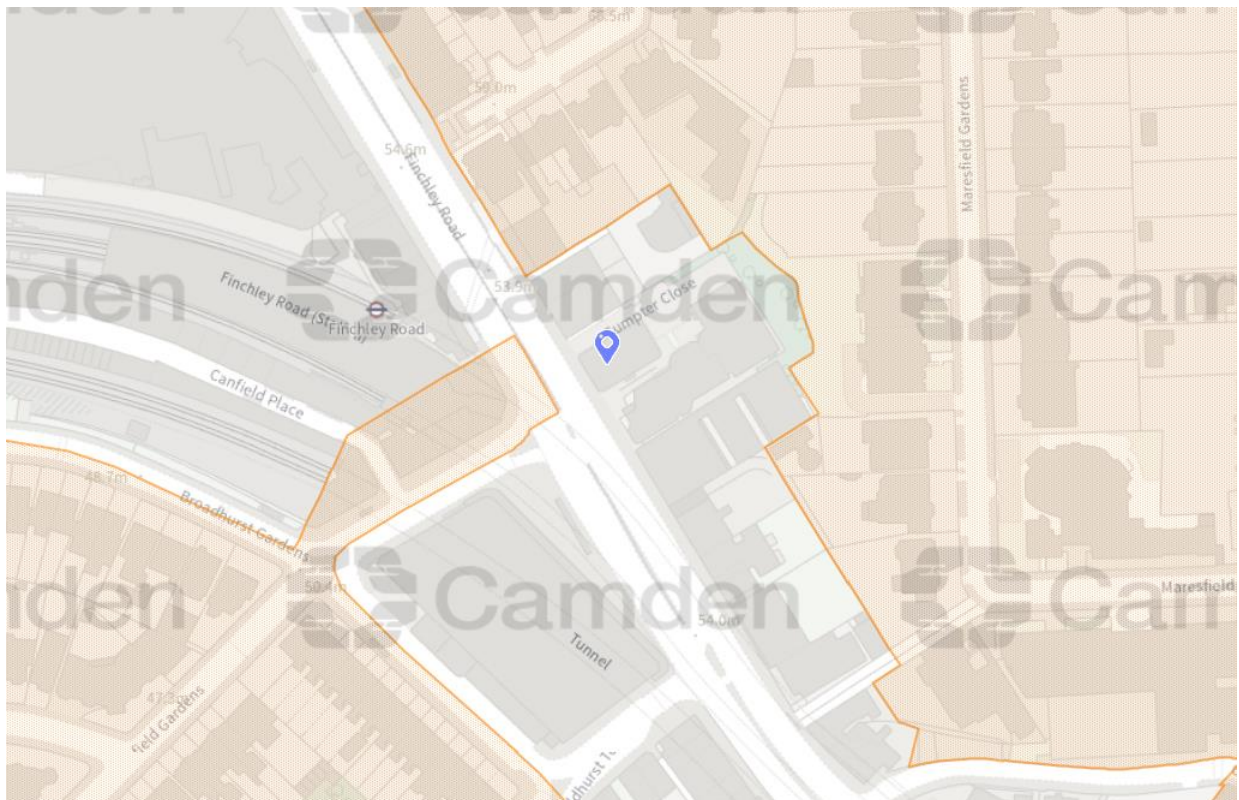
The property is positioned adjacent to 122a/122 Finchley Road - a two-storey building to the north, with a former bank/retail unit at ground floor. A single storey church is located to the south, adjoining a four-storey serviced accommodation ("The Quarters Swiss Cottage") building, including a restaurant at ground floor. 122a/122 Finchley Road is separated from Lief House by a single private road, with a pedestrian passageway also separating the site from the church to the south.

The character of Finchley Road is a mix of land uses, reflecting the town centre location. This location also results in the site being highly accessible, having a PTAL score of 6b (best accessibility), given the site is positioned opposite Finchley Road tube station (served by the Jubilee and Metropolitan Lines) and several bus stops located on both sides of Finchley Road providing bus connections within London (including London Victoria, Marble Arch, Golders Green, Brent Cross and Luton Interchange) and nationally (including Manchester, Birmingham, Leicester, Leeds and Coventry).

