

# 100 Avenue Road

## Planning Statement

February 2025

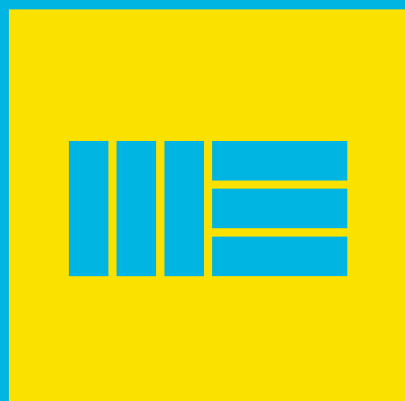
REGAL

# 100 AVENUE ROAD LONDON, NW3 3HF

PLANNING STATEMENT

SECTION 73 AMENDMENT APPLICATION

FEBRUARY 2025

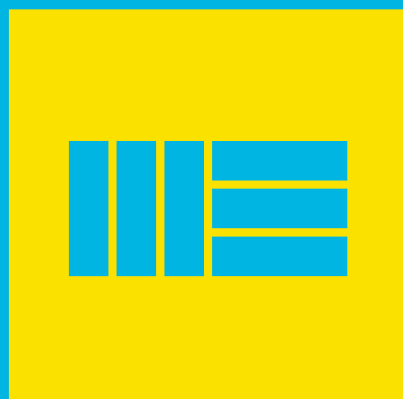


# CONTENTS

1.0	EXECUTIVE SUMMARY .....	1
2.0	INTRODUCTION.....	3
3.0	SITE AND SURROUNDING CONTEXT .....	6
4.0	PLANNING HISTORY .....	8
5.0	PRE-APPLICATION CONSULTATION.....	13
6.0	PROPOSED AMENDMENTS .....	16
7.0	S.73 AMENDMENT PROCEDURE.....	21
8.0	PLANNING POLICY FRAMEWORK .....	22
9.0	PLANNING ASSESSMENT .....	26
10.0	PLANNING OBLIGATIONS AND CIL .....	46
11.0	SUMMARY AND PLANNING BENEFITS .....	49

# APPENDICES

APPENDIX 1.0	APPLICATION DRAWING SCHEDULE
APPENDIX 2.0	SUMMARY OF RELEVANT / AVAILABLE PLANNING HISTORY
APPENDIX 3.0	ADOPTED SITE ALLOCATION
APPENDIX 4.0	DRAFT SITE ALLOCATION



# 1.0 EXECUTIVE SUMMARY

## Overview of Proposals

- 1.1 This Planning Statement has been prepared by Montagu Evans LLP on behalf of Regal Avenue Road Limited to support a Section 73 application to amend planning permission ref. 2014/1617/P (as amended), granted at Appeal by the Secretary of State (ref. APP/X5210/W/14/3001616) on 18 February 2016 at 100 Avenue Road, London, NW3 3HF.
- 1.2 The Extant Permission has been lawfully implemented, which was confirmed with a certificate of lawfulness issued on 8 February 2018 (ref. 2017/6884/P). Demolition and basement construction were undertaken by the previous owner Essential Living; however, above ground construction works in respect of the Implemented Permission were paused. The Applicant acquired the Site in 2024, with the aim of unlocking this implemented and stalled housing site. Whilst it is possible to build out the Implemented Permission as approved, the Applicant is seeking to secure some amendments to the scheme ensure its deliverability and compliance with the latest standards.
- 1.3 This Section 73 application seeks amendments to the list of approved plans and documents submitted for information purposes, as listed at Condition 2 of the Implemented Permission to allow the development to be enhanced as follows:
- Introduction of a second staircase and floor plans which meet the latest Building Regulations;
  - Residential units provided for sale, rather than as a build to rent product;
  - Increased number of both 'Market for Sale' and 'Affordable' homes, broadly within the approved massing envelope;
  - Provision of 35% affordable homes, on a floorspace (GIA) and habitable room basis, to meet Camden's needs;
  - High quality residential accommodation delivered to meet the latest standards, including 90% M4(2) and 10% M4(3) units, across a mix of tenures and unit sizes;
  - Provision of Community Space, to meet the needs of a variety of potential operations, including 'The Winch'.
  - Improved building frontages with a dedicated community entrance and contextual public realm to address areas adjacent to the Site;
  - Rationalisation and retention of Commercial, Business and Service (Class E) floorspace, with active frontages where possible;
  - An MEP strategy which meets adopted London Plan policy requirements;
  - An updated facade design to minimise overheating requirements;
  - A more contextual facade strategy which illustrates high quality and buildability; and
  - Improved public realm and maximising greening opportunities, resulting in an Urban Greening Factor of 0.25.

## Regulatory Updates

- 1.4 The Building Safety Act 2022 introduced a number of changes to fire safety regulations for residential buildings, including a requirement for new residential buildings over 18m in height to provide second staircases. In March 2024, the government published new guidance in respect of second staircases through amendments to Approved Document B of the Fire Safety regulations. Whilst the Extant Permission was approved before the new fire safety regulations were in place, the Applicant wants to ensure the scheme achieves the highest standards of fire safety. As such, the amendments introduce second staircases into the tower and lower blocks to deliver significantly improved means of escape.

## Planning Policy Updates

- 1.5 On 12 December 2024, the government published a revised National Planning Policy Framework ("NPPF"). The revised NPPF has been updated to drive forward the government's growth agenda, which sets an ambitious target of delivering 1.5 million homes in five years to address the acute housing crisis. The government strongly supports a brownfield first

approach to ensure that previously development land is optimised to make effective use of land to deliver new homes, including affordable homes. The revised NPPF makes housing targets mandatory and implements a new standard method formula to ensure that housing delivery is increased.

- 1.6 As explained in Section 8 of this Planning Statement the presumption in favour of sustainable development under NPPF Paragraph 11(d) of the NPPF applies within the London Borough of Camden. This requires Local Planning Authorities to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

