

Our Ref: KN0045/19

12 April 2019

Planning - Development Control  
Camden Council  
Camden Town Hall  
London  
WC1H 8ND

Dear Sir or Madam

**Application for Demolition in a Conservation Area and Full Planning Permission  
Spiritualist Temple, Rochester Square, London, NW1 9RY  
Planning Portal Reference: PP-07770668**

I am instructed by Safari Kid to submit to you the enclosed application for demolition of a wall in a conservation area, and for full planning permission for minor building works.

The proposed development is as follows;

*“Demolition of a rear boundary wall and construction of a replacement wall upon completion of refurbishment of the Spiritualist Temple, together with minor building works”.*

The application has been submitted electronically via the Planning Portal. Along with the planning application form, including land ownership Certificate B, the application comprises the following plans and documents:

- Site Location Plan;
- Structural Survey, 26 November 2018;
- Existing Floor Plan Dwg no. 001 Rev B;
- Existing Roof Plan Dwg no. 002 Rev B;
- Existing Side Elevation and Long Section A-A Dwg no. 003 Rev B;
- Existing Side Elevation and Long Section B-B Dwg no. 004 Rev B;
- Existing Elevations & Section Dwg no. 005 Rev B;
- Existing Garden Plan Dwg no. 006 Rev B;
- Proposed Floor Plan Dwg no. 007 Rev B;
- Proposed Mezzanine Plan Dwg no. 008 Rev B;
- Proposed Elevations with Window Details Dwg no. 009 Rev B;
- Proposed Elevations & Section Dwg no. 010 Rev B;
- Proposed Side Elevation and Long Section B-B Dwg no. 011 Rev B;
- Proposed Garden Arrangement Dwg no. 012 Rev B;
- Proposed Kitchen Detail Dwg no. 013 Rev B.



## **Introduction**

Safari Kid is a childrens nursery operator, with a number of successful pre-school nurseries already in operation. They have taken a lease on the former Spiritualist Temple and intend to refurbish and convert it for use as one of their nurseries. Safari Kid is a Class D1 use.

This letter provides details of the proposed development and a justification with reference to Development Plan policy. The contents of this letter should be considered in the determination of the proposals.

## **The Site and Surroundings**

The site is located on Rochester Square, to the west of Nos.29-36 (cons) Rochester Square and to the east of Nos.144, 146 and 150 (Julian Court) Camden Road. The site is located within the Camden Square Conservation Area.

## **Planning History**

In 2017 and 2018, full planning applications (2016/7088/P and 2017/7020/P) for the introduction of residential accommodation in the form of flats were refused. It is evident from these applications that the Council considers the lawful use of the building to be Use Class D1, accordingly, as Safari Kid is a D1 use our client will require no change of use to operate a nursery from the building.

During consideration of the aforementioned applications, it became known that there remains an outstanding matter relating to a Lime tree protected by Tree Protection Order C10-T39.

Permission was granted on the 9/9/2016 to fell the Lime tree subject of TPO C10-T38, as long as a replacement Hornbeam was planted within 5 metres of the removed tree. The previous occupiers of the Hall had removed the Lime tree; however, the Hornbeam is yet to be planted.

Our client intends to plant the Hornbeam and thusly comply with the aforementioned permission. However, it must be done at the appropriate time to ensure its survival, it is proposed to be done after refurbishment works are completed.

## **Proposed Development**

The proposed development comprises of a number of elements as follows:

- (1) Retrospective Conservation Area permission for demolition of boundary wall.
- (2) Erection of a replacement boundary wall.
- (3) Erection of 3no. outbuildings to be used as a buggy store, bin store and other storage.
- (4) Replacement of 7no. windows located on side elevation and rear elevation, only at ground floor level.
- (5) Replacement of 2no. doors located on the rear elevation at ground floor level.



## Planning Context

### National Planning Policy

Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 requires special attention to be paid to the desirability of preserving and enhancing the character and appearance of a conservation area.

Paragraph 193 of the National Planning Policy Framework (NPPF) (updated February 2019) states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 124 of the NPPF outlines that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 outlines the planning decisions must ensure that new development is to a high standard of amenity for existing and future uses.

### Local Planning Policy

The development plan applicable to this application consists of the London Plan 2016, Camden Local Plan (July 2017), and the Camden Site Allocations Local Development Documents (2013). A series of supplementary planning guidance documents are also of relevance.

The emerging London Plan (2018) is also of some relevance, dependent on its stage in production.

### Camden Local Plan (2017)

Policy D2 states that in order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

Of relevance to the application the Council will;

- “e) require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f) resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;
- g) resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and



h) preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.”

Policy D2 has a dedicated section relating to demolition in conservation areas, this is contained within paragraphs 7.49 to 7.52.

