

306 Kilburn High Road, London NW6 2DB

Planning Statement – Prior Approval application under Part 3 Class M  
of the Town and Country Planning (General Permitted Development)  
Order 2015

**Council Ref:** PP-08972827

**Firstplan Ref:** 20235/CJ/TH

**Date:** August 2020

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# Documents

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Appendix 1	Photographs application site exterior and interior
Appendix 2	Class M Legislation
Appendix 3	Letter from Claridges Commercial Property Consultants regarding the viability of the Class A2 unit

# Section 1 Introduction

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- 1.1 This Planning Statement has been prepared by Firstplan on behalf of our client, Nationwide Property 2015 Ltd, in support of a prior approval application for the change of use of the rear area of the existing commercial unit occupying the ground floor of 306 Kilburn High Road, London NW6 2DB from Class A2 (financial and professional services) to Class C3 (dwellinghouse).
- 1.2 The purpose of this statement is to demonstrate that the proposed change of use can be undertaken as permitted development under Schedule 2, Part 3, Class M (a) and (b) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), which came into force on 15 April 2015.
- 1.3 This Statement adopts the following structure:
- Section 2 sets out a description of the site and its planning history;
  - Section 3 appraises the requirements of Class M;
  - Section 4 draws conclusions; and
  - Section 5 provides details of the Developer.

## Section 2 Background information

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### a) Description of the Site and Surrounding Area

- 2.1 306 Kilburn High Road consists of a four-storey end-of-terrace building located on the junction with Palmerston Road. The building spans the entirety of the site, stepping down in height to single storey at the rear. To the front the building comprises a traditional Victoria parade building with a commercial unit on the ground floor.
- 2.2 The area subject to this application involves the rear of the ground floor, which comprises a back of house area for the vacant commercial unit in Class A2. This space is only accessible through a narrow internal doorway within the unit or via an emergency exist onto Palmerston Road. The upper floors are in use as a large House in Multiple Occupation (HMO), which has a private access off Palmerston Road.
- 2.3 The Palmerston Road elevation has, until recently, been subject to fly tipping and graffiti. This is, however, being addressed by the Council's refuse department who are currently undertaking public realm improvements, to include the restoration of the walls and relocation of the bins.
- 2.4 The site is located within a Secondary Shopping frontage within the Kilburn High Road Town Centre. It is not statutorily listed, nor located within a conservation area or area at risk of flooding. The site, together with the surrounding area, is shown at Figure 1 below.



**Figure 1.** Aerial View of Application Site

2.5 Photographs of the application site, including its interior are provided at Appendix 1.

**Appendix 1**

**b) Relevant planning history**

2.6 The only available planning history online relating to the unit consists of planning permission for a new shopfront and signage in connection with the use as a pawnbroker in 2004 (refs: 2004/0788/P & 2004/0790/A). The description of the advertisement consent application was:

**“The display of externally illuminated fascia and 3 projecting pawnbroker signs”.**

2.7 This demonstrates that the pawnbroker use has been in situ for over 10 years.

2.8 The only other planning record on the Council’s online database relates to the conversion of the upper floors of 306 Kilburn High Road into a Sui Generis ‘Multiple Occupation’ supporting 8 rooms (ref: 2019/2211/P), which was granted on 10 December 2019.

## Section 3 Prior Approval

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### a) Prior Approval Process

3.1 This application is submitted to the London Borough of Camden for determination as to whether prior approval is required in respect of a change of use from Class A2 (financial and professional services) to Class C3 (dwellinghouse) of the rear part of the ground floor commercial unit at 306 Kilburn High Road, pursuant to Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

3.2 An extract of the legislative text, as it was originally made is enclosed at Appendix 2.

### Appendix 2

3.3 Class M (a) permits a 'development consisting of – (a) a change of use of a building from':

“(i) a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order

(ii) a use as a betting office or pay day loan shop, or

(iii) a mixed use combining use as a dwellinghouse with—

(aa) a use as a betting office or pay day loan shop, or

(bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise),

to a use falling within Class C3 (dwellinghouses) of that Schedule”

3.4 Class M (b) permits building operations that would be reasonably necessary to convert the building referred to in (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