### **Scheme Benefits**

- 1.7 The proposed amendments will ensure the delivery of this stalled and allocated housing site in the heart of Finchley Road / Swiss Cottage town centre. The site has laid dormant for several years following the commencement of the Implemented Permission. The proposed development aligns with planning policies which promote the optimisation of density on previously developed land, particularly in highly accessible locations such as this.
- 1.8 The proposed amendments retain the approved scale, bulk and mass of the Tower and Lower Block, whilst working within the confines of the existing basement structure already delivered on the Site wherever possible. Through building efficiencies, two additional storeys are introduced in the Tower, and one additional storey in the Lower Block, which creates an opportunity to deliver additional homes and affordable housing and the inclusion of second staircases to ensure compliance with fire safety standards adopted since the Implemented Permission was approved in 2016.
- 1.9 The market homes are proposed to be delivered for sale (rather than for rent under the Implemented Permission), and the affordable housing will include both intermediate and affordable / social rented housing (rather than including a mix of affordable tenures including discounted market homes secured for only 15 years under the Implemented Permission). As a result, the proposed amendments include 35% affordable homes on a GIA sqm and 36% on a habitable room basis, to meet Camden's needs, which represents a material uplift and benefit when compared to the Implemented Permission
- 1.10 The scheme continues to provide high-quality ground floor commercial floorspace with active frontages to provide interest and vitality to this part of Avenue Road / Swiss Cottage and should be welcomed. The commercial space at the base of the Lower Block has been developed following commercial advice, to ensure that this reflects market requirements. Alongside this, the scheme continues to include dedicated community floorspace, and the overall quality and usability of this space has been enhanced through a series of productive discussions with the 'The Winch'.
- 1.11 The architecture of the building has also been reviewed to improve energy efficiency, use more sustainable materials which better reflect the character of the local area, and to incorporate latest build technologies. The adopted MEP strategy meets the adopted London Plan policy requirements, and the façade design meets the latest Approved Document O Overheating requirements. The overall approach to the building facades and the proposed materiality has been revised to deliver a more contextual solution with high quality detailing and finishes to enhance legibility and the visibility of residential, commercial, and community entrances, in addition to the curation of bespoke public realm with high quality hard and soft landscaping to aid wayfinding and integration with the adjacent Swiss Cottage Open Space.
- 1.12 The proposed energy strategy for the building has been updated to improve the efficiency of the building. Through the introduction of an ambient loop air source heat pump, as well as PV panels, the amended scheme will achieve a 77% improvement over Building Regulations Part L (2021).
- 1.13 The public realm proposals represent an enhancement against the Implemented Permission, increasing the quantum of playspace as well as providing a substantial uplift in the overall quantum of greening provided on the Site, with the revised proposals now achieving 0.25 in Urban Greening Factor terms (an uplift of 0.19).

## 2.0 INTRODUCTION

2.1 This Planning Statement has been prepared by Montagu Evans LLP to support a Section 73 Application (“s.73” / “the Application”) on behalf of Regal Avenue Road Limited (“the Applicant”) in relation to planning permission ref: 2014/1617/P (as amended) (“the Extant Permission” or “Implemented Permission”), granted at Appeal by the Secretary of State (ref. APP/X5210/W/14/3001616) on 18 February 2016 at 100 Avenue Road, London, NW3 3HF (“the Site”).

2.2 A Site Location Plan is enclosed within the Application. The Site is located within the London Borough of Camden (“LBC”).

### Overview of the Applicant

2.3 Regal London is one of London’s leading privately owned mixed-use developers. Their focus on unlocking value from complex urban settings has enabled them to transform London’s landscape and deliver high-quality housing and spaces for people to live, play and work in. They specialise in residential-led mixed-use developments and have delivered many successful projects across London, including in Camden. Bespoke design and exceptional build quality characterise their developments which are built to unlock value, enhance the local environment and respect local communities ensuring all new developments are fully integrated into the existing area.

2.4 Regal is a fully integrated business of 140 colleagues operating across the entire lifecycle of an asset, which means they put the customer at the centre of everything they do, ensuring the delivery of outstanding quality and service at every stage of the pre- and post-development process. This includes land assembly, land use and planning strategy, stakeholder engagement, sales and marketing, construction, customer care and asset management. With a development pipeline including over 8,500 homes and 650,000 sqft of commercial space, they focus on transforming complex urban settings and creating high quality, beautiful buildings with thoughtful public spaces.

### The Implemented Permission

2.5 The description of development for the Implemented Permission is set out below:

*“Demolition of the existing building and redevelopment with 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 or 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 the existing basement level to contain disabled car parking spaces and cycle parking, landscaping and access improvements”.*

2.6 The Implemented Permission has subsequently been amended via four non-material amendments (including refs. 2016/2048/P, 2018/4239/P, 2019/1405/P, and 2022/1609/P). A full planning history for the Site is provided at **Section 4**.

2.7 The Extant Permission has been implemented, which was confirmed in a Certificate of Lawful Existing Use or Development (CLEUD) (Ref: 2017/6884/P), issued by Camden on 8 February 2018. Whilst demolition and basement construction works were undertaken by the previous owner Essential Living (Avenue Road) Limited, above ground works in respect of the Implemented Permission have stalled and the Site remains fully hoarded off from the surrounding area.

2.8 The Applicant acquired the Site in 2024 and intends to bring forward the development of the Site as soon as practicable, subject to securing some amendments to ensure its deliverability and compliance with the latest standards. These amendments are the subject of this Application and have been discussed with Camden through comprehensive pre-application engagement prior to submission, and as set out in further detail in **Section 5** of this Planning Statement.

## Latest Section 96a Amendment – Description of Development

2.9 A Section 96a application to amend the Implemented Permission's description of development was granted on 17 January 2025 under ref. 2024/5432/P. This amendment revised the wording of the description of development by updating the planning use classes and moving the number of homes to be delivered and storeys to a suitably worded planning condition to enable the s.73 Application to come forward. The revised (and most up to date) description of development reads:

*“Demolition of the existing building and redevelopment comprising residential units (Class C3) and flexible commercial, business and service use (Class E) and community use (Class F2(b)) with associated works including enlargement of the existing basement level to contain disabled car parking spaces and cycle parking, landscaping and access improvements”.*

2.10 The details removed from the description are secured through the inclusion of a new planning condition (Condition 34), as below:

*“CONDITION 34: The development hereby approved shall be restricted in development quantum to the following:*

*Development of a 24 storey building and a part 7 part 5 storey building comprising:*

- 184 residential units (Class C3);*
- Up to 1,041 sqm of flexible commercial, business and service use (Class E) inclusive of part sui generis floorspace or potential new London Underground station access fronting Avenue Road; and*
- Up to 1,350sqm of community use (Class F2(b)).*

## Proposed Section 73 Amendments

2.11 The Implemented Permission can be built out as approved without the need to secure any further amendments. Notwithstanding this, the Applicant is seeking to make a series of changes to the scheme to ensure its delivery, whilst also endeavouring to bring the Proposed Scheme up to modern day technical, performance, and regulatory standards.

2.12 This s.73 Application therefore seeks approval for amendments to the list of approved plans and documents listed at Condition 2 of the Extant Permission (as amended by s.96a ref. 2022/1609/P), and other relevant planning conditions as necessary, to allow the scheme to be modified. A drawing schedule identifying the drawings to be superseded by the proposed s.73 amendments is provided at **Appendix 1.0** and also provided as a standalone document for completeness.

