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Planning Department  
London Borough of Camden  
5 Pancras Square  
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**FAO Mr David Fowler**

26 June 2023

LW/TF – 16/085  
Via PLANNING PORTAL

Dear David

**SECTION 73 APPLICATION TO VARY CONDITION 2 OF PLANNING PERMISSION 2018/5774/P**

**HIGHGATE NEWTOWN COMMUNITY CENTRE, 25 BERTRAM STREET, LONDON N19 5DQ**

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On behalf of London Borough of Camden Development Division (the 'Applicant') please find enclosed an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to amend planning permission 2018/5774/P, as approved by the London Borough of Camden (the 'Council') on 29 March 2019, for development at Highgate Newtown Community Centre, 25 Bertram Street, London N19 5DQ (the 'Site').

The purpose of this application is to secure minor modifications to the approved development which would facilitate a tenure change to 100% affordable housing along with a change to layout of selected units to increase their capacity and size which would result in an overall reduction in unit numbers from 41 to 36. This would result in total of 36 units to be provided across three buildings, comprising 1x studio, 19x one-bed, 8x two-bed, 3x three-bed, 3x four-bed and 2x six-bed.

Specifically, condition 2 is to be modified to replace selected approved plans to reflect minor changes to the apartment layout of the ground and first floors of Building C and first – fourth floors of Building A. In addition, conditions 48 and 49 are sought to be removed as they are now no longer relevant as the scheme would be delivering 100% affordable housing.

The need for this amendment has arisen from the recent allocation of funding from the Home Office to the Applicant. This funding has allowed the Applicant to withdraw these homes intended for private sale and rent from the market and instead acquire all of them as Council housing stock which would be allocated as safe-haven housing for refugees.

In support of this application, we provide the following documentation:

- Application forms and certificates
- Site Location Plan, prepared by RCKa Architects
- Proposed Drawings and Drawing Schedule, prepared by RCKa Architects
- Area Schedule, prepared by RCKa Architects
- Fire Safety Note, prepared by Toga Fire

- Transport Note, prepared by Systra
- Supporting Statement, prepared by LB Camden Development Division.
- Application fee of £298.

## **a. Background**

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Planning permission was granted on 29 March 2019 for the following development:

*“Variation of development granted under reference 2016/6088/P dated 30/06/17 for “Redevelopment of the existing Highgate Newtown Community Centre and Fresh Youth Academy and the change of use of the People’s Mission Gospel Hall to provide replacement community facilities (Use Class D1) and 31 residential units (Use Class C3) with associated public open space, landscaping, cycle storage, plant and disabled parking.”*

*Namely to make the following changes:*

- Amend the height/bulk and massing, elevations
- Increase the number of residential units from 31 to 41
- Include 7 affordable units (intermediate) as opposed to none
- Reduce the area of the community facilities, to result in a smaller increase above the existing floorspace
- Remove most of the basement
- Include the existing right of way on the western side of the site.”

Since the grant of planning permission, the Applicant has been working with the Council to discharge the relevant pre-commencement conditions in advance of implementing the planning permission. The applicant has now been implemented and construction is underway, with works due to be completed toward the end of 2023.

The approved scheme granted permission for 41 homes, comprising 34 market housing units and 7 intermediate rent affordable housing units.

The Applicant recently was advised that they would be granted new funding from the UK Government Home Office to allow for the purchase of housing for those fleeing persecution and conflict and seeking to make a better life in Camden. The funding from the Home Office, specifically designated for Afghan refugee housing, has allowed the Applicant to withdraw the homes approved by way of this scheme which were intended for private sale and rent from the market, and instead acquire all of them as Council housing stock which would be allocated as safe-haven housing for refugees as part of the Council’s affordable housing scheme.

The Applicant has coordinated a series of public consultation events to inform the local community of the proposed change in tenure mix. This includes:

- Online public meeting held on 27 February 2023 with Cllr Gould and local ward members.
- Letter drop on 1 March 2023 to inform neighbouring properties of the proposed change in tenure mix.

