



Stuart Henley & Partners

Supporting Statement for Change of Use from  
Class E to C3 residential.  
42a Birkbeck Road, London N12 8DZ

6 Wrotham Business Park  
Barnet Herts EN5 4SB  
T: 020 8275 1080  
F: 0800 007 3003  
E: [info@planningconsent.com](mailto:info@planningconsent.com)

## Prior Notice Application

- 1.0 The scheme proposes the change of use of existing property (Class E) located at ground and first floor levels to the rear of 42- 44 Birkbeck Road, to form C3 residential accommodation.
- 2.0 Reference is made to the Town & Country (General Permitted Development) (Amendment) Order 2021. Within this document Class MA deals with the change of use of properties within Class E to Class C3 and sets out certain criteria whereby a change of use would not be permitted. These are set out below with a note as to how the submitted application complies.
- 3.0 **MA.1. Development is not permitted by Class MA if—**
- (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;**
- No longer applicable
- (b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;**
- Two extracts from the Business Rates Valuation Website are provided below showing the first floor has been rated as office & workshop premises from 2017. It has in fact been used in the same manner since the previous occupiers (Sudbury-Jones Promotions Ltd) first purchased the property in May 1983. The use falls within previous use class B1 and is currently Use Class E which is one of the use classes stated within sub-paragraph 2.
- Class (g) of Schedule 2 Class E states:**  
**(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, soot, ash, dust or grit.

The current use is falls clearly within these parameters.

Current Rating Entry above from April 2023.

Property

## 42 A, Birkbeck Road, London, N12 8DZ

Valuation

[Help with current valuation](#)

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### Valuation

Current rateable value (1 April 2023 to present)

**£33,500**

This is the rateable value for the property. It is not what you pay in business rates or rent. Your local council uses the rateable value to calculate the business rates bill.

[Estimate your business rates bill](#)

#### Valuations for this property

Valuations <sup>?</sup>	Effective date <sup>?</sup>	Rateable value
<b>CURRENT</b> 1 April 2023 to present	1 April 2023	£33,500
<b>PREVIOUS</b> <a href="#">1 April 2017 to 31 March 2023</a>	1 April 2017	£27,250

Description	Area m <sup>2</sup> /unit	£ per m <sup>2</sup> /unit	Value <sup>?</sup>
Ground floor warehouse	89.1	£131.87	£11,750
Ground floor workshop	31.6	£131.87	£4,167
Ground floor office	19.4	£158.24	£3,070
First floor internal storage	102.28	£85.72	£8,767
First floor office	16.26	£158.24	£2,573
Ground floor internal storage	16.26	£131.87	£2,144
<b>Total</b>	<b>274.9</b>		<b>£32,471</b>

#### Additional details

Description	Area m <sup>2</sup> /unit	£ per m <sup>2</sup> /unit	Value <sup>?</sup>
Hard surfaced, fenced land	55.7	£20.00	£1,114
<b>Total</b>			<b>£1,114</b>

#### Valuation

<b>Total value</b>	<b>£33,585</b>
<b>Rateable value (rounded down)</b>	<b>£33,500</b>

Also attached is a signed letter from the previous occupants stating how the property was used and from when they took occupancy.

**(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;**

The floor area of the first floor is 306sq.m.

**(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**

None of these criteria apply.

**(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(1);**
- (iii) the Broads;**
- (iv) a National Park; or**
- (v) a World Heritage Site;**

None of these criteria apply.

**(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.**

The property is neither an agricultural holding nor has any other restriction.