A review of LB Camden's adopted policies map (dated August 2021) confirms the site is unallocated and located within the Finchley Road/Swiss Cottage Town Centre. The Frontage of Lief House is designated as 'Secondary Frontage', forming part of the wider retail/commercial parade that extends beyond to the north and south

Regarding the historic environment, the property is not statutory listed with Historic England's Listing map identifying the closest listed structure being the British College of Naturopathy and Osteopathy building at 6 Netherhall Gardens (Grade II Listed), c. 0.13km to the northeast. The site is not located within in a Conservation Area (CA) but is adjacent to the Fitzjohns Netherhall CA and South Hampstead CA

Figure 1: Location of the site, in relation to Conservation Areas



Source: LB Camden

Planning history

The planning history for Lief House (as provided by the Council's online register) is as follows:

- *Display of four non-illuminated white metal, clear perspex notice boards on north and south elevations (**Approved** 06.03.12) (ref. 2012/0272/A).*
- *The display of two non-illuminated signs to the elevation which fronts Finchley Road, one to the side of the portico together with a sign to one side of the front door, as down on details attached to letter dated 15th April 1997 telephone junction box approx. 1.5m above pavement, 400x600mm to read “BCNO – Clinic, Frazer House, Netherhall Gds” Signage on portico, side elevation stainless steel engraved plaque etching to read “BCNO – Lief House, 3 Sumpter Close.” (**Approved** 14.05.97) (ref. AW9702345).*
- *Elevation alterations to the ground floor south elevation including the erection of a new staircase; as shown on plan numbers 823/10 2 and 823/11 (**Approved** 23.02.95) (ref. 9501783);*
- *Change of use from Class B1 (business to Class D1 (non-residential) use as shown on drawing no. 715/1-4 (**Approved** 08.07.94) (ref. 9400698).*
- *Application for a certificate of lawfulness for the existing use of the 3rd floor as offices, as shown on drawing numbered 715/4 (**Approved** 28.04.94) (ref. 9400199)*
- *Change of use including works of conversion to provide three self-contained flats on the third floor (**Approved** October 1979) (ref. 28813).*

Condition 02 attached to permission ref. 9400698 (with the relevant floorplans approved in Appendix 2) states:

“This permission shall be personal to the British College of Naturopathy and Osteopathy during their occupation and shall not endure for the benefit of the land. On their vacating the premises the use shall revert to the lawful use for B1 purposes”.

In this regard, the British College of Osteopathic Medicine vacated the premises in 2019 and, as such, we consider the lawful use of the building in Use Class E(g) from that date. The NHS have since occupied part of this building for the purposes of office but vacated in September 2024.

Pre-application consultation

The applicant has sought pre-application advice from LB Camden (ref. 2024/0837/PRE) regarding a mixed-use development of the site. As part of the pre-app advice the Council provided feedback on the land use of the site, having regard to Condition 2 of ref. 9400698, stating that:

“From 1 September 2020, the Use Classes Order provided flexibility with the introduction of new Use Class E which encompasses commercial, business, and services into a single use class thus replacing the former Class A1 (shops), A2 (financial and professional services), A3 (restaurants), B1 (business), and D1 (non-residential institutions).

It is the Council’s position that the site benefits from the flexibilities of Use Class E on the basis that Condition 2 of planning permission ref. 9400698...”

The Council therefore concur that Lief House falls within Use Class E. They also confirm that:

“The property is excluded from the boundary of the Council’s Article 4 Direction on Land Use, which removes permitted development rights to change its use from offices/retail to residential. Thus, the

property benefits from permitted development rights, subject to prior approval, and would not require planning permission to change the use of the building into residential (Class C3), assuming the considerations under the prior approval are acceptable...”.

Application of Class MA in Principle at Lief House

The provisions of Class MA apply to buildings falling within Use Class E (commercial, business and service) of the Town and Country Planning Use Classes (Order) 2015 (as amended). This includes offices buildings, formerly categorised as Use Class B1(a).

As noted above, the Council has confirmed that Lief House falls within Use Class E and is located outside the Council’s Article 4 Direction, which removes Class MA permitted development rights. A change of Use from Class E to C3 may be permitted under schedule 2, part 3, class MA, subject to the property and proposal adhering to the relevant requirements and conditions within the statutory instrument.

Developer’s contact address

The developer’s contact address is: Kennedy Alternative Investments Ltd, The Cube, 8 The Warren, Radlett, WD7 7DX. Any contact should be made via Lichfields (the agent for this application), with communications sent via email to Joe Thompson (joe.thompson@lichfields.uk)

Legislative background

Permitted development rights relating to change of use of commercial, business and service floorspace to dwellinghouses are granted by virtue of Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Against this backdrop, an application to the local planning authority is required to determine whether prior approval is required for the change of use from commercial to residential use (Sch. 2, Part 3, para. MA.2 (2)).