2.13 The proposed amendments to the Implemented Permission comprise the following principal elements:

- Introduction of a second staircase and floor plans which meet the latest Building Regulations;
- Residential units provided for sale, rather than as a build to rent product;
- Increased number of both 'Market for Sale' and 'Affordable' homes, broadly within the approved massing envelope;
- Provision of 35% affordable homes, on a floorspace (GIA) and habitable room basis, to meet Camden's needs;
- High quality residential accommodation delivered to meet the latest standards, including 90% M4(2) and 10% M4(3) units, across a mix of tenures and unit sizes;
- Provision of Community Space, to meet the needs of a variety of potential operations, including 'The Winch'.
- Improved building frontages with a dedicated community entrance and contextual public realm to address areas adjacent to the Site;
- Rationalisation and retention of Commercial, Business and Service (Class E) floorspace, with active frontages where possible;
- An MEP strategy which meets adopted London Plan policy requirements;
- An updated facade design to minimise overheating requirements;

- A more contextual facade strategy which illustrates high quality and buildability; and
- Improved public realm and maximising greening opportunities, resulting in an Urban Greening Factor of 0.25.

2.14 Amendments to the following planning conditions are also expected to be made to the following conditions to provide consistency with the scheme changes, and this will be further discussed and agreed with LBC during determination of the s.73 application to ensure that all necessary updates have been captured:

- Condition 2 (Approved Documents / Plans)
- Condition 8 (Retail Floorspace)
- Condition 11 (Retail Opening / Operating Hours)
- Condition 15 (Microclimate)
- Condition 21 (Retention of Trees)
- Condition 25 (CHP)
- Condition 26 (CHP Details)
- Condition 27 (Thermal Bridging)
- Condition 28 (BREEAM)
- Condition 32 (Use Class Restrictions)
- Condition 34 (Development Parameters)

2.15 Where relevant, subsequent discharge of condition applications will also be submitted (subject to the approval of this s.73 application) to re-discharge any previously approved and relevant conditions to align the details secured with the amended scheme. The proposed condition changes would remain consistent with the operative part of the Implemented Permission and would not fundamentally alter or conflict with the permitted scheme.

#### **Purpose and format of the Planning Statement**

2.16 The purpose of this Planning Statement is to summarise the proposed changes and to demonstrate the acceptability of the proposals against the latest planning policy, guidance, and other material considerations.

- **Section 1** provides an Executive Summary, summarising the project and the key themes of this s.73 Application;
- **Section 2** of this statement provides an introduction to the s.73 Application and this Planning Statement;
- **Section 3** provides an overview of the Site and the surrounding context;
- **Section 4** sets out the planning history of the Site;
- **Section 5** details the pre-application consultation held with the GLA, Camden, and other key stakeholders;
- **Section 6** provides an overview of the proposed amendments which are included in this s.73 Application;
- **Section 7** considers the s.73 Application procedure and route;
- **Section 8** identifies the planning policy framework against which this s.73 Application will be considered;
- **Section 9** provides a planning assessment of the proposed scheme amendments against the relevant policies, including an Affordable Housing Statement and Regeneration Statement;
- **Section 10** summarises the proposed amendments necessary to the Section 106 Agreement, likely to be secured through a Deed of Variation, and any initial Community Infrastructure Levy considerations; and
- **Section 11** provides a closing summary of the proposals and key planning benefits.

2.17 The Planning Statement forms part of the supporting information that has been submitted for this application and should be read in conjunction with the documents set out in the Schedule of Application documents, prepared by Montagu Evans. The submitted documents have been discussed and agreed with the London Borough of Camden prior to the submission of the s.73 Application. This included dedicated meetings in relation to the health, transport and highways, landscaping / open space, and energy / sustainability to agree their scope and ensure that the s.73 Application amendments have been suitably assessed where required.

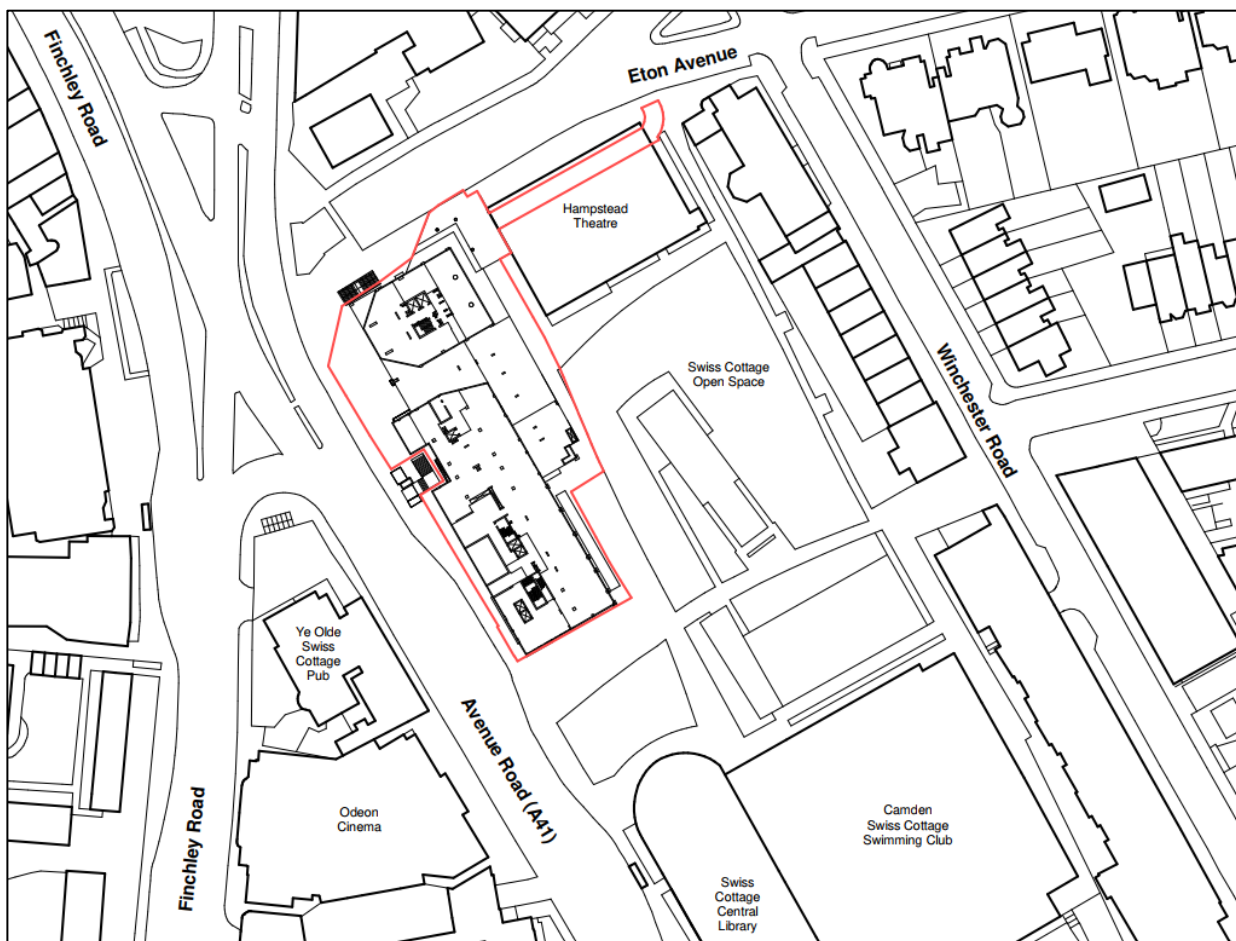


## 3.0 SITE AND SURROUNDING CONTEXT

### The Application Site

- 3.1 The Site is located in the LBC. The site extends to 0.4 ha (including the existing vehicular access ramp below the Hampstead Theatre). The site is located at a prominent junction between Avenue Road and Eton Avenue, above Swiss Cottage Underground Station.
- 3.2 An extract from the location plan showing the Site in the context of the surrounding area is provided in Figure 3.1 below.