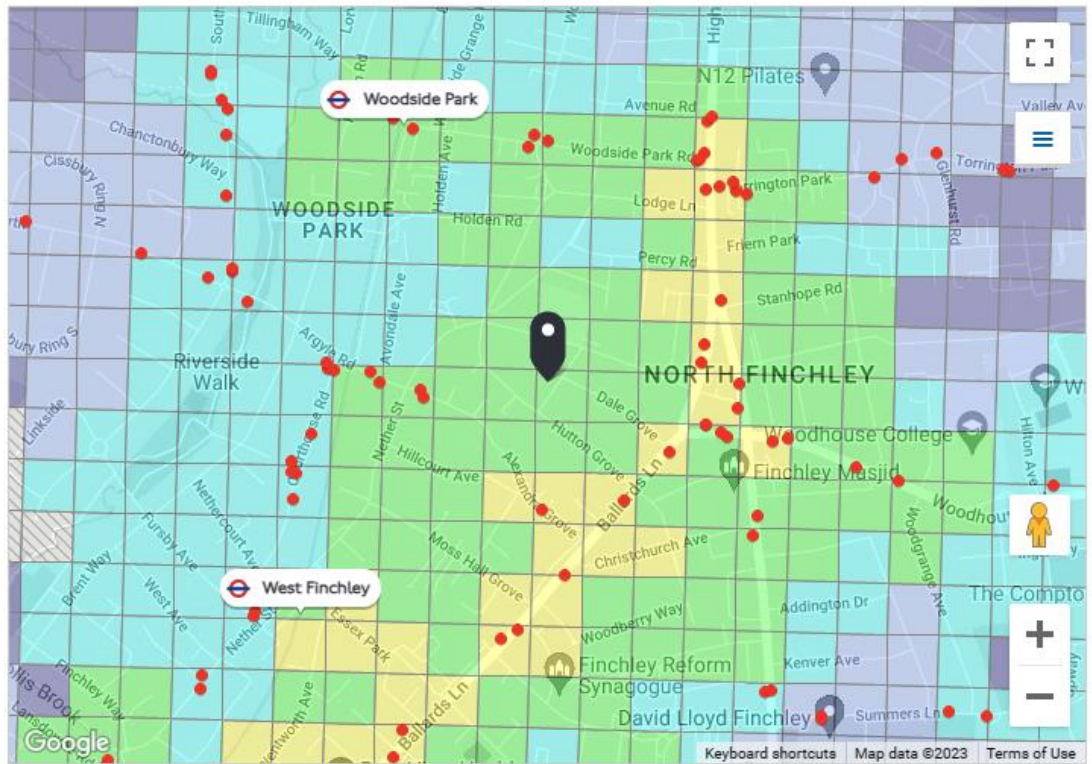
4.0

In addition to the above points an application needs to be considered by the Local Authority with particular attention to the conditions set out below:

(2)

**a) Transport impacts of the development;**

The site lies within PTAL rating 3 and therefore has good connectivity, see map extract below:



You can click anywhere on the map to change the selected location.

### PTAL output for Base Year

3

Therefore according to the London Plan any residential development could attract the following parking:

3 x 1bed units @ 0.75 spaces pre unit

1 x 2bed unit @ 0.75 spaces per unit

1 x 3bed unit @ 1 space per unit.

This provides a total of 4 spaces but this is a maximum amount, not minimum.

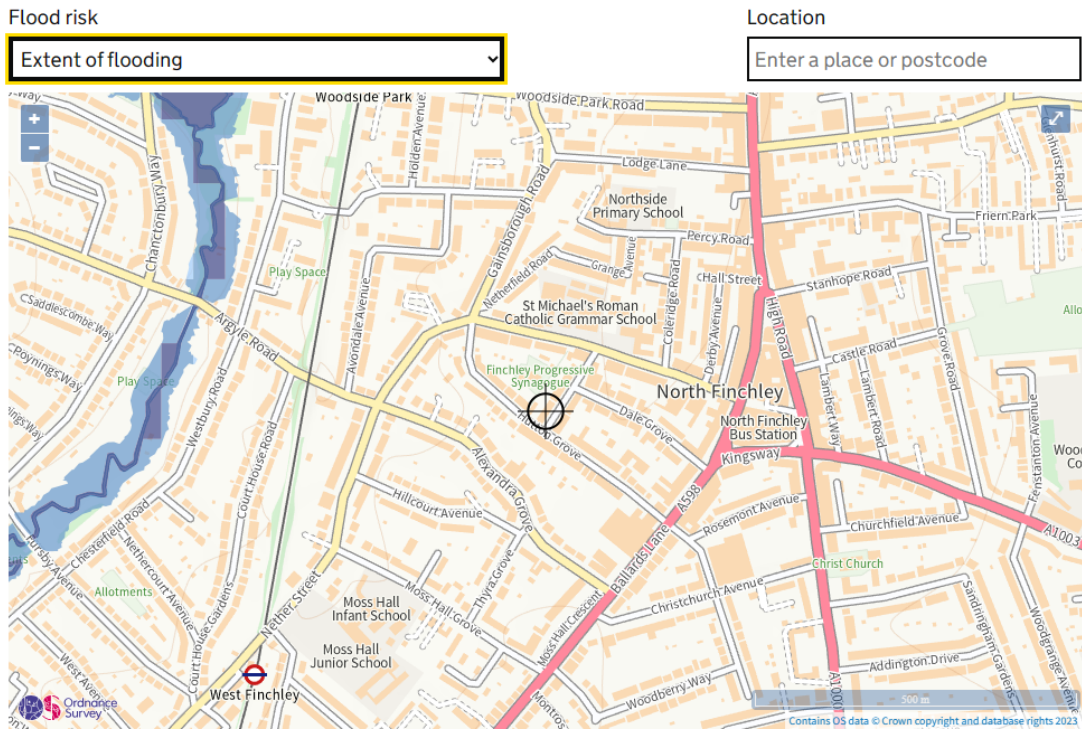
Using Table 10.4 of the London Plan for office parking standards then this would mean the existing site would require 3 spaces.

The site provides no parking for the current use and no parking is proposed for the residential occupants. The fact that the existing and proposed uses cancel each other out in terms of parking policy means that there will be no detrimental transport impacts as a result of the development.

**b) Contamination risks on the site;**

The site is surrounded by residential accommodation and the previous use means that site contamination risks are negligible.

**c) Flooding risks on the site**



**d) impacts of noise from commercial premises on the intended occupiers of the development;**

The new flats will be located in an area surrounded by residential accommodation. As such there will be no impact from surrounding commercial uses.

**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.**

Neither of these points apply to the application site.

**f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;**

The application property is a detached building and benefits from windows on all sides. As such all habitable rooms are well lit and benefit from at least two windows within each habitable space, many of these are on two different aspects.

- 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**

The application site is surrounded by residential properties. The existing use is therefore very much out of character with the area. The conversion would not remove any heavy industrial areas.

- 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**

Neither of these apply to the site.

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

There is no fire risk, the properties are two storey only and all works will be undertaken with Building Control Approval and therefore in compliance with Approved Document B (Fire Safety) of the Building Regulations.

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

This is the case.

- (4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph [F4a] 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,**

Neither of these points are applicable.

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

This will be the case and work will commence within the 3 year limit.

- (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**

Noted and confirmed.