In addition, the Applicant and project team have held several meetings with Council planning officers to discuss these changes including the most appropriate approval pathway to facilitate them.

As such, a number of minor amendments are sought to the approved under Section 73 of the Town and Country Planning Act 1990 (as amended). These changes are summarised as follows:

- Change the tenure mix to 100% affordable housing to be allocated as safe-haven housing for refugees as part of the Council’s affordable housing scheme.

- Amendments to the layout of the first – third floors of Building A to include a new entrance door at the northern end of the corridor to facilitate the amalgamation of two 2 x bedroom units into one 4 x bedroom unit at each floor.
- Amendment to the layout of the fourth floor of Building A to remove an entrance door and the inclusion of a new opening in the party wall to facilitate the amalgamation of two 3 x bedroom units into one 6 x bedroom unit.
- Amendments to the layout of ground and first floors of building C to amalgamate two 3 x bedroom units into one 6 x bedroom unit.
- A change in the overall unit number from 41 to 36. This would result in total of 36 units to be provided across three buildings, comprising 1x studio, 19x one-bed, 8x two-bed, 3x three-bed, 3x four-bed and 2x six-bed.

Further details of the above amendments are outlined in section b of this covering letter, and the proposed amendments to planning permission 2018/5774/P are detailed in section c.

## **b. The Proposed Amendments**

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As noted above, this application seeks to secure a range of minor material amendments to the approved development. These are described in detail below and should be read in conjunction with the accompanying drawings and design information submitted with this application.

### **Building A Amendments**

This application seeks an amendment to the layout of the first – third floors of Building A to include a new entrance door at the northern end of the corridor to facilitate the amalgamation of two 2 x bedroom units into one 4 x bedroom unit at each floor.

Amendment to the layout of the fourth floor of Building A to remove an entrance door and the inclusion of a new opening in the party wall to facilitate the amalgamation of two 3 x bedroom units into one 6 x bedroom unit.

No changes to the orientation, private amenity space, or internal layout of the living spaces of the units is proposed. No external changes are proposed.

### **Building C Amendments**

This application seeks amendments to the layout of ground and first floors of building C to amalgamate two 3 x bedroom units into one 6 x bedroom unit. This is primarily achieved through the construction of an additional door/opening between the living spaces at ground level, along with the creation of a new internal circulation area/hallway at first floor level.

The changes to the circulation strategy at first floor level result in a minor adjustment being required to the layout of the bedrooms and bathrooms.

No changes to the orientation of the living spaces, private amenity space is proposed. No external changes are proposed.

### **Tenure and Unit Mix**

An amended unit area schedule is provided with the proposal. In terms of tenure, the proposal would see the delivery of a fully affordable housing scheme (100% of units) with the units being offered as social-affordable rented housing in accordance with paragraph 3.5 of the Local Plan Housing CPG (2021).

An approved vs proposed unit schedule is provided at Table 1 as follows:

**Table 1: Approved vs Proposed Unit Schedule**

Unit Size	Consented	Proposed	Change?
<b>Studio</b>	1	1	0
<b>1 bed</b>	19	19	0
<b>2 bed</b>	14	8	-6
<b>3 bed</b>	7	3	-4
<b>4 bed</b>	0	3	+3
<b>6 bed</b>	0	2	+2
<b>Total</b>	41	36	-5

**c. Proposed Condition Rewording**

In order to facilitate the changes described above, it shall be necessary for the Section 73 application to vary the wording of Condition 2, 48, and 49.

**Variation to Condition 2**

Condition 2 lists the approved drawings and documents that form part of the approved development. A separate Drawing List has been submitted with this application that lists the amendments to the approved drawings that are being sought.