**Figure 3.1: Extract from Site Location Plan**



- 3.3 The Site is vacant and hoarded off following the demolition of the former office building on the Site, and the construction of the basement secured under the Implemented Permission.
- 3.4 The Site is within Finchley Road / Swiss Cottage town centre and has a PTAL Rating of 6a (Excellent), and is served by Swiss Cottage Underground Station, Finchley Road Underground Station, and a number of nearby bus stops.

### Surrounding Area & Context

- 3.5 The Site is surrounded by a wide variety of buildings in various uses:
- The west of the Site is bound by Avenue Road and the Swiss Cottage / Finchley Road junction and gyratory. The Ye Olde Swiss Cottage pub is located directly opposite on the other side of Avenue Road;
  - To the north of the site is the pedestrianised western end of Eton Avenue and beyond this is the Royal Central School of Speech and Drama;

- To the east of the site is Swiss Cottage Open Space which is designated open space and the Hampstead Theatre. The residential, commercial, and community uses on Winchester Road are located beyond the open space; and
- To the south of the Site is a small area of open space providing health and fitness equipment, and the Swiss Cottage Library and Swiss Cottage Leisure Centre is located beyond. The Hampstead Figure Sculpture has also been relocated to an area of green space south of the Swiss Cottage Library, for a temporary period.

### **Heritage Context**

3.6 The Site is not located in a Conservation Area; however, it is in close proximity to the following:

- Belsize Conservation Area, the closest conservation area;
- Fitzjohn's and Netherhall Conservation Area;
- Alexandra Conservation Area;
- South Hampstead;
- Elsworthy Road; and
- St John's Wood.

3.7 The Site does not contain any statutorily listed buildings, but is located in close proximity to the below:

- Grade II listed Hampstead Figure Sculptures;
- Grade II listed Swiss Cottage Library;
- Grade II listed Regency Lodge;
- Grade II listed buildings on Eton Avenue; and
- Grade II\* listed Fire Station on Lancaster Grove.

3.8 There are also undesignated heritage assets, locally listed buildings, and open space in close proximity to the Site:

- Swiss Cottage Open Space;
- Hampstead Theatre;
- Swiss Cottage Leisure Centre; and
- Royal Central School of Speech and Drama.

3.9 Further context and discussion in respect of the above is included in the Heritage, Townscape, & Visual Impact Assessment provided by Turley, and which has been submitted in support of the s.73 Application.

### **Nearby Applications / Development Proposals**

3.10 The London Borough of Camden are bringing forward the Swiss Cottage Open Space Improvement Project which aims to enhance the quality of the park to benefit the local community and environment. The project has been split into 5 phases and Phase 1 delivery begins in January 2025. Phase 1 relates to the central area, to the east of the Site.

3.11 A further development proposal in close proximity to the Site is in relation to the Royal Central School of Speech and Drama, which is registered under ref: 2024/3971/P for "*Demolition of existing two-storey higher education building and replacement with new two-storey higher education building, with associated hard and soft landscaping.*" This application is still under determination with a target date of 11 November 2024, which has now passed.

3.12 The Grade II listed Swiss Cottage Library has also undergone some alterations with an application for '*External works including installation of replacement double glazed windows on elevations and in roof lights, air source heat pumps and air recovery units on roof.*' This application, under ref: 2021/5034/P and 2021/4889/L, was approved on 28 March 2022.

## 4.0 PLANNING HISTORY

4.1 The Site has an extensive planning history, of which, the relevant applications are summarised in this section. A full tabulated schedule of the Site's planning history is also provided at **Appendix 2.0**.

### The Extant / Implemented Permission

4.2 Planning permission was granted on 18 February 2016 for application ref 2014/1617/PA by the Secretary of State (appeal ref: APP/X5210/W/14/3001616) for:

*“Demolition of the existing building and redevelopment with 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 or 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 the existing basement level to contain disabled car parking spaces and cycle parking, landscaping and access improvements.”*

4.3 Despite a recommendation to approve the scheme by Officers, this decision was overturned by the Planning Committee and refused on 18 grounds. The decision was appealed and subsequently called in by the Secretary of State.

4.4 The appeal focused on matters relating to:

- impacts on designated heritage assets including conservation areas and listed buildings;
- the effect on the character and appearance of the surrounding area;
- the effect on the amenity of the surrounding area (particularly in relation to daylight and sunlight on Swiss Cottage Open Space and the effect on the outlook of people using the space, including during construction, and taking account of new walkways and routes);
- and the effect in relation to outlook and privacy on adjoining premises (including residents at Cresta House and users of the Central School for Speech and Drama).

4.5 The Inspectors findings on these matters are summarised below.

### Heritage Considerations

4.6 The Inspector considered the impact on heritage proposals against the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Sections 66 and 72) and the planning policy framework. His main conclusions on impacts to key designated heritage assets is summarised below:

- Belsize Conservation Area - the Inspector considered that the impact on the conservation area as a whole would generally be neutral and the character and appearance would be preserved, but with some limited 'less than substantial' harm associated with the view from Belsize Park (View 6 in the original Townscape and Visual Impact Assessment).
- Fitzjohn's and Netherhall Conservation Area - the Inspector found that whilst there would be changes in the views from within the conservation area, the character and appearance of the conservation area would be unchanged and preserved.
- Elsworthy Road Conservation Area - the Inspector considered that the proposals would have little impact on the appearance and no impact on the character or significance of the Elsworthy Road conservation area.
- South Hampstead Conservation Area, St John's Wood Conservation Area, and Alexandra Road Conservation Area - the Inspector found views would be preserved and the significance of conservation areas unaffected.