3.5 Development is not permitted by Class M if:

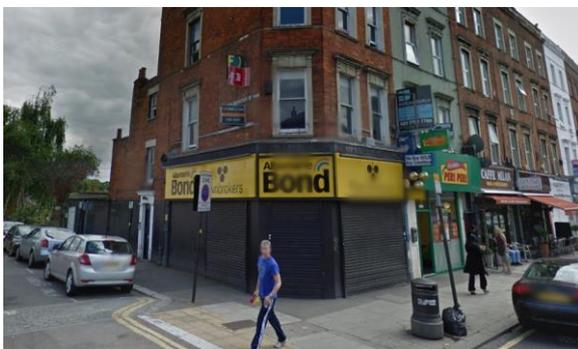
a) “the building was not used for one of the uses referred to in Class M(a)—

i. on 20th March 2013, or

ii. in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

- b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;
- c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;
- d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;
- e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or
- g) the building is—
  - i. on article 2(3) land;
  - ii. in a site of special scientific interest;
  - iii. in a safety hazard area;
  - iv. in a military explosives storage area;
  - v. a listed building; or
  - vi. a scheduled monument.”

3.6 In respect of use, the unit has been in its current use for over a 10 year period, which was up until recently occupied by Herbert Brown Pawnbrokers since 2016. Prior to this it was occupied by Albermarle Bond Pawnbrokers. This is demonstrated in the selection of Google Streetview extracts at Figure 2.



Circa. 2012



Circa. 2014



Circa. 2016



Circa. 2017

**Figure 2.** Google Streetview Images 2012-2017

- 3.7 The unit has offered a range of financial and professional services, including pawnbroking, money transfer, cheque cashing and currency conversion. All of these uses fall within Class A2 ‘financial and professional services’ of the Town and Country Planning (Use Classes) Order 1987 (as amended). The current condition is demonstrated within the photographs provided at Appendix 1.
- 3.8 As demonstrated above, the site was within the relevant qualifying use on 20<sup>th</sup> March 2013 and remains within this use, thus satisfying part (a). The development further does not fall within any of the other noted exemptions, as demonstrated in Table 1.

Development Not Permitted if:-	Confirmation
(a) the building was not used for one of the uses referred to in Class M(a)— i. on 20 <sup>th</sup> March 2013, or ii. in the case of a building which was in use before that date but was not in use on that date, when it was last in use;	Building was within qualifying Class A2 use on 20 <sup>th</sup> March 2013.
(b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;	Not applicable.
(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;	The extent of building being converted is only 48m <sup>2</sup> .
(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;	Not applicable.
(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;	Not applicable.
(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or	Not applicable.
(g) the building is— i. on article 2(3) land;	Site is not any of these.

<ul style="list-style-type: none"> <li>ii. in a site of special scientific interest;</li> <li>iii. in a safety hazard area;</li> <li>iv. in a military explosives storage area;</li> <li>v. a listed building; or</li> <li>vi. a scheduled monument.</li> </ul>	
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**Table 1.** Review of permitted development exemptions

3.9 Paragraph M.2(1) set the Conditions to which the permitted developments apply. It states that:

**“Where the development proposed is development under Class M(a) together with development under Class M(b), development is permitted subject to the condition that before beginning the development, 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 and highways impacts of the development,**
- b) contamination risks in relation to the building,**
- c) flooding risks in relation to the building,**
- d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—**
  - i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or**
  - ii. where the building is located in a key shopping area, on the sustainability of that shopping area;**
- e) the design or external appearance of the building and**
- f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.\***

**and the provisions of paragraph W (prior approval) of this Part apply in relation to that application”**

3.10 This application therefore seeks determination as to whether the prior approval of the local authority will be required in respect of these items, each of which are considered in turn below.

3.11 Test f) is a new test introduced through the Coronavirus Bill 2020 (25 June 2020) from 1st August 2020.

**b) Planning Assessment**

i) Transport and highways impacts of the development

- 3.12 The proposed change of use of the building will not result in a material increase, or change, in the character of traffic in the vicinity of the site.
- 3.13 The application site is located within the Kilburn High Road Town Centre, in very close proximity to Brondesbury Overground Station and a number of bus stops. As a result, the site benefits from a PTAL rating of 5 with very good access to public transport. It is considered to be a sustainable location for a new residential dwelling.
- 3.14 The proposals do not include any off-site parking or additional street parking for private vehicles. This is considered to be acceptable given the high accessibility level of the site and close proximity to bus stops and Brondesbury Overground Station.
- 3.15 Policy T2 of the Camden Local Plan (2017) identifies that the Council will not issue on—street or on-site parking permits in connection with new developments (unless for disabled people where necessary or for essential operational or servicing needs). The Applicant is willing for this to be secured through a legal agreement or planning condition attached to this prior approval application.
- 3.16 The proposals further include adequate internal storage for one bicycle for the occupier of the studio unit, in accordance with London Plan Table 6.3 and Camden Policy T1.
- 3.17 The proposals will therefore have no negative transport or highways impacts.

