

Application ref: 2021/2737/P
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Date: 10 January 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
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Phone: 020 7974 4444

planning@camden.gov.uk
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Wilby Burnett
123 Provident House
Ashdon Road
Saffron Walden
CB10 2AJ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**238 Haverstock Hill
London
NW3 2AE**

Proposal:

Conversion of disused residential accommodation to provide 5 selfcontained 1 bedroom flats (Class C3) for over 55 year olds, plus associated works including deeper basement floor, enlarged basement lightwell to create sunken garden and associated new staircase, steel bridge, windows and doors to lightwell.

Drawing Nos: 4455-01-01 - Basement Impact Assessment-Rev6, 3408/F01, 3408/F05, 3408/1/DP10, 3408/1/PD12-A, 3408/1/PD04-A, TPP-01, Daylight and Sunlight Assessment Ref. 2214.LIGHT, 4455-02-001, 4455-02-002, 4455-02-003, 3408/BIA/3, 3408/BIA/2, 3408/BIA/1, 3408/BIA/4.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 4455-01-01 - Basement Impact Assessment-Rev6, 3408/F01, 3408/F05, 3408/1/DP10, 3408/1/PD12-A, 3408/1/PD04-A, TPP-01, Daylight and Sunlight Assessment Ref. 2214.LIGHT, 4455-02-001, 4455-02-002, 4455-02-003, 3408/BIA/3, 3408/BIA/2, 3408/BIA/1, 3408/BIA/4.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with the Tree Protection Plan hereby approved. The protection shall then remain in place for the duration of works on site and works should be undertaken in line with the approved arboricultural method statement, unless otherwise agreed in writing by the local authority.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 The appointed qualified engineers Christopher Holt, Matthew Hargreaves and Paul Edwards shall inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1 and A5 of the London Borough of Camden Local Plan 2017.

- 6 The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment - 238 Haverstock Hill BIA dated May 2023 rev F1 hereby approved, and with the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the

immediate area in accordance with the requirements of policies D1 and A5 of the London Borough of Camden Local Plan 2017.

- 7 The five flats shall be occupied as retirement accommodation by residents over 55 years old.

Reason: To provide specialist housing dedicated to older people in accordance with policy H8 of the London Borough of Camden Local Plan 2017.

- 8 Before the development commences, details of secure and covered cycle storage area for 8 long-stay cycle parking spaces and 2 short-stay cycle parking spaces shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission-

The property has had residential uses over many years in association with Bartram's convent and part of the property has previously been granted permission for a maisonette in Class C3 for a short period. The parts of the property that were fit for occupation were used as an HMO. Overall, the nature of the lawful residential use is unclear but, given the long history of residential use, the very poor condition of the property following the closure of the convent and the benefits of bringing the property back into use, it is not considered expedient to seek a contribution to affordable housing as required by Local Plan policy H4.

The proposal would be for 5 x 1 bedroom flats (Class C3) for retired Catholic priests. The dwelling size mix would not comply with policy H7 and the Dwelling Size Priority Table which specifies that 2- and 3-bedroom flats are high priority and 1-bed flats lower priority. However, the housing is intended as retirement flats for retired priests and as such can be considered as housing for older people which is assessed under policy H8. The Council supports development of a variety of housing aimed at meeting the specific needs of older people. This development is of a relatively small scale and related to a specific occupant and as such the application of the dwelling size priority table is not required. The occupancy of the flats by people over 55 years old is secured by condition.

In terms of the standard of accommodation, all flats would comply with minimum space standards with all but Flat 2 comfortably exceeding the minimum requirement of 50 sqm for a 1 bedroom flat. The flats would have an open and functional layout. All flats would be dual aspect and have good access to light and outlook. A daylight and sunlight report confirms that all

rooms would comply with BRE guidance on Annual Probable Sunlight House (sunlight) and Average Daylight Factor (daylight). There would be a basement garden or sunken patio area for flat 1. It is noted that the building is on multiple levels with stepped access to the flats and this is not ideal for retirement homes but this is considered acceptable on balance. It is noted that lifts are unable to be installed within the existing building due to the restricted layout.

In terms of external alterations, the proposal involves the creation of an enlarged lightwell 3m deep with a new staircase from the existing basement and new access bridge above. This would have an acceptable design and its setback from Haverstock Hill means that it will not be readily visible from the public realm. The new windows and doors at this level would be timber framed and are acceptable in terms of design. Overall, the external alterations would not have a harmful impact on character or appearance.

The floor of the existing basement will be deepened by about 320mm below existing basement foundations using underpinning techniques. The applicant has submitted screening and scoping Basement Impact Assessment reports which have been audited by the Council's independent auditor Campbell Reith. The BIA concludes that there will be no impacts to surface water flow, groundwater flow or land stability. Campbell Reith confirms that the BIA meets the requirements of CPG Basements. The applicant has also provided details of the qualifications of the engineers who will monitor and inspect the critical elements of the basement development on site.

The external alterations are of a minor nature and would not impact neighbouring residential amenities in terms of loss of light or outlook.

The Council's Tree Officer has reviewed the submitted arboricultural report and confirms that the tree protection measures and Tree Protection Plan would adequately protect trees on site. A condition secures the implementation of these measures.

2 Reasons for granting permission (continued)-

In accordance with policy T2 of the Camden Local Plan, all 5 flats would be secured as car-free by means of a Section 106 Agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of transport.

The site is located directly adjacent to Rosary Roman Catholic Primary School and is on Haverstock Hill which has a restriction of no parking or loading at any time due to the cycle lane with double yellow lines/double blips and zig zags. Furthermore, there would be some excavation for an enlarged basement lightwell. As such a Construction Management Plan (CMP) and CMP Bond will be secured via S106 legal agreement. The bond will cover any infringements against the arrangements set out in the CMP.

A condition is imposed to require details of covered and secure bike storage for 8 long-stay cycle parking spaces and 2 short-stay cycle parking spaces in accordance with policy T1.

The proposal would not cause any adverse impacts on the amenity of adjoining residential occupiers in terms of loss of light, outlook or privacy.

No objections were received following statutory consultation procedures. The planning history of the site has been taken into account when coming to this decision.

As such, the development is in accordance with policies A1, A3, A5, H4, H6, H7, H8, D1, T1 and T2 of the Camden Local Plan and with policies of the London Plan and guidance of the NPPF.

- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer