

Application ref: 2022/5549/P
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QED Planning
Wesley House
Bull Hill
Leatherhead
KT22 7AH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Section 106A Granted Subject to a Section 106 Legal Agreement

Address:

**Arthur West House
79 Fitzjohn's Avenue
London
NW3 6PA**

Proposal:

Application under Section 106A to modify a legal agreement and amend clauses 2.30 and 4.19.2 of the S106 to change the definition of an 'Older Resident' and to remove the minimum age requirement for secondary occupiers, in relation to planning permission ref 2014/7851/P dated 28/08/2015 (for Demolition of hostel and erection of 3-6 storey building plus 2 storey basement to provide 33 self-contained wheelchair accessible flats and associated facilities for the care and well-being of older people) as amended by 2015/5881/P dated 21/04/2016 and 2016/4256/P dated 23/11/2017.

Drawing Nos: 032-SK01 Rev. A; Cover Letter from QED Planning dated 13/12/2022.

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

Condition(s) and Reason(s):

Informative(s):

- 1 Reason for granting approval-

This application seeks to vary the s106 legal agreement for planning permission 2014/7851/P dated 28/08/2015 to amend the definition of 'Older Resident' to reduce the qualifying age from 60 to 55 years old and to remove the minimum age requirement for secondary occupiers, which is currently 55.

The cover letter states that the London Plan 2021 policy H13 defines older persons housing as being for older people with a minimum age of 55 years, and that the National Planning Policy Guidance (NPPG) 'Housing for older and disabled people' paragraph 010 defines age-restricted market housing as generally being for people aged 55 and over. It also notes that a minimum age of 55 has been accepted on other care and assisted living proposals within Camden, including planning permission 2018/4449/P granted on 18/08/2021 for the erection of a six-storey building to provide 50 assisted living residential units at 11-12 Ingestre Road.

The original application was considered in the context of the Camden Core Strategy 2010-2025 and Camden Development Policies 2010, which have been superseded by the Camden Local Plan 2017. None of these documents define what age someone should be to qualify as 'older' and the Committee report for the original scheme does not detail which age groups the development should be restricted to. However, part of the rationale for these types of development is that people's quality of life in later years is improved if they are already in an environment where their care needs can be met before the care needs emerge, and so the reduction in qualifying age of the main resident to 55 would not be contrary to these aims and to the minimum age requirements as set out in the NPPG and the London Plan 2021. The approved housing mix of the development comprises 28 2-bed units and one 1-bed unit, which would also likely to be considered an acceptable mix for a general needs residential scheme that is not exclusively for a specialist group with specialist needs. As such, in this instance the reduction in the qualifying age from 60 to 55 years old is considered to be acceptable. The removal of the minimum age for secondary occupiers is also considered to be reasonable and is accepted.

An objection was received from the Hampstead Conservation Area Advisory Committee, which requested that the provision of affordable housing and the car-free development should be revisited if the proposed amendments would facilitate the general marketing of apartments to people other than the elderly in need of care and sheltered housing. These elements are outside of the scope of this application and are not considered to be material planning considerations. The building would remain as accommodation for older people with specific facilities for their care and well-being. The planning and appeal history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies DM1 and H8 of the Camden Local Plan 2017. The development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

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