- Swiss Cottage Library – the Inspector found that the juxtaposition of the library with the proposed building would result in a complementary relationship. The proposal would enhance the town centre setting and therefore also the significance of the listed building.
- Hampstead Figure Sculpture - the opportunity to reposition the sculpture to provide all around viewing was considered by the Inspector to be a major benefit, and result in a significant enhancement to the setting of the statue, and therefore the special architectural and historic interest of the listed building could be enhanced.
- Regency Lodge – the Inspector found that the significance, special architectural and historic interest of the listed building would be preserved.
- Fire Station at Lancaster Grove and Eton Avenue and Alexandra Road Estate and Primrose Hill Tunnels (Entrance) – the Inspector concluded that the impact on the significance of these listed buildings would be neutral and the significance, special architectural and historic interest would be preserved.
- Swiss Cottage Open Space – the Inspector viewed this to be a small park next to a town centre with large scale civic buildings. The size of the proposed buildings was not considered to be a factor in the setting or significance of the park. The proposals would not alter the civic/town centre character of the setting, so the significance of the asset would not be harmed by the proposed development.
- Hampstead Theatre, Swiss Cottage Leisure Centre and the Royal Central School of Speech and Drama – all three buildings were found by the Inspector to provide civic functions in a town centre and that the character and contribution made by these buildings would not be altered by the proposals, representing a neutral impact.

4.7 The Secretary of State agreed that considerable weight should be applied to the 'less than substantial' harm identified to the Belsize Conservation Area in respect of the view from Belsize Park, and that this harm must be weighed against the public benefits of the proposal, including securing its optimum use.

#### Character and Appearance Considerations

4.8 The Inspector considered that the proposal would result in an attractively designed building that responds to its context. He recommended that a condition was attached to the permission requiring details of materials and colours to be approved prior to construction.

#### Daylight and Sunlight Matters

4.9 The Inspector confirmed that the BRE Guidance (2011), should be treated as guidance only. In respect of overshadowing to Swiss Cottage Open space, the Inspector found that the proposed development will result in increased shading of the open space, generally causing the various areas to be in shade for about 60 - 90 minutes or so earlier than would be the case without the development. The shading from the building of the open space would generally occur from about 13:00 in March, 14:00 in August and about 16:00 in June. However the usage of the open space is a consideration, and his site visits demonstrated that both the sunny areas and shaded areas of the park were well used. Overall, the additional shading was not found to have an unacceptable impact on the amenity provided by the park.

4.10 In respect of the pedestrianised end of Eton Avenue where the markets are held, the Inspector considered that this is a naturally shady area because of the large avenue of trees. Overall, there would not be an unacceptable impact on the amenity of the market, and its amenity, social and economic value would remain.

4.11 The Inspector acknowledged that there would be some impacts to the internal daylight and sunlight levels within some of the flats at Cresta House, this was considered to be minimal and in accordance with BRE Guidelines.

#### Amenity Considerations

4.12 The Inspector found that the development would increase the extent of overlooking of Swiss Cottage Open Space from the proposed residential properties. However, the Inspector considered that as the park is not a private space, and there

are already many windows overlooking the park, additional overlooking would not have a significant impact on the use of the space or harm its amenity for users.

4.13 The proposals were considered to result in a significant increase in residential use which would result in greater use of the park, but the Inspectors view was that it is a large space which is very capable of increased use and would result in an enhancement in terms of increased vitality of the area.

4.14 Potential noise / disturbance impacts of the retail spaces would be regulated by condition controlling opening times.

#### Overall Planning Balance

4.15 The Inspector concluded that there would be 'less than substantial' harm to the appearance of conservation areas (particularly the view from Belsize Park). Overall, there was considerable social benefit attached to the provision of the proposed housing, affordable housing, and community use. The potential for the underground station to be improved was considered to be a significant benefit. There would also be an enhancement to the frontages of the buildings at ground level compared to the existing arrangement that could improve the vitality of the area.

4.16 In terms of design, the Inspector thought this was attractive and would fit in well with the area, but this was given minimal weight in the planning balance. There would be some impact on trees, disruption during construction and a small local increase in particulate production, all of which was considered to weigh against the development. The Secretary of State applied moderate weight to impact on trees and little weight to construction impacts.

4.17 Whilst there was some loss of sunlight and small changes to microclimate to Swiss Cottage Open Space the Inspector did not find these impacts to be unacceptable, however the increase in shading was considered a harm which needs to be weighed against the proposal. The Secretary of State applied moderate weight to increased shading of the park.

4.18 Overall, the Inspector and Secretary of State found that the social, economic, and environmental benefits of the scheme make it sustainable development and that the substantial benefits considerably outweigh the harm identified. The appeal was subsequently allowed on 18 February 2016.

#### **Implementation of the Extant Permission**

4.19 The permission was implemented through the demolition of the existing building and the construction of the basement. A certificate of lawfulness was issued on 8 February 2018. The CLEUD (ref: 2017/6884/P) certifies that the planning permission granted on 18 February 2016 (ref: APP/X5210/W/14/3001616 and LBC ref: 2014/1617/P (as amended)) has been implemented through the lawful commencement of development. As such the scheme approved under the Extant Permission may continue to be lawfully implemented and completed (as approved / subsequently amended).

#### **Approved Section 96a Non-Material Amendments**

4.20 Multiple Section 96a (s.96a) non-material amendment applications have been approved, as below:

##### Non-Material Amendment 1

4.21 Following granting of the Original Permission, a non-material amendment under s.96a was granted on 10 May 2016 ref. 2016/2048/P. This s.96a amended the wording of condition 27 (U-values and Thermal Bridging) to require details before the relevant part of the work commences (other than demolition).

##### Non-Material Amendment 2

4.22 A further non-material amendment under s.96a was granted on 4 August 2020 (ref. 2018/4239/P) for the following:

*“Alterations including the relocation of ground floor entrance openings (including affordable entrance); internal layout changes to floorplans; basement changes to footprint, levels and layout to car parking spaces, cycle parking and refuse; relocation of access doors to communal terrace; external ground level; relocation and amendment of rooftop plant, services and lift overrun including removal of building maintenance units; modular, louvre and soffit changes to elevation treatment; glazing detail changes including window openings, doors and mullions; amendments to glazed Juliet balconies, balcony dividers and handrails to planning permission granted under reference 2014/1617/P (as amended).”*

#### Non-Material Amendment 3

- 4.23 A Section 96a (ref. 2019/1405/P) was granted on 7 May 2019 for the amendment of condition 18 (facing materials, external frames, balconies, and roof terraces) to require details prior to above ground work (other than demolition) and for a 1:1 mock-up of a typical elevation bay and other technical drawings.

#### Non-Material Amendment 4

- 4.24 Another Section 96a was granted on 29 December 2022 under ref. 2022/1609/P for the following:

*“Alterations including (in summary) reconfiguration of residential units and access corridors and hallways; removal of back-of-house goods lifts and reconfiguration of service spaces; alterations to services on roof of lower block; alterations to residential amenity area at 23rd floor level; relocation of openable windows; rearrangement of amenity space at first floor level of main tower; relocation of access doors at ground floor level; reconfiguration of landscaping at base of main tower; reconfiguration of bin stores and substation accesses; reconfiguration of retail and community space to planning permission granted under reference 2014/1617/P (as amended).”*

- 4.25 The revised plans approved under this latest s.96a amendment represent the latest consented Extant Permission.

