

Delegated Report (Officer Report)		Analysis sheet		Expiry Date:		12/07/2024	
		N/A / attached		Consultation Expiry Date:		30/06/2024	
Officer				Application Number(s)			
Christopher Smith				2024/1970/P & 2024/1953/L			
Application Address				Drawing Numbers			
The Hampstead Figure Sculpture to the North of Swiss Cottage Library Avenue Road AND Land to the south of Swiss Cottage Leisure Centre Adelaide Road London NW3 3NF				See draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Variation of conditions 1 (relocation deadline), 2 (permanent location review) and 4 (approved plans) of planning permission ref. 2018/2340/P dated 27/06/2018 to enable construction works in the area to be completed without causing harm to the statue. (full planning application) Listed Building Consent application seeking to secure the re-location of the Hampstead Figure Sculpture before 31/12/2028 in order to align with the expected completion of nearby related construction works. (listed building consent application)							
Recommendation(s):		Grant Conditional Planning Permission and Grant Listed Building Consent					
Application Type:		1. Full Planning Permission 2. Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses	00	No. of objections	00		
Summary of consultation responses:		Press Notice: published 06/06/2024, expired 30/06/2024. Site Notice: displayed 31/05/2024, expired 24/06/2024. No responses were received following statutory consultation.					

Site Description

Sculpture information:

The bronze sculpture titled 'The Hampstead Figure' is a grade II listed sculpture completed by F. E. McWilliam in 1964. The sculpture was commissioned by Sir Basil Spence to compliment a group of civic buildings designed with Bonnington and Collins between 1959 and 1964. The sculpture was moved in 1982 from its original central position between three civic buildings to accommodate new squash courts and a sports club. The sculpture had been moved by the time of its listing in 1999 and was also understood to have been relocated again after 1982 during the redevelopment of the swimming pool in 2002. The sculpture's original location is now covered by tennis courts. The Hampstead Figure is listed at Grade II in recognition of its high aesthetic and historical significance.

Former and existing sculpture locations:

The sculpture was until recently located to the south of 100 Avenue Road, which is now a development site (planning permission to be redeveloped has been given under application ref. 2014/1617/P, which has been implemented, see below for more information). The site is surrounded by hoardings. The existing temporary location for the sculpture is on land to the south of the Swiss Cottage Leisure Centre, and to the north of Adelaide Road. The site is a grass verge adjacent to the southern elevations of Swiss Cottage Library and the leisure centre. It is located to the south-east of the existing location and is not within any conservation area.

100 Avenue Road development:

The construction of this development required the relocation of the sculpture. In February 2016 planning permission (ref. 2014/1617/P) was granted on appeal for the demolition of the existing building on the site to be replaced by a 24-storey building and a part 7 part 5 storey building comprising a total of 184 residential units (Class C3) and up to 2,391m² of retail, food and drink and community uses. Planning permission has been implemented and is extant – the commencement works were granted a certificate of lawfulness under application ref. 2017/6884/P.

Relevant History

2014/1617/P. Demolition of existing building and redevelopment for a 24 storey building and a part 7 part 5 storey building comprising a total of 184 residential units (Class C3) and up to 1,041sqm of flexible retail/financial or professional or café/restaurant floorspace (Classes A1/A2/A3) inclusive of part sui generis floorspace for potential new London Underground station access fronting Avenue Road and up to 1,350sqm for community use (class D1) with associated works including enlargement of existing basement level to contain disabled car parking spaces and cycle parking, landscaping and access improvements. Planning permission granted at appeal 18/02/2016.

2017/6884/P. A Certificate of lawfulness existing use or development (CLEUD) to establish that demolition works constituted a material operation for commencement of planning permission 2014/1617/P (allowed under appeal ref: APP/X5210/W/14/3001616 dated 18/02/2016) in accordance with condition 1. Planning permission granted 08/02/2018.

2018/2340/P. Removal and temporary re-siting of the Hampstead Figure Sculpture for the duration of the construction associated with 100 Avenue Road under 2014/1617/P dated 18/02/2016. Planning permission granted 27/06/2018.

2018/2347/L. Removal and temporary re-siting of the Hampstead Figure Sculpture for the duration of the construction associated with 100 Avenue Road under 2014/1617/P dated 18/02/2016. Planning permission granted 27/06/2018.

2019/3634/L. A Risk Assessment and Method Statement detailing the removal and relocation of the listed sculpture to discharge condition 3 (details of a schedule of works and a method statement for

the removal and relocation of the listed sculpture) of listed building consent 2018/2347/L dated 27/06/2018 for Removal and temporary re-siting of the Hampstead Figure Sculpture for the duration of the construction associated with 100 Avenue Road under 2014/1617/P dated 18/02/2016. Listed building consent granted 22/08/2019.