The proposed amendments to condition 2 are indicated by ~~strikethrough~~ and the replacement plans are indicated in **red** as follows:

*2. Approved drawings*

*The development hereby permitted shall be carried out in accordance with the following approved plans:*

*Proposed plans:*

*PL-E-100 F, PL-E-101 H, PL-E-102 E, PL-E-103 F, PL-E-104, PL-E-105, PLGA-002 A, PL-GA-A-600 Z, PL-GA-B-599 X, PL-GA-C-600 ~~E~~ **F**, PL-GA-B-600 Z, PL-GA-A-601 ~~S~~ **T**, PL-GA-B-601 V, PL-GA-A-602 ~~W~~ **X**, PL-GA-B-602 W, PL-GA-A 603 ~~V~~ **X**, PL-GA-B-603 W, PL-GA-A-604 ~~S~~ **T**, PL-GA-B-604 U, PL-GA-A-605 Q, PL-GA-700 F, PL-GA-701 Q, PL-GA-703 L, PL-GA-706 M, PL-GA-707 L, PL GA-712 K, PL-GA-713 B, PL-GA-714 D, PL-GA-715 D, PL-GA-ST-800 Q, PL GA-ST-801 M, PL-GA-ST-802 S, PL-GA-ST-803 S, PL-GA-ST-804 N, PL-GA ST-805 J, PL-GA-ST-899 F.*

*Proposed documents:*

*Addendum Design and Access Statement HNCC-RCK-ZZ-XX-PP-A-138-S3-P5 (rcka) November 2018, Statement of Community Involvement (rcka) November 2018, Heritage Statement (Iceni) November 2018, Daylight and Sunlight Study (Neighbouring Properties) (Right of light Consulting) November 2018, VSC Corrections (uploaded 22/01/2019),, Sunlight Corrections (uploaded 22/01/2019), Energy Strategy (McBain's) November 2018,*

Sustainability Statement (Iceni) November 2018, Acoustic Report A973 R03B (ION Acoustics) 20th November 2018, Air Quality Assessment 01.0129.001/AQ v2 (Isopleth) November 2018, Transport Technical Note (Systra) 20/11/18, Transport Statement (JMP) November 2016, Draft Framework Travel Plan (JMP) November 2016, Draft Servicing Management Plan(JMP) November 2016, Draft Construction Management Plan, (JMP) November 2016, Transport Statement (JMP) November 2016, Draft Framework Travel Plan (JMP) November 2016, Draft Servicing Management Plan(JMP) November 2016, Draft Construction Management Plan, (JMP) November 2016, Ground Investigation and Basement Impact Assessment J16021A (GEA) October 2018, Addendum Drainage Strategy (McBain's) November 2018, Viability Report (Savills) November 2018, Planning Statement (Iceni) November 2018, Preliminary Ecological Survey (Syntegra) November 2018, Daylight and Sunlight Study (Within Development) v2 (Right of Light Consulting) November 2018, Arboricultural Constraints/Arboricultural Impact Assessment/Arboricultural Method Statement HNCC\_AIA\_revis\_11102018\_JP\_V3\_Arboricultural Assessment.pdf (Greenman) 11/10/2018, Endoscope Survey Brief 18-4442 (Syntegra) December 2018, Arboricultural Letter (Greenman) 4th March 2021, Covering letter (Iceni) 15 March 2021, LL566-300-0072 Rev C, PL-ST-001 B, Roof Maintenance Plan (RCKA) July 2022, Covering letter (Iceni) 24 August 2022.

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

#### **Variation to Condition 48**

Condition 48 relates to the requirement for a submission of post construction viability assessment.

It is proposed to remove the condition in its entirety as it is no longer relevant given the amended scheme would deliver 100% affordable housing.

#### ~~48 Post Construction Viability Assessment~~

~~Either after completion of the development hereby permitted or at the point of exchange on no less than 22 residential units the applicant and/or developer shall submit to the local planning authority an updated viability assessment and not to proceed on the completion of more than 24 residential units until confirmation that the necessary measures to secure provision for additional monies for the Council's CIP programme have been submitted and approved by the local planning authority in writing.~~

~~Reason: To ensure the maximum provision of affordable housing in accordance with Camden Local Plan policy H4.~~

#### **Variation to Condition 49**

Condition 49 relates to the requirement for the seven affordable units to be ready for occupation prior to the occupation of 50% of the units.