#### **Latest Section 96a Amendment to the Description of Development**

- 4.26 A further non-material amendment application was granted on 17 January 2025 under s.96a to amend the description of development of the Extant Permission (ref. 2024/5432/P).

- 4.27 The s.96a application aimed to alter and simplify the description of development and impose a new condition which contains the specific residential unit numbers, building storey heights and the quantum of floorspace which are proposed to be removed from the original description of development. The proposed land uses were also updated to reflect the latest Use Classes Order. The revised description of development is set out below:

*“Demolition of the existing building and redevelopment comprising residential units (Class C3) and flexible commercial, business and service use (Class E) and community use (Class F2(b)) with associated works including enlargement of the existing basement level to contain disabled car parking spaces and cycle parking, landscaping and access improvements”.*

- 4.28 The details removed are secured by the inclusion of a new planning condition (Condition 34):

*“CONDITION 34: The development hereby approved shall be restricted in development quantum to the following:*

*Development of a 24 storey building and a part 7 part 5 storey building comprising:*

- 184 residential units (Class C3);*
- Up to 1,041 sqm of flexible commercial, business and service use (Class E) inclusive of part sui generis floorspace or potential new London Underground station access fronting Avenue Road; and*
- Up to 1,350sqm of community use (Class F2(b)).*

## **Environmental Impact Assessment Screening**

- 4.29 In September 2024, a request for an Environmental Impact Assessment (EIA) Screening Opinion was issued to the Council (ref. 2024/3717/P). The Screening Request relates to the s.73 amendments proposed as part of this application.
- 4.30 The Extant Permission was not deemed to be EIA Development. The Council issued their decision on 24 September 2024 that in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the proposed s.73 amendments would not constitute EIA Development. As such an Environmental Statement is not required to be submitted as part of this application.
- 4.31 Whilst there is no requirement for a full EIA to be prepared to support this application, a number of environmental reports covering a variety of topic areas have been prepared to accompany the s.73 Application which will allow a full assessment of scheme impacts to be undertaken by Officers.

## **Applications Relating to the Hampstead Figure Sculpture**

- 4.32 When implementation of the Extant Permission commenced, there was a requirement to temporarily relocate the Hampstead Figure Sculpture from its location on Avenue Road to protect the statue during the construction period.
- 4.33 Planning Permission 2018/2340/P was granted by LBC on 27 June 2018 for the following description of development:  
*“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“*
- 4.34 A Listed Building Consent was also secured concurrently to the main planning permission for the same works (ref. 2018/2347/L), also on 27 June 2018. The description of development was for the following works:  
*“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“*
- 4.35 Following these approvals the Hampstead Figure Sculpture was successfully relocated on a temporary basis to the south of the Swiss Cottage Leisure Centre.
- 4.36 Planning conditions associated with the planning permission and Listed Building Consent required the Hampstead Figure Sculpture to be relocated from its temporary location by 25 June 2022, unless otherwise agreed in writing with Camden.
- 4.37 As works on site had stalled, and construction was not yet completed, the Applicant submitted three applications to extend the period of temporary relocation for the Hampstead Figure Sculpture, to reflect the new anticipated construction dates (by 31 December 2028) for the amended scheme, as below:
1. Application reference 2024/1964/P (granted 18 July 2024) – s.96a amendment to the description of development of Planning Permission 2018/2340/P;
  2. Application reference 2024/1970/P (granted 15 July 2024) – s.73 amendments to the wording of Conditions 1 and 2 of Planning Permission 2018/2340/P to reflect the extended timescales; and
  3. Application reference 2024/1953/L (granted 15 July 2024) – new Listed Building Consent (approval for same works approved under permission 2018/2347/L).



## 5.0 PRE-APPLICATION CONSULTATION

5.1 The proposed amendments to the Extant Permission have developed and evolved through a process of proactive engagement with officers at the London Borough of Camden, the Greater London Authority, TfL, key stakeholders, and the wider community. Key aspects of pre-application engagement and public consultation are summarised below.

5.2 Further details of engagement are outlined in the Statement of Community Engagement prepared by Cavendish and the Design and Access Statement prepared by Cartwright Pickard architects, but we summarise this below.

### **Pre-application Engagement with the London Borough of Camden**

#### Pre-application Meetings with Officers

5.3 The Applicant entered into a Planning Performance Agreement with the Council, and held a series of pre-application meetings with planning, design, conservation, transport and highways officers, as well as representatives of the Council's open spaces and markets teams between April and November 2024.

- Pre-application Meeting 1 – 18 April 2024
  - Project aspirations, proposed scheme amendments, architect introduction
- Pre-application Meeting 2 – 31 May 2024
  - Emerging scheme design and approach
- Pre-application Meeting 3 – 17 July 2024
  - Emerging scheme design, layouts, façade design development, energy, and sustainability enhancements
- Pre-application Meeting 4 – 8 August 2024
  - Landscape discussion with Camden's Open Spaces Team to ensure co-ordination with their proposed improvement works to Swiss Cottage Open Space
- Pre-application Meeting 5 – 14 August 2024
  - Transport and highways
- Pre-application Meeting 6 – 28 August 2024
  - Design development, internal layouts, residential quality, retail unit layout, landscape and playspace
- Pre-application Meeting 7 – 10 September 2024
  - Scope of Health Impact Assessment
- Pre-application Meeting 8 – 17 September 2024
  - Follow up meeting with Camden's Open Spaces Team
- Pre-application Meeting 9 – 23 October 2024
  - Discussion with Market Development Manager to review the Implemented Permission and to understand the Council's aspirations for the improvements to Swiss Cottage Market
- Pre-application Meeting 10 – 21 November 2024
  - Detailed design matters
- Pre-application Meeting 11 – 06 December 2024
  - Energy, Sustainability, and Whole Life Carbon
- Pre-application Meeting 12 – 24 January 2025
  - Wrap up discussion, including review of supporting technical assessment and their conclusions

#### Design Review Panel

5.4 To inform the design of the proposed scheme revisions, the team presented the emerging proposals to Camden's Design Review Panel in October 2024. The Panel were pleased to see proposals for this important site come forward, and



particularly supported the proposed retention of the existing structure in the built out basement. The Panel also supported the simplicity of the proposed massing and architecture.

- 5.5 Recommendations were provided in respect of the architectural response, the ground floor arrangement and entrances, the emerging landscaping, and residential layouts on this constrained site. The Panel were also interested to see how the sustainability credentials of the proposal will be enhanced.