2024/1964/P. Amendment to the description of development approved by planning permission ref. 2018/2340/P dated 27/6/2018 to state: "Removal and temporary re-siting of the Hampstead Figure Sculpture for the duration of the construction associated with 100 Avenue Road under 2014/1617/P dated 18/02/2016 (as amended)". Remains under assessment.

Relevant policies

The National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan 2017

G1 Delivery and location of growth
A1 Managing the impact of development
A2 Open Space
D1 Design
D2 Heritage
C6 Access for all

Camden Planning Guidance

Amenity CPG (2021)
Design CPG (2021)
Public open space CPG (2021)

Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1. Proposal

- 1.1. This application for planning permission is for the amendment of Conditions 1 and 2 of application ref. 2018/2340/P (Removal and temporary re-siting of the Hampstead Figure Sculpture for the duration of the construction associated with 100 Avenue Road under 2014/1617/P dated 18/02/2016). These conditions permit the temporary relocation of the Hampstead Figure sculpture (until 25/06/2022 unless otherwise agreed in writing by the Council) and require a full review of the most suitable permanent location for the sculpture prior to its relocation.
- 1.2. This application for listed building consent is intended to be a duplicate of the application ref. 2018/2347/L (which is related to 2018/2340/P as described above) which also facilitates the temporary relocation of the Hampstead Figure sculpture until 25/06/2022. All four conditions on the earlier consent would be duplicated as part of this application, other than Condition 1 which would be amended to accord with the proposed amendments to Condition 1 of 2018/2340/P.
- 1.3. The changes to the conditions would be as follows (original wording shown with ~~striethrough~~ and new wording in **bold**):

2018/2340/P

Condition 1: *“The relocation of the sculpture is permitted on a temporary basis for the duration of the construction period associated with 100 Avenue Road under 2014/1617/P dated 18/02/2016 **(as amended)**. The sculpture shall be relocated to its current position **or an appropriate alternative location** by 25/06/2022 **31/12/2028**, unless otherwise agreed in writing by the Local Planning Authority, and the temporary location shall be reinstated to its former condition.”*

Condition 2: *“Prior to the substantial completion of the 100 Avenue Road development under 2014/1617/P dated 18/02/2016 **(as amended)** or the expiration of the temporary permission on 25/06/2022 **31/12/2028**, details of a full review of the most appropriate permanent location for the listed sculpture shall be submitted to and approved in writing by the Council as Local Planning Authority. The review should include details of an appropriate level of engagement and consultation with members of the public and relevant statutory and interested parties.”*

Condition 4: *“The development hereby permitted shall be carried out in accordance with the following approved plans: PL_500 Rev P1; PL_501 Rev P1; Design and Access Statement Rev 1 dated 15/05/2018; Heritage Statement and Cover Letter dated 15/05/2018 **17/05/2024**.”*

Condition 3 would remain the same as previously permitted.

2018/2347/L

Condition 1: *The relocation of the sculpture is permitted on a temporary basis for the duration of the construction period associated with 100 Avenue Road under 2014/1617/P dated 18/02/2016 **(as amended)**. The sculpture shall be relocated to its current position **or an appropriate alternative location** by 31/12/2028 and the temporary location shall be reinstated to its former condition.*

Condition 2: *The development hereby permitted shall be carried out in accordance with the following approved plans: PL_500 Rev P1; PL_501 Rev P1; Design and Access Statement Rev 1 dated 15/05/2018; Heritage Statement and Cover Letter dated 15/05/2018 **17/05/2024**.*

Conditions 3 & 4 would remain the same as previously permitted.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Impact on the Listed Sculpture
- Impact on Nearby Open Spaces
- Amenity Impacts

3. Impact on the Listed Sculpture

3.1. The statutory provision principally relevant to the determination of these applications is Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

3.2. Section 16 requires that in considering whether to grant listed building consent for development, which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.

3.3. Paragraph 205 of the NPPF advises that great weight should be given to a designated heritage asset's conservation when considering the impact of a proposed development on its significance, in this case being the listed Hampstead Figure Sculpture. The NPPF also cites in Paragraph 208 that '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 securing its optimum viable use.'