ii) Contamination risks in relation to the building

- 3.18 The site has been in mixed commercial and residential use for many decades. Following a review of the planning history and historic mapping for the site, no historic contaminating uses have been found to be present at the site. The site is also not understood to be on Camden’s contaminated land register.
- 3.19 The development will therefore not expose any future occupiers of the studio dwelling (Class C3) to contamination risks, in accordance with Camden Policy A1.

iii) Flooding risks in relation to the building

3.20 The site is situated within Flood Zone 1 'an area with a low probability of flooding', as demonstrated in the Environment Agency's Flood Map for Planning extract at Figure 3.

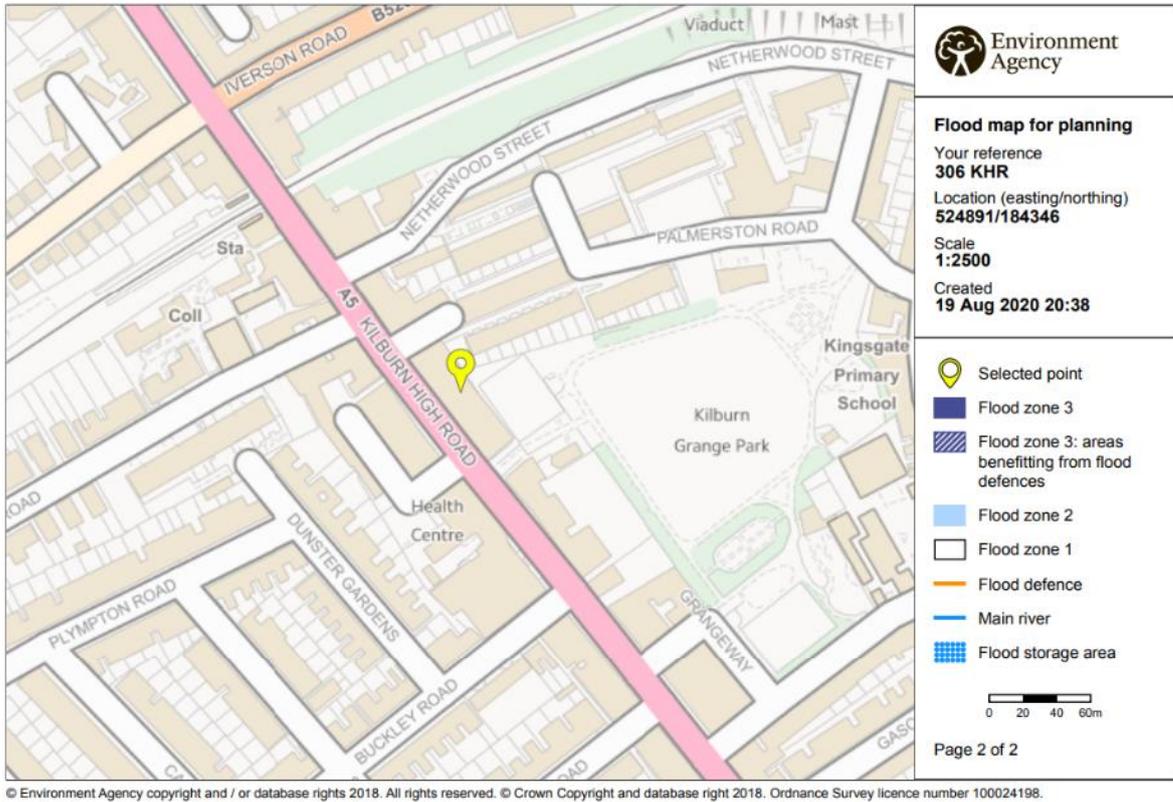


Figure 3. EA Flood Map for Planning

3.21 The application proposals will not result in any adverse impact on the watercourse, floodplain or any flood defences. The proposals will not increase the level of hard landscaping at this site or introduce any new buildings or development. As a result, the development will not increase water volume or surface water runoff in or immediately surrounding the application site or reduce flood water capacity.

