

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	24/09/2024
		N/A		<b>Consultation Expiry Date:</b>	N/A
<b>Officer</b>			<b>Application Number(s)</b>		
Christopher Smith			2024/3717/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
100 Avenue Road London NW3 3HF			See draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Request for Environmental Impact Assessment (EIA) Screening Opinion for a mixed use re-development including 236 residential units, commercial and community uses.					
<b>Recommendation(s):</b>		EIA not required			
<b>Application Type:</b>		Request for Screening Opinion			
<b>Informatives:</b>		See decision notice			
<b>Consultations</b>					
<b>Adjoining Occupiers:</b>		No. of responses	0	No. of objections	0
<b>Summary of consultation responses:</b>		<ul style="list-style-type: none"> <li>None received.</li> </ul>			

## Site Description

The 0.38ha site is located on the east side of Avenue Road adjacent to the pedestrianised junction with Eton Road. It is adjacent to the busy Swiss Cottage Avenue Road/Finchley Road gyratory to the west and the Swiss Cottage Public open space to the east.

The 1980's building on the site, which previously accommodated office and restaurant uses, was demolished following the grant of planning permission in 2016 (ref. 2014/1617/P) for a redevelopment of the site for 184 residential units, plus commercial and community space. That earlier permission has been implemented through the construction of the basement on site.

The site is located immediately west of Belsize Park Conservation area. The Grade II listed Swiss Cottage Library is located immediately to the south. There are other listed and locally listed buildings and structures close to the site. The site also forms part of the Swiss Cottage Town Centre area. It is identified as an allocated site (W11) in the Council's emerging draft Local Plan.

## Relevant History

Prior to 2014 the site's planning history refers to the erection of the previous building on the site in the 1980s and other various minor applications relating to that building. Other historic applications also demonstrate the building was, prior to the 1980s, used as a car park, and as a school and hospital before that.

The planning history of the site since 2014 is also complex. This has been reviewed and the applications relevant to this are referenced below.

2014/1149/P. Request for Environmental Impact Assessment (EIA) Screening Opinion for a mixed use re-development including 184 residential units, commercial and community uses and a potential new underground station access for Swiss Cottage. EIA not required 28/02/2014.

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. Refused 3/10/2014. Allowed at appeal 19/2/2016.

## Relevant legislation and policies

**Town & Country Planning Act 1990**

**Development Management Procedure Order 2015 (as amended)**

**Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)**

**National Planning Policy Framework 2023**

**The London Plan 2021**

**Camden Local Plan 2017**

**Emerging Draft Camden Local Plan 2017**

## Assessment

## 1. Introduction

- 1.1 An Environmental Impact Assessment (EIA) Screening Opinion has been submitted for consideration in respect of the redevelopment of the site known as 100 Avenue Road. The development proposes demolition of existing buildings and construction of a residential-led mixed-use scheme with a 24-storey tower and a seven-storey podium block. Circa 236 homes are proposed.
- 1.2 Planning permission was granted (at appeal) in 2016 for a development of a similar size and scale, under planning reference 2014/1617/P, which included the provision of 184 residential units. This permission has been implemented, through the construction of its basement element on site. A new minor amendment application is expected to be submitted soon that would alter some aspects of this permitted scheme, including increasing the overall number of homes and amending its external appearance. However, the height and massing of the development is expected not to exceed that of the earlier planning permission.