- 3.4. The principle of the relocation of the sculpture has been accepted by the Planning Inspectorate and the Secretary of State as part of the application ref. 2014/1617/P which was allowed at appeal. This principle was also supported by Historic England at the time.
- 3.5. The sculpture has been moved from its original location multiple times due to various developments in the local area over the years. The principle of it being moved again for a temporary period was thus supported by the Council through the grant of planning permission for such a move in 2018. The moving of the structure is necessary during the construction of the approved 100 Avenue Road development (planning permission ref. 2014/1617/P, which has already been implemented and therefore constitutes an extant permission).
- 3.6. The sculpture has been relocated to a section of grass behind the civic buildings that are located to the south of the 100 Avenue Road development site, adjacent to Adelaide Road. This temporary relocation was previously considered acceptable in heritage terms, with no harm judged to occur to the designated heritage asset, as part of planning permission ref. 2018/2340/P. Permission was granted subject to a review of the optimum location for the sculpture once the development at 100 Avenue Road is completed.
- 3.7. Although the planning permission ref. 2014/1617/P has been implemented and remains extant, works have since paused with the site now in new ownership. Amendments to the earlier permitted scheme are expected to come forward for assessment in due course. In the meantime, it is necessary for the time-period for consideration of the relocation of the sculpture to be extended (1) to prevent non-compliance with the original sculpture relocation condition and (2) to provide the new developer with time to consider potential amendments to the permitted scheme and to review suitable long-term sites for the relocation of the sculpture in consultation with local stakeholders, which is expected to include the Council and the local community.
- 3.8. To achieve this the wording of the conditions for the 2018 planning permission and listed building consents referenced above would be amended in three ways (the LBC application via an entirely new consent). Firstly, conditions 1 & 2 of the planning permission (and condition 1 of the listed building consent) would be amended to include the wording 'as amended' adjacent to the reference to the original 2014 permission, to provide flexibility for potential future amendments to the original planning permission that the applicant may seek. Similar wording changes are also being proposed to the application description for the 2018 planning permission as part of the parallel non-material amendment application ref. 2024/1964/P.
- 3.9. Secondly, the end date for the move of the sculpture (condition 1 of both the planning permission and the listed building consent) and the undertaking of a review of suitable locations for the sculpture to be moved (condition 2 of the planning permission) would be amended to 31/12/2028, which is in line with the developer's anticipated development programme. Thirdly, an extra amendment to condition 1 (of both the planning permission and the listed building consent) is proposed to enable alternative location options, other than a return to its original position at 100 Avenue Road, to be considered for the sculpture.
- 3.10. Condition 2 of the listed building consent and condition 4 of the planning permission would also be amended, but only to update the referenced drawings to refer to the explanatory cover letter submitted with these applications.
- 3.11. Any new position for the sculpture would be considered in light of future public consultation/engagement and would be required to maximise the quality of the sculpture's relationship with civic buildings, and for its significance and historic context to be appropriately appreciated.

- 3.12. The Council's Conservation Officer and Historic England have not objected to the proposed changes to the wording of the conditions referenced above.
- 3.13. As such, there would be no harm to the significance of any heritage assets as the result of these applications.
- 3.14. On the above basis, the proposed amendments to the temporary planning permission and listed building consents are supported.

4. Impact on Nearby Open Spaces

- 4.1. Policy A2 of the Local Plan states that open spaces in the borough will be protected.
- 4.2. The proposed changes to the wording of the conditions as referenced above would have no direct impact on nearby open spaces (i.e. Swiss Cottage Public Open Space). The sculpture would remain in its existing (temporary) location for the time being with a move now expected to take place at some point before the end of 2028. Permission was recently approved for works to the nearby open space (application ref. 2024/0544/P) via a lawful development certificate and a relocated sculpture would be considered in tandem with these open space works and any other potential future works including those at the 100 Avenue Road development site.
- 4.3. The Council's Open Spaces Officer was consulted on this application and raised no objection subject to an informative being included that clarifies that discussions should take place with the Council over the potential earlier relocation of the sculpture ahead of works occurring in Phase 3 (which covers the land between Swiss Cottage Leisure Centre and Adelaide Road – where the statue is currently located) of the proposed future open space works, should these take place before the sculpture is moved. The applicant has agreed to the provision of such an informative.
- 4.4. Therefore, it is considered that the amended wording would have an acceptable impact on nearby open spaces.

5. Amenity Impacts

- 5.1. The previous applications ref. 2018/2340/P which permitted the temporary relocation of the sculpture, given the nature, location and scale of the proposal, was not considered to cause harm to any surrounding residential occupiers living conditions. Any works related to the relocation of the sculpture would not be significant in scale and nature and therefore would not be excessively disruptive to nearby residents.
- 5.2. As such, the application is considered to be in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

6. Recommendation

- 6.1. Grant conditional planning permission and listed building consent subject to conditions and informatives.