3.22 The impact of the proposals on flooding or flood risks will therefore be negligible and are consistent with the guidance within the NPPF. The proposals will have no negative impacts in terms flood risks.

iv) Whether it is undesirable for the rear of the unit to change to a use falling within Class C3

3.23 This test requires consideration as to whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) because of the impact of the change of use—

- i. on adequate provision of services of the sort that may be provided by a building falling within Class A2 (financial and professional services), but only where there is a reasonable prospect of the building being used to provide such services, or
- ii. where the building is located in a key shopping area, on the sustainability of that shopping area

3.24 Given the site is located within the defined Kilburn Town Centre and the second frontage, it is considered to comprise a 'key shopping area' and thus the relevant test is part ii. the impact on the 'sustainability of that shopping area'. The secondary frontage and town centre boundary are demonstrated in Figure 4.



Figure 4. Secondary Frontage and Town Centre Boundary

3.25 In this regard, it is relevant to note that the proposed change of use relates to part of the existing A2 unit only, namely the rear part of the unit that fronts onto Palmerston Road. Whilst this falls within the defined Town Centre, it is not within the defined 'secondary frontage' on Kilburn High Road.

3.26 This comprises largely back of house space for staff welfare and storage (circa. 48m<sup>2</sup>). The proposals include the retention of the front part of the unit (circa. 42m<sup>2</sup>) within a commercial use. It is proposed that the front unit will be converted into Class A1 use (under permitted development rights).

3.27 As demonstrated in the submitted Marketing Report by Claridges, the current unit has been marketed for some time with limited interest due to the nature of the space, which includes a disproportionate

amount of back-of-house to front-of-use space that does not lend itself well to the majority of retail and town centre operators. The access to the rear back of house is also compromised due to a narrow access point, as the staircase leading to the upper floors bisects the site. The unit is therefore inefficient in its layout and undesirable in its current arrangement. The Marketing Report sets out:

**“Based on my comments above I recommend that just the front of the shop area is separated from the rear and offered for rent as a retail shop with either A1, A2 or A3 use. This would help with marketing and encourage a different type of tenant to the property. The reduced sales area of the property would be more in keeping with many acquisitive local retailers and businesses in this type of location. Then the rear section could then be put to use for a different purpose. The premises in its current format do not lend themselves to being suitable for retail.”**

3.28 It is considered that the reduction in the size of the unit will improve both the viability and desirability of the retained unit, which should assist with the current marketing attempts to secure its return to active economic use. In discussion with Claridges, it is envisaged that the revised, retained unit would become more desirable and viable to a range of Class A1 use, in particular small coffee bars or independent retailers. The unit would become more compact and efficient, whilst maintaining its double retail street frontage owing to its advantageous corner plot.

3.29 The provision of a more viable and desirable commercial unit is considered to benefit the sustainability of the shopping area, as it will better attract potential occupiers to be benefit of the vitality and vibrancy of Kilburn Town Centre.

3.30 In terms of planning policy, Policy TC2 ‘Camden’s centres and other shopping areas’ sets out that the Council has designated primary and secondary frontages in its centres. The application site is within a secondary frontage where Policy TC2 sets out that the Council will:

**“protect the secondary frontages as locations for shops (A1) together with a broader range of other town centre uses to create centres with a range of shops, services, and food, drink and entertainment uses which support the viability and vitality of the centre.”**

3.31 In respect of Housing in Protected Frontages, the Policy states that:

**“In order to protect the retail and town centre function of our centres the Council will only permit conversion of retail and other town centre uses to residential use on the protected frontages where it does not harm the role and character of the centre, including maintaining the supply of shop premises in centres across the borough.”**

3.32 In each policy extract the Council is focussed principally on protecting Class A1 retail uses and the role and character (or viability or vitality) of the centre. In this regard, the following points are considered to demonstrate that the proposed change of use is acceptable:

- The existing use of the site is Class A2, not Class A1 retail which is the principal focus of protection.
- The proposals would result in the loss of a ‘pawnbrokers’. Paragraph 9.47 of the Camden Local Plan sets out that the proliferation of pawnbrokers (amongst other noted uses) could damage the character, vitality and viability of town centres. The loss of this use through the proposed change should therefore be supported.
- The proposals relate to the rear part of the unit only and will not result in any loss of retail frontage or the retail function of the centre. There will be not perceived or actual impact on the street frontage. Indeed, the proposed subdivision aims to provide a retained frontage unit that would be more appealing to Class A1 operators, which could strengthen the retail function of the centre.
- The marketing exercises undertaken demonstrate that there is limited interest in the current unit due to its inefficient and compromised layout. This scheme will provide a more desirable and viable retained commercial / retail unit and provide a new residential dwelling that will contribute to the diversity of uses and vibrancy of the centre.