On 13 February 2024, the Government published updated Permitted Development Regulations for Class MA relating to the change of use for buildings from Class E to residential (Use Class C3), coming into force from 05 March 2025. Class MA is now amended to remove the floorspace upper limit for buildings changing use under this provision. The requirement to demonstrate the subject property has been vacant for a 3-month period prior to the submission of the application, has also been removed.

Proposed Development

Prior Approval (Class MA) for the change of use of Class E floorspace at Lief House, 3 Sumpter Close, London, NW3 5HR, to provide 20 no. dwellings, submitted under Class MA of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

GPDO Paragraph MA.1 requirements

In accordance with the requirements of paragraph MA.1, the building falls within Class E use in excess of 2 years prior to the date of this application (see Planning History above). It is not located within or forms part of an SSSI, listed building, scheduled monument, safety hazard area, military explosives storage area, national landscape (formerly AONB), area of environmental significance, national park,

World Heritage Site or occupied under an agricultural tenancy, therefore satisfying all conditions of the GPDO MA.1, and as such considered appropriate for prior notification.

GPDO Paragraph MA.2 conditions

Class MA (Condition MA.2) of the above Order requires the developer to apply to the local planning authority, before beginning the development, for 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 Flood risks in relation to the building;
- d Impacts of noise from commercial premises on the intended occupiers of the development;
- e The impact of the 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 the 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;
- h The impact on the local provision of the type of services to be lost (nursery or health centre);
- i Fire risk.

These matters are addressed in turn below.

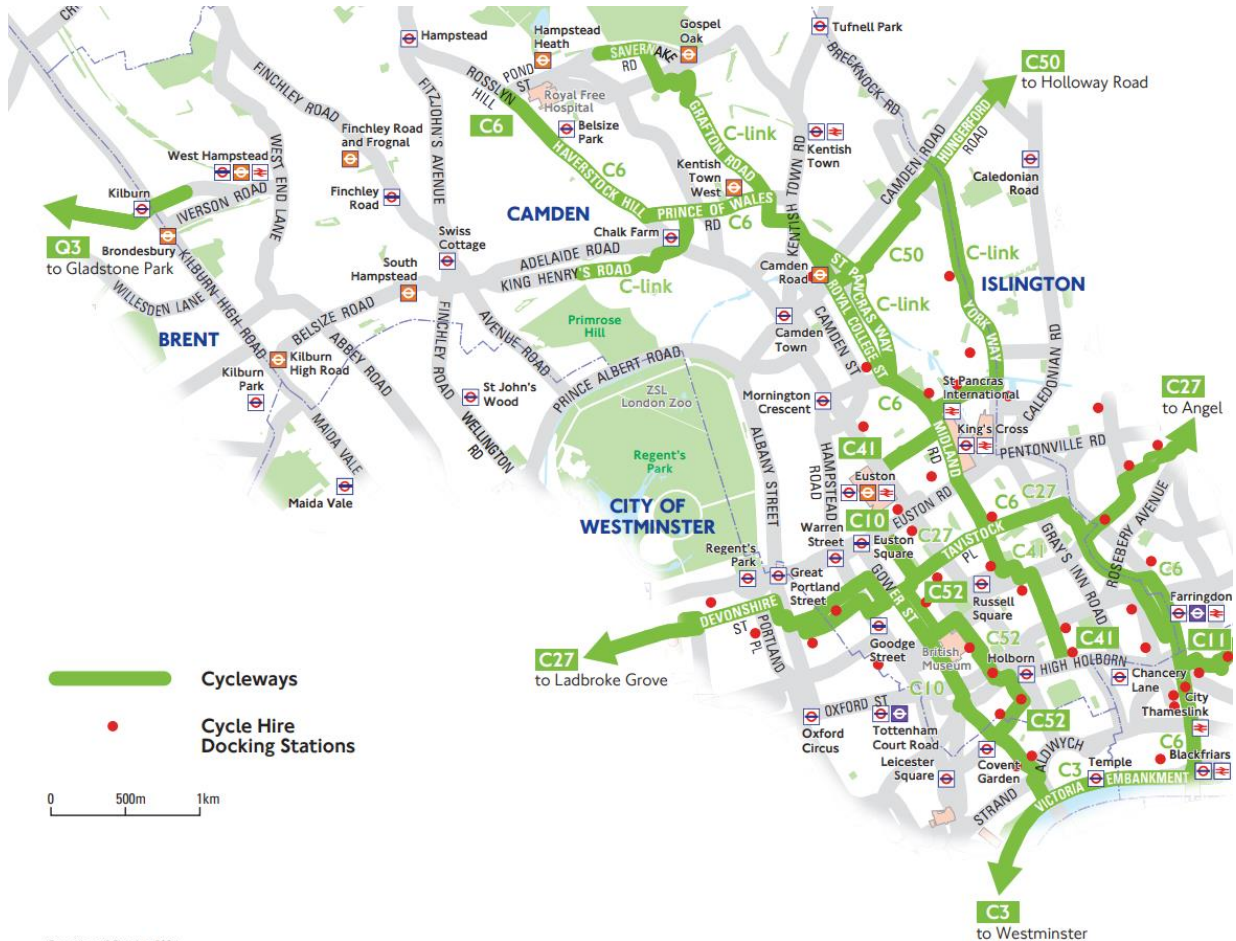
The plans submitted also demonstrate that the proposed residential units will comply with the Nationally described space standards.