The text places the presumption in favour of retention of buildings and walls that make a positive contribution to the character and appearance of the conservation area unless circumstances are shown that outweigh the case for retention. It also states that before planning permission for demolition is granted, the Council must be satisfied that there are acceptable detailed plans for the redevelopment.

Policy A1: Managing the impact of Development states “The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.”

#### Camden Square Conservation Area Management Strategy 2011

The Conservation Area Management Strategy identifies the Spiritualist Temple as a building that makes a positive contribution to the character and appearance of the conservation area.

Section 7.5 of Strategy concerns demolition in the conservation area. Within this section it is stated that any proposals for the demolition of an unlisted building that would harm the character of the conservation area would require clear and convincing justification.

This section further requires all applicants to provide a level of information that is proportionate to the significance of the asset and the potential impact upon that significance of the proposal.

### **Planning and Heritage Assessment**

#### **Rear Boundary Wall**

As is evident in the submitted structural survey (Para 3.19) the wall was in poor condition in November 2018, and in need of replacement. On taking over the premises Safari Kid removed the wall because it was leaning very dangerously and posed a health and safety risk. The Council are aware of this, and discussion has been ongoing with Planning Department.

The significance of the Heritage Assets; the Conservation Area and the Spiritualist Temple, is derived from the character and appearance, historical association, and setting of the Heritage Assets. Boundary walls play a role in all of these, and therefore a new inappropriately designed wall could have a negative impact on the significance of the heritage assets.

The proposed wall replicates the previous wall as far as practicable. The wall is to use bricks, as far as practicably, the same bricks that were used previously, and a gate of similar design. The wall is to be 2.3 metres in total height akin to the previous wall. The appearance of the wall will be the akin to the wall that was there previously, accordingly it would appear visually similar, and integrate into the historic street scene. Thus, the wall would have a similar impact to the wall that was there previously, and we would argue result in no harm on the Heritage Assets.



In the terminology of the NPPF, the proposed new wall would have less than substantial harm and Paragraph 196 of the NPPF would apply. The public benefits of the proposal being the enabling of the refurbishment of the Hall, bringing it back to optimal use; the enabling of the planting of replacement tree, which would be a positive for the conservation area, and the fact that the wall which has fallen into disrepair would be replaced using the existing materials and to the same size, greatly outweigh the less than substantial harm. Accordingly, the proposal should be supported.

### **Outbuildings**

Three outbuildings are proposed to be located within the rear garden, and would provide separate secure storage for waste, buggies, and for the storage of play equipment in association with the nursery use. These will be small in height and constructed of close-boarded timber and would not be visible from outside the site. These are included within the application for completeness.

### **Windows and Doors**

Seven windows of the Spiritualist Temple Hall are to be replaced with UPVC alternatives, a window specification is provided, and details are also provided on the proposed elevation plans; two windows are located on the side elevation that shares a boundary with the rear of properties along Camden Road. These two windows would not be visible from the public realm and are located at ground floor level. The proposed windows provide significant benefits to the amenities of property located along Camden Road by providing a higher quality window with greater sound insulation.

Five windows are located on the rear elevation; these are required as the current windows are in a bad state of repair. All five of the windows are located at ground floor level and would not be visible beyond the new rear boundary wall. There is no proposed change to the size of the openings, and the windows are as similar as possible to the windows that are in situ.

The proposed new windows provide a significant benefit by providing greater thermal efficiency and they provide greater noise insulation. This is a benefit to the amenities of neighbouring properties, and accordingly, the proposal would meet the aims of Policy A1 of the Camden Local Plan, as the proposed development would protect and improve the amenities of neighbouring properties, both now and in the future.

Both of the doors that are to be replaced are located on the rear elevation and located at ground floor level. These doors provide additional security required for the proposed use, and similarly to the proposed new windows would have limited visibility from the public realm due to the boundary treatment.

In the terminology of the NPPF, the proposed new windows and doors would result in less than substantial harm to the Heritage Assets (these were identified above within the section pertaining to the rear wall), and Paragraph 196 of the NPPF would therefore apply. The public benefits of the proposal being the enabling of the refurbishment of the Hall, bringing it back to optimal use, and the substantial benefit in terms of noise insulation for neighbouring properties, greatly outweigh the less than substantial harm. Accordingly, the proposal should be supported.



Considering all of the above, and in line with the National Planning Policy Framework we urge that planning permission is granted without delay.



I trust that the information supplied is sufficient to enable the application to be registered and progressed. However, if you require any additional information or you have any queries then please do not hesitate to contact me.

Yours faithfully,



Bruce Risk MA (Hons)  
Planner  
Walsingham Planning