#### Development Management Forum

- 5.6 The Applicant team presented the emerging scheme amendments to a public Development Management Forum hosted by Camden on 23 September 2024. Following the presentation local residents were able to ask questions to the Applicant, architect, technical consultants, and planning officers from the Council.

#### Development Management Member's Briefing

- 5.7 The Applicant team subsequently presented the emerging proposals to Councillors of the Planning Committee and Ward Councillors at a Development Management Member's Briefing on 25 November 2024. The Members Briefing allows members of the Planning Committee to better understand the emerging proposals before an application is submitted.

#### **Pre-application Engagement with the Greater London Authority and Transport for London**

- 5.8 Pre-application discussions were held with the Greater London Authority ("GLA") and Transport for London ("TfL") on 20 August 2024 in respect of land use, affordable housing, urban design and townscape, transport, and energy.
- 5.9 The GLA strongly supported the optimisation of housing delivery on the site and the proposed increase of homes. The improved affordable housing offer, in terms of tenure and quantum was welcomed. The introduction of second staircases within both buildings was also supported, and suggestions were provided in terms of the ground floor layout and residential entrances, as well as the improved public open space.
- 5.10 In terms of massing, as the proposed building height remains in line with the Extant Permission the scale of the proposals is considered to be acceptable in principle, subject to the materials and appearance of the architectural treatment. Assessment of the impact on heritage assets and strategic views will be necessary as part of the planning application.
- 5.11 In terms of transport, TfL advised on requirements to be included in the Transport Assessment submitted with the application. TfL agreed that only the uplift in cycle parking spaces would need to meet the latest cycle parking requirements and design standards. The proposed approach to the provision of Blue Badge car parking spaces was supported, and a request was made that at least 20% of the spaces would provide active electric vehicle charging points.
- 5.12 The retention of the consented approach towards deliveries, servicing and construction was supported in principle.
- 5.13 It was noted that the Section 106 Agreement for the Extant Permission requires space to be safeguarded at basement and ground floor for potential step free access to Swiss Cottage Underground Station. TfL confirmed that Swiss Cottage Underground Station is not identified as a priority station for the introduction of step free access, as there are emerging proposals to provide this at Finchley Road Underground Station (also on the Jubilee Line), which is 650m north of Swiss Cottage Station. As such, TfL are unlikely to take up the transfer of the safeguarded Station Access Areas. The position will be confirmed through the statutory consultation process; however, we propose the s.106 clauses associated with the Station Access Areas are removed or amended through a Deed of Variation (see Section 10 for further details).
- 5.14 From an energy perspective, the GLA confirmed the latest planning policy requirements, and supported the amended energy strategy which moves away from the consented gas fired CHP system, to the introduction of an ambient loop Air

Source Heat Pump. They also welcomed the approach to undertake a Whole Life Cycle Carbon Assessment and Circular Economy report as part of the s.73 Application (not a requirement when the Implemented Permission was determined).

### **Pre-application Engagement with Other Statutory Consultees and The Winch**

- 5.15 A meeting with the MET Police Designing Out Crime Officer took place on 7 November 2024. Discussions were around security within the basement, installation of CCTV, concierge / on-site management, and seating in the public spaces.
- 5.16 The Implemented Permission secures the provision of space to accommodate a community facility within the lower block. The s.106 Agreement sets a design specification for the fitting out of the community facility and requires the Applicant to offer this space to the Winchester Project ("The Winch"). This would allow The Winch to relocate from their current premises on Winchester Road into new purpose built accommodation.
- 5.17 The Applicant is keen to uphold the offer of leasing the community facility to The Winch and have been in constant communication with them throughout the design development process to ensure that the proposed facility better meets their current requirements and provides more useable and efficient space. Through this engagement the design of the community facility has evolved to best meet their needs.

### **Community Engagement**

- 5.18 From the outset of the project, the Applicant and the wider project team have been committed to engage with local residents, stakeholders, and community groups to explain the need for the scheme amendments, better understand local views about the Implemented Permission and share details of the emerging scheme proposals.
- 5.19 Two rounds of formal public consultation were held in July and November 2024 at the Swiss Cottage Library and Swiss Cottage Community Centre. These were publicised through a letter drop to 5,100+ local addresses, meta advertisements within 3km of the Site, and direct emails to the local stakeholder groups to ensure awareness of the consultation. Across the two rounds of public consultation 103 people attended.
- 5.20 Through these consultation events, local residents outlined some concerns around the overall height and scale of the proposals, although it was made clear that the proposed height and scale was within the same envelope as the Implemented Permission, and additional views were expressed on the design of the façade. Other residents stated their desire for the proposals to move ahead in order to unlock the delivery of the currently vacant and long stalled site.
- 5.21 Engagement with local residents has been ongoing throughout the consultation period, with the Applicant responding to specific information requests and attending meetings with key individuals and groups interested in the development.
- 5.22 A consultation website has also been live throughout the consultation process and has been used to share consultation material and provide project updates: [www.100avenueroad.uk](http://www.100avenueroad.uk).
- 5.23 Further details of the community engagement process that has taken place is provided in the Design & Access Statement prepared by Cartwright Pickard, and the Statement of Community Engagement prepared by Cavendish.

## 6.0 PROPOSED AMENDMENTS

6.1 As set out in Sections 1 and 2 of this Statement, the Applicant intends to deliver the Implemented Permission, whilst also bringing the building up to current building standards. This includes regulations relating to fire safety as well as optimising the delivery of on-site market and affordable homes in terms of tenure, product, and quantum.

6.2 Following a technical design review of the Implemented Permission, the Applicant is also seeking to make a series of enhanced layout changes and revisions which will assist in overall buildability and delivery terms, whilst ensuring no reduction in the quality of the scheme and the range of benefits secured under the Implemented Permission. The amendments seek to incorporate these changes without increasing the overall footprint or massing of each of the blocks approved under the Implemented Permission. This exercise presented an opportunity to further review the Implemented Permission and make further refinements to ensure the proposals make best and most efficient use of the Site. The intention is to deliver an exemplar scheme that reflects the design intent and character of the area, whilst remaining within the parameters established by the Implemented Permission. In summary, the amendments secure the following:

- Introduction of a second staircase and floor plans which meet the latest Building Regulations;
- Residential units provided for sale, rather than as a build to rent product;
- Increased number of both 'Market for Sale' and 'Affordable' homes, broadly within the approved massing envelope;
- Provision of 35% affordable homes, on a floorspace (GIA) and habitable room basis, to meet Camden's needs;
- High quality residential accommodation delivered to meet the latest standards, including 90% M4(2) and 10% M4(3) units, across a mix of tenures and unit sizes;
- Provision of Community Space, to meet the needs of a variety of potential operations, including 'The Winch'.
- Improved building frontages with a dedicated community entrance and contextual public realm to address areas adjacent to the Site;
- Rationalisation and retention of Commercial, Business and Service (Class E) floorspace, with active frontages where possible;
- An MEP strategy which meets adopted London Plan policy requirements;
- An updated facade design to minimise overheating requirements;
- A more contextual facade strategy which illustrates high quality and buildability; and
- Improved public realm and maximising greening opportunities, resulting in an Urban Greening Factor of 0.25.