(a) Transport impacts and safe access

The Site benefits from the highest PTAL rating 6b, reflecting its high level of accessibility to public transport modes in the immediate surrounding area. The Site is within short walking distance of Finchley Road tube station (c. 2-minutes walk) and there are a number of bus stops on Finchley Road and Fitzjohn's Avenue, with services within London and Nationally. Policy T1 (Prioritising walking, cycling and public transport) confirms that the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. The location of the site ensures that resident's access to sustainable transport modes is maximised.

The TfL Cycle Network Map (Figure 2) shows the cycle routes through Camden, connecting to other Boroughs – notably LB Islington and the City of Westminster. Cycling is made more attractive from the site given its proximity to the cycle superhighway, accessible via King Henry's Road (c.10 minutes cycle), to the south-east. A total of 34 secure two-tier cycle racks are proposed to the rear of the building, alongside three Sheffield stands to provide a further 6 spaces. The proposed number of spaces for the 20 residential units is therefore compliant with London Plan standards set out under Policy T5 (Cycling) and meets the 20% uplift applied by Camden under Policy T1.

Figure 2. Camden Cycckeways map.



Source: TfL (2024).

In addition, to the rear of Lief House, the site accommodates 12 existing car parking spaces. Policy T2 of the Camden Local Plan (CLP) requires all new developments in the borough to be car free. Whilst the proposal seeks to retain most existing car parking spaces at the rear of the site, this will be reduced to 10. Bays 1-3 (closet the building – Figure 3) will be converted to a single disabled car parking space to ensure accessibility for disabled occupants/blue badge holders, should it be required, and comply with Policy T6.1 (Residential Parking of the London Plan). This policy requires that for 3% of the total number of dwellings proposed, there is at least one designated disabled persons parking bay per dwelling (i.e. 1 space for the 20 units proposed). In accordance with Policy T2, it is also proposed that residents will not have access or be issued on-street parking permits, secured through a suitably worded S.106 obligation and the individual flat Property Leases.

Figure 3. Existing Car Park at Lief House.



Source: GROUPWORK (2025).

(b) Contamination

The Contamination Report, prepared by GEO2, has reviewed historic records of the past site use alongside the adjacent area, to ascertain evidence of contamination risk. A review of relevant information records (including records from Envirocheck, Historic England and Zetica) finds that the current and previous uses of the site are not considered to represent plausible sources of significant contamination. However, the report finds that there is potential for Made Ground to be present (associated with historical development and demolition activities on the site) and due to the age of the building (pre-2000), potential for asbestos material used in its construction.

A preliminary RAG risk assessment has been undertaken and is set out on p.14. The report concludes that, in respect of Made Ground, given the site comprises a covered building and hardstanding, with no areas of soft landscaping, the risk to proposed residential site users coming into direct contact with potentially contaminated soils is very low. The risk to site end users from ground gases has also been assessed to be very low.

In addition, whilst asbestos has been identified as present within the building, the Contamination Report concludes that the risk to human health is very low and recommends that asbestos containing materials is to be safely managed to mitigate risk.

Overall, the Contamination Report concludes that the contamination risk for site end users is very low, and that no further works are required for contaminated land uses for the proposed change of site use.

(c) Flood Risk

According to GOV.UK online flood risk mapping, Lief House is located in Flood Zone 1 – having a low probability of flooding from river or the sea. A flood risk assessment is not therefore necessary .