3.33 In light of the above, the proposals are considered to result in no negative impact on the sustainability of the key shopping area as they will result in no loss of retail frontage or function, the retained unit will remain viable and desirable, and the works are driven by the Applicant’s ambition to secure a suitable retail occupier of the retained, rationalised street facing unit, which could strengthen the retail function and add to the vitality of the area.

**c) Siting, design and external appearance of the works to be carried out under Class M(b)**

3.34 The proposals involve the installation of a new entrance together with windows along the Palmerston Road and rear elevations. Further, slim profile rooflights are proposed to provide additional natural to the unit and a separate enclosed bin store is proposed to the rear of the site. This is demonstrated within the Proposed Elevations drawing ref: 2009\_L\_003 by Square Feet Architects.

- 3.35 These works are minor in extent and are considered positive changes that will maximise the standard of the residential accommodation proposed. Whilst the site is not located within a conservation area, the design and materials of the proposed fenestration has been carefully considered to ensure that it complements the character of the host buildings. The proposals include timber-framed double-glazed units.
- 3.36 It is considered that the works will activate this otherwise dead frontage, which will significantly benefit the character and natural surveillance over Palmerston Road. This will complement current works by Camden Council that are seeking to improve the public realm on this street.
- 3.37 Internally, only minor works are required in order to convert the unit into a residential property. This includes the installation of internal walls to provide a well laid-out and spacious studio unit.

**d) Provision of adequate natural light in all habitable rooms of the dwellinghouses**

- 3.38 The Coronavirus Bill 2020 (25 June 2020) introduced a new test from 1 August 2020 requiring ‘adequate natural light’ is provided in all habitable rooms.
- 3.39 Habitable Rooms are defined as “any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms”.
- 3.40 This test requires the submission of detailed floor plans indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the homes. This is to enable the local planning authority to consider the provision of adequate natural light. Local planning authorities are expected to exercise their planning judgement.
- 3.41 The application submission satisfies the new requirements by providing scaled floor plans and elevations, together with the proposed use of each room. This demonstrates that 3 no. windows will be inserted into the building’s Palmerston Road elevation, providing adequate natural light to the living space, bedroom area and bathroom. Furthermore, this will be supplemented by a secondary high-level window will be inserted into the building’s rear (east) elevation and a large rooflight to ensure the living accommodation receives a significant amount of natural light throughout the day.

e) **Requirements of Prior Approval**

3.42 In accordance with requirements set out in Paragraph W 'Procedure for applications for prior approval under Part 3', this application for prior approval is accompanied by the following information, set out at Section 5:

- A written description of the proposed development
- A plan indicating the site and showing the proposed development
- The developer's contact address; and
- The developer's email address if the developer is content to receive communications electronically.

## Section 4 Conclusion

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- 4.1 This application is submitted to the London Borough of Camden for determination as to whether prior approval of the authority is required in respect of a change of use of the rear part of the existing commercial unit at 306 Kilburn High Road from Class A2 (financial and professional services) to Class C3 (dwellinghouse). This is submitted pursuant to Schedule 2, Part 3, Class M (a) and (b) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 4.2 This statement demonstrates that the development is not within any of the noted exemptions in M.1 and that it would satisfy the tests for prior approval in M.2.
- 4.3 We therefore respectfully request that prior approval is given.

## Section 5 Developer contact details

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5.1 To satisfy the requirements of Class M of the Town and Country Planning (General Permitted Development) Order 2015 the following information is included:

a) **Description of development**

“Change of use from Class A2 (financial and professional services) to Class C3 (dwellinghouse) together with associated works, including the installation of 4 no. windows, 1 no. access door and 1 no. rooflights to provide lighting to the new unit.”

b) **Plan indicating the site and showing the proposed development**

5.2 A site location plan, existing/proposed ground floor plan, existing/proposed roof plan and existing/proposed elevations have been provided as part of this application. These include full dimensions of the internal rooms, windows and doors.

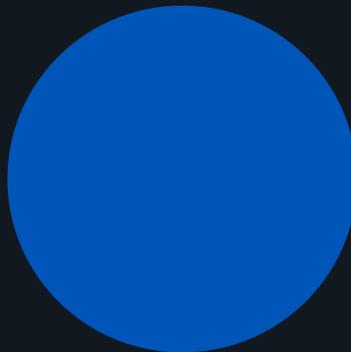
c) **Developer Contact Details**

**Name:** Nationwide Property 2015 Ltd

**Contact Address:** Connaught House, Broomhill Road, Woodford Green IG8 0XR

**Email:** [adrian@nationwideproperty.co.uk](mailto:adrian@nationwideproperty.co.uk)

**Telephone:** 0207 887 2338



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