### Proposed Land Uses

6.3 The floorspace of each land use proposed under the Implemented Permission and the proposed scheme are below it should also be noted that the Use Classes have been updated to reflect the latest Use Classes Order:

Implemented Permission			Proposed Scheme			Comparison (GIA sqm)
Use Class	GIA (sqm)		Use Class	GIA (sqm)		
C3	Residential	21,498	C3	Residential	24,126	+2,628
D1	Community	1,350	F2(b)	Community	1,372	+22
A1-A3	Retail	1,039	E	Commercial, Business, and Service	1,187	+148

*\*Please note GIA sqm figures are an estimate, based on previous information from GRID Architects and as shown in Table 5.2 of the Planning Statement prepared by Turley Associates in support of the Implemented Permission*

### Residential Accommodation (Class C3)

6.4 The Implemented Permission comprises 184 homes across the two buildings, including 130 private rented units, 18 discount market rent homes, 28 social rented homes and 8 intermediate homes. The proposed amendments have

increased the efficiency of the development allowing the scheme to introduce an additional 53 homes. The proposed scheme therefore comprises 167 private for sale homes, 36 social / affordable rent homes, and 34 intermediate homes. A comparison between the Implemented Permission and the proposed scheme, on a per unit basis, is included below.

Typology	Implemented Permission	Proposed Scheme	Comparison
Private Rent (Implemented Permission) / Private Sale (Proposed Scheme)			
Studio	25	24	-1
1 bed	32	58	+26
2 bed	49	74	+25
3 bed	24	11	-13
<b>Total</b>	<b>130</b>	<b>167</b>	<b>+37</b>
Discount Market Rent			
1 bed	9	0	-9
2 bed	9	0	-9
<b>Total</b>	<b>18</b>	<b>0</b>	<b>-18</b>
Social Rented (Implemented Permission) / Social Affordable Rent (Proposed Scheme)			
Studio	0	0	0
1 bed	4	4	0
2 bed	8	6	-2
3 bed	16	26	+10
<b>Total</b>	<b>28</b>	<b>36</b>	<b>+8</b>
Intermediate			
Studio	0	0	0
1 bed	3	16	+13
2 bed	3	18	+15
3 bed	2	0	-2
<b>Total</b>	<b>8</b>	<b>34</b>	<b>+26</b>

#### Affordable Housing

- 6.5 The Implemented Permission included the delivery of 54 affordable homes inclusive of 18 discount market rent homes. The Proposed Scheme comprises the delivery of market for sale homes, and therefore the affordable homes are to be delivered as traditional' social / affordable rented homes, rather than as a discounted market rent product. Alongside this change in tenure, the Proposed Scheme includes the provision of an additional 16 affordable homes, to deliver 36 social / affordable rented homes and 34 intermediate homes overall (equating to 70 affordable homes across a range of tenures). In addition, the Proposed Scheme also delivers 35% affordable housing on both a habitable room and GIA basis, an uplift when compared to the Implemented Permission, and is eligible to follow the GLA Fast Track Route.

#### **Flexible Commercial, Business and Service (Class E) Floorspace**

- 6.6 The Implemented Permission includes the provision of up to 1,039 sqm (GIA) of flexible retail/financial, professional or café / restaurant floorspaces under Use Class A1 / A2 / A3 across the ground floor of the Lower Block and a ground floor rear elevation of the Tower. The Proposed Scheme delivers 1,187 sqm (GIA) of flexible Class E floorspace in locations consistent with the Implemented Permission and is again to be split between a large ground floor space within the Lower Block and smaller element at the base of the Tower. The Proposed Scheme therefore increases the overall quantum of commercial floorspace and ensures the land uses reflect the most recent updates to the Use Classes Order which were formally introduced in September 2020.

## Community Floorspace (Class F2 (b))

- 6.7 The Implemented Permission includes the delivery of 1,350 sqm (GIA) of community floorspace (Class D1) including an element of outdoor play space on roof of the Lower Block and internal floorspace across all six levels of the lower block. The Proposed Scheme has been developed to improve the efficiency of the community floorspace and increases the floorspace to 1,372 sqm (GIA). This floorspace has been reconfigured to provide a more useable and accessible solution. The community space has been designed for the designated user, however the flexibility provided within the floorspace allows for a potential range of community uses, if required. The community space is to be primarily consolidated across three floors, as well as benefiting from a spacious ground floor entrance and a dedicated space within the basement. A prominent parkside frontage is proposed with the continued provision of external amenity space atop the Lower Block.

## Highways & Servicing

### Car Parking Provision

- 6.8 The Implemented Permission provided 13 disabled car parking spaces located in the basement with 3 spaces with Electric Vehicle (EV) charging. The Proposed Scheme provides a further reduction in on-site car parking by providing 8 disabled parking spaces; 5 spaces for the Tower and 3 spaces for the Lower Block. The parking spaces will be provided at basement level, accessed via the existing vehicle ramp below Hampstead Theatre, in accordance with the Implemented Permission, with internal lifts providing access into each block. To prevent the Proposed Development from impacting any local on-street parking, residents will be restricted from obtaining an on-street parking permit.

### Cycle Parking Provision

- 6.9 The Implemented Permission includes 240 long-stay cycle parking spaces for residential use along with 48 short-stay spaces, of which, 66 long-stay spaces were for the Lower block and 174 spaces were for the Tower block. The Proposed Scheme retains cycle parking for the Implemented Permission as a baseline for the already approved 184 homes across each block. The additional 53 homes would be provided with cycle parking that accords with current London Plan standards. This will also include cycle parking for the commercial and community uses in line with London Plan standards. Short-stay cycle parking will also be provided in accordance with the latest London Plan standards.
- 6.10 Long-stay cycle parking will be provided within basement level cycle stores for each block, which will be secured and lit, and accessible via lifts and stairs. The cycle storage will be designed to London Cycle Design Standards (LCDS) for all cycle parking proposed on-site. The design follows the LCDS principles, meets London Plan requirements for accessible cycles, provides a proportion of standard Sheffield stand spaces and provides two cargo cycle spaces at basement level external to the secure stores, for use by delivery cycles.
- 6.11 The total cycle parking provision for all uses will increase to 340 long-stay spaces and 81 short-stay spaces (340 residential long-stay and 7 short-stay, 7 commercial long-stay and 60 short-stay, and 1 community long-stay and 14 short-stay). The table below provides a summary for the Implemented Permission and the Proposed Development.

Cycle Parking Comparison				
Use Class	Implemented Permission		Proposed Development	
	Long-