(d) Impacts of Noise

A Noise Impact Assessment, prepared by Sharps Acoustics, has been submitted as part of the prior approval application. In accordance with the GPDO, the report assesses the impacts of noise from commercial premises on the intended occupiers of the proposed dwellings.

The Noise Impact Assessment has been informed by a site visit undertaken by Sharps Acoustics on the 2 April 2025 to identify and evaluate sources of commercial noise in the locality of the site. The Assessment concludes that the main source of noise in the locality is from the road traffic on Finchley Road. Whilst the Assessment identifies shops and commercial uses along the Finchley Road, it is concluded that there are no significant sources of commercial noise in the sites vicinity and none which produce an audible level during the day or have potential to produce an adverse effect at night. Additionally, the surrounding buildings are largely residential, demonstrating the suitability of the site for residential use.

The report concludes that, based on the inspection of the site and its surrounding, any noise from commercial sources of sound would not need to be mitigated to achieve the necessary internal noise levels.

(e) Impact on the Conservation Area

Policy D2 (Heritage) of the CLP confirms the Council will preserve and, where appropriate, enhance heritage assets and their settings, including conservation areas. Part G of Policy D2 states that the Council will resist development outside of a Conservation Area that causes harm to the character or appearance of that conservation area.

As shown in Figure 1 of this Cover Letter, Lief House is not located within a Conservation Area but is adjacent to the Fitzjohns Netherhall CA and South Hampstead CA. The proposal relates only to a change in land use of Lief House from office to residential, with no external changes proposed. As such, and given there are existing residential units in the locality of the site, it is considered this prior approval application complies with Policy D2.

(f) Adequate natural light in all habitable rooms

The application is accompanied by a Daylight and Sunlight Report, prepared by Syntegra Consulting which considers the daylight and sunlight received within the proposed development, to determine the natural light amenity for future occupants. The assessment has had regard to the proposed layout and has been undertaken in accordance with the parameters BRE 209 Digest: Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice.

The assessment concludes that all habitable rooms will see levels of daylight above the recommended thresholds set out by the BRE and that all living areas will see levels of sunlight far above the suggested thresholds. As such, the proposed residential units will perform well in terms of daylight and sunlight and are compliant with the internal daylight and sunlight standards outlined in the BRE Site Layout Planning for Sunlight and Daylight – A Guide to Good Practice and consistent with the requirements of the GPDO.

(g) Impact on intended occupiers (from general or heavy industry, waste management, storage and distribution or mix of such uses)

Sumpter Close and Finchley Road are not a hub for general, or heavy industry, waste management, storage and distribution or a mix of such uses. Furthermore, given that there are residential properties within proximity of the site, the wider area, and the adjacent Conservation areas, the principle of the residential land use is acceptable and this use is not an incompatible use being introduced by this proposal.

(h) Loss of services

The development does not involve the loss of a registered nursery or health centre.

(i) Fire risk

Lief House is a four storey building, with the top floor maximum FFL at 10.8m and therefore does not meet the fire risk condition given the building is not more than 18 metres or more in height.

Nevertheless, an additional internal staircase is incorporated within the proposed plans, ensuring enhanced vertical movements through the building.

Conclusion

In conclusion, the proposed change of use meets the qualifying criteria, under which development is permitted, as set out in MA.1 and raises no issues in relation to the prior approval matters for consideration set out in MA.2. Therefore, the proposed change of use from Use Class E to C3 should be permitted under class MA, schedule part 2, part 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

We note that the council has 56 days following receipt of this application to notify the applicant as to whether prior approval is required, and if so whether it is granted.

In the context of the above, we consider that this application should be granted. Should you wish to discuss this application further, please do contact me, or my colleague, Steven Butterworth.

Yours sincerely,



Joe Thompson

Senior Planner

BSc (Hons) MPhil AssocRTPI

Appendix 1 – Schedule of submitted plans and documents

Drawing Title	Drawing Number	Scale
Location Plan	288-0000	1:1000@A1 / 1:2000@A3
Existing Ground Floor Plan	288-900	1:100@A1 / 1:200@A3
Existing First and Second Floor Plan	288-901	1:100@A1 / 1:200@A3
Existing Third and Roof Plan	288-902	1:100@A1 / 1:200@A3
Proposed Ground Floor Plan	288-1090	1:100@A1 / 1:200@A3
Proposed First and Second Floor Plan	288-1091	1:100@A1 / 1:200@A3
Proposed Third and Roof Plan	288-1092	1:100@A1 / 1:200@A3



Appendix 2 - Application ref. 9400698 Floor plans