

Application ref: 2024/1970/P
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Date: 15 July 2024

Development Management
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Montagu Evans LLP
70 St Mary Axe
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EC3A 8BE

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**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

Proposal:

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.
Drawing Nos: Cover letter dated 17th May 2024, Statue Site Relocation Plan.

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

Condition(s) and Reason(s):

- 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, unless otherwise agreed in writing by the Local Planning Authority, and the temporary location shall be reinstated to its former condition.

Reason: The relocation of the sculpture is required due to the construction of the development under 2014/1617/P and following its practical completion, it could be moved back into its current position or a more suitable location may be justified. The permanent retention of the sculpture in its approved location is not considered acceptable without further investigation of potential locations to better enhance the setting of the listed feature. The Local Planning Authority

would wish to review the permission at the end of the period to ensure compliance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 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 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.

Reason: The permanent retention of the sculpture in its approved location is not considered acceptable without further investigation of potential locations to better enhance the setting of the listed feature. The Local Planning Authority wishes to interrogate the most appropriate location in greater detail closer to the completion of the approved development under 2014/1617/P to ensure compliance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 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 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 17/05/2024.

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

Informative(s):

- 1 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).
- 2 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.

- 3 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.
- 4 The temporary location of the Hampstead Figure Sculpture is within Phase 3 of the Swiss Cottage Open Space Improvement Project. Should Phase 3 of the Swiss Cottage Open Space Improvement Project commence prior to the expiry of the temporary permission, the Applicant may need to relocate the Hampstead Figure Sculpture from the temporary location ahead of the temporary permission expiry date. The Applicant and the Camden Open Spaces Team agree to use reasonable endeavours to ensure continued dialogue regarding the above matter for either the duration of the temporary permission, the duration of the Swiss Cottage Open Space Improvement Project, or until a permanent location for the Hampstead Figure Sculpture is confirmed.

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 2023.

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



Daniel Pope
Chief Planning Officer