## 2. Assessment

- 2.1. The 2017 EIA Regulations define EIA development as being either:
  - Schedule 1 development; or
  - Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
- 2.2. The development does not fall within any of the descriptions under Schedule 1 and thus cannot be considered a Schedule 1 development.
- 2.3. Developments fall under Schedule 2 if they met the definition of an “*urban development project*” as per 10(b) of Column 1, which states that developments are EIA development if they are greater than 1 hectare in size (and exclude the provision of new dwellings), if including more than 150 dwellings or if the overall development exceeds 5 hectares in size. The 2016 permission included 186 homes and the proposed development is expected to include an uplift in the number of homes to circa 236 homes. As such, it is considered that the development would be Schedule 2 development.
- 2.4. Consideration must therefore be given to whether the development may have significant adverse effects on the environment. It is important to note that such effects must be considered in the context of the recent planning permission which has been implemented and which could be completed without the requirement for further planning permission. That earlier permission was also deemed not to be EIA development.
- 2.5. Where the development is Schedule 2 development the Council must decide whether it is EIA development, taking into account information provided by the applicant and the relevant selection criteria set out in Schedule 3. Under Schedule 3 the Regulations establish three criteria headlines to be taken into account in determining whether an urban development (Schedule 2 - 10(b)) project is likely to significant effects. These are:
  1. Characteristics of development
  2. Location of development; and
  3. Characteristics of the potential impact.

2.6. Each of these criteria is considered below.

#### Characteristics of development

- a) The size of the development would reflect the building envelopes of the previous planning permission and the visual and townscape impacts of the development's size, scale and detailed design would be appropriately considered in a view and townscape assessment to accompany any new planning application. Furthermore, the size, scale and massing of the development has already been granted planning permission, which remains extant, with no substantial significant growth in the size of the structure expected to occur.
- b) There are no significant permitted, yet unbuilt, developments nearby that would give rise to a notable cumulative effect for the purposes of this assessment.
- c) The development would utilise normal building materials and methodologies and would be required by local and regional planning policy to respond to circular economy principles and incorporate measures that maximise resource efficiency, whilst also improving site greening, and thus it would not significantly affect the availability of natural resources.
- d) No hazardous waste production would occur, with demolition material to be recycled as practically as possible.
- e) No extraordinary pollution or nuisance would be created other than what can be mitigated through a Construction Management Plan and other technical assessments (relating to noise, dust, air, vibration, microclimate, etc and as appropriate).
- f) No unusual or complex technologies or substances would be used in the development that would give rise to any significant accident risk, and the impact of the development on climate change would be mitigated through on-site and other measures including carbon off-set payments secured through legal agreement as necessary.
- g) The development would not be close to any water sources and any air pollution would be mitigated through measures including a Construction Management Plan, a reliance on sustainable transport modes and other relevant measures that would contribute towards minimising pollution.

#### Location of development

- a) The existing land is previously developed brownfield land in a highly urbanised town centre location, and its redevelopment would therefore not have significant environmental impact.
- b) There are no natural resources in the immediate area that could be adversely affected by redevelopment.
- c) There are not any environmentally sensitive or protected natural areas within the vicinity of the site.

#### Characteristics of the potential impact

- a) The development would be of only local significance in terms of geographical area and population. Furthermore, the impacts of demolition, construction and scale, massing and

use of the development when completed are not considered to have likely significant environmental impacts and would be appropriate for the site's urban town centre location. There are heritage assets and open spaces close to the site but impact on these is expected to be very limited and appropriately managed during construction through the Construction Management Plan and other measures.

- b) See (a) above. The nature of the impacts is not expected to be significant and would in any case be highly localised.
- c) See (a) above. There are not expected to be any significant transboundary impacts.
- d) See (a) above. The development is not excessively complex for an urban development project and is expected to be managed in a manner similar to other projects of a comparable size and scale.
- e) See (a) above. The probability of effects from the developments is relatively low and expected to be minimised through appropriate management measures during the course of the development and its end uses.
- f) See (a) above. Impacts will be limited and are expected to be appropriately managed.
- g) See (a) above. There are no significant permitted developments nearby to give rise to a notable cumulative effect for the purposes of this assessment.
- h) See (a) above. Any potential impacts would be controlled and minimised through appropriate management of the development, and the relevant imposition of conditions and obligations secured as part of the planning permission.

### **3. Conclusion**

- 3.1. The proposed development is not considered to be likely to have significant effects upon the environment by virtue of factors such as its nature, size or location.
- 3.2. As such, though the development is it is considered not to be EIA development as defined by Regulation 2(1) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).
- 3.3. It is therefore considered that an EIA is not required.