It is proposed to remove the condition in its entirety as it is no longer relevant given the amended scheme would deliver 100% affordable housing.

#### ~~49 \*\*Affordable units~~

~~The seven affordable units shall be ready for occupation prior to occupation of 50% of the units.~~

~~Reason: To ensure the maximum provision of affordable housing in accordance with Camden Local Plan policy H4~~

#### **d. Planning Assessment**

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As noted above, this application seeks a material amendment to the approved development. This is described in detail below and should be read in conjunction with the accompanying drawings submitted with this application.

### **Principle of Development / Tenure and Unit Mix**

Policy H1 of the Camden Local Plan (2017) seeks to maximise housing supply. Policy H4 seeks to maximise the supply of affordable housing.

Policy H7 notes dwelling size priorities, and notes that Policy H7 notes that the Council should be flexible in their assessment of the mix of proposals and should consider a number of material considerations including affordable housing requirements, the character of the development, viability and the need for flexibility to maximise the delivery of additional affordable housing.

Camden's Housing Camden Planning Guidance (2021) document provides further detailed information on the operation of a number of policies regarding the development of housing in the borough.

It is acknowledged that the unit mix of the amended development does not fully accord with the dwelling size priorities of Policy H7 of the Local Plan (2017). However, in exercising a flexible approach as policy allows, the delivery of a fully affordable housing scheme, which has its own unique unit size requirement - would be maximised, resulting in a significant planning and public benefit in line with policy objectives.

In terms of tenure, the proposal would see the delivery of a fully affordable housing scheme with the units being offered as social-affordable rented housing in accordance with paragraph 3.5 of the Local Plan Housing CPG (2021). These homes would be specifically allocated to refugees as part of the Council's housing stock. This proportion of affordable housing exceeds the requirements of the Local Plan (2017) and Housing CPG (2021).

The proposed unit mix, and affordable housing tenure sought by way of the modified scheme is, therefore, considered to be in accordance with the relevant policies of the Camden Local Plan (2017).

### **Relationship to neighbouring properties.**

Policy A1 of the Local Plan (2017) requires that new development to protect the quality of life of occupiers and neighbours by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

The proposed amendments relate to amalgamating existing units only, and would not change the orientation of the living spaces or private amenity space. No external changes are proposed. The proposal, as amended, would therefore cause no further impact on the amenity of surrounding properties.

### **Fire Safety**

A Fire Safety note has been prepared to accompany the proposed amendments. This Fire Strategy assesses the proposed development (as amended) against the primary fire safety objectives stipulated under Policy D12 in the London Plan.

The note has concluded that the proposed amendments would not detrimentally affect the Approved Fire Strategy for both buildings A and C, and that both buildings would continue to meet the statutory guidance contained with the Building Regulations Part B.

### **Transport**

The amended development would have the same access, parking and servicing arrangements as the extant permission.

A Transport note has been prepared to accompany the proposed amendments. The note has concluded that the proposed change in unit mix and tenure would have a negligible impact when compared to the consented development.

**e. Summary and Conclusion**

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This application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) to secure a minor material amendment to the approved development.

The purpose of this application is to secure minor modifications to the approved development which would facilitate a tenure change to 100% affordable housing to be allocated as council housing stock for refugees, along with a reduction in overall unit numbers from 41 to 36.

The need for this amendment has arisen from the recent allocation of funding from the Home Office to the Applicant. This funding has allowed the Applicant to acquire all these homes as Council housing stock which would be allocated as safe-haven housing for refugees.

We trust the enclosed is sufficient for your current purposes and we look forward to receiving confirmation that the application has been registered validation. In the meantime, please contact Lewis Westhoff on 020 3640 1024 or [lwesthoff@iceniprojects.com](mailto:lwesthoff@iceniprojects.com) in the first instance should you have any questions.

Yours faithfully,



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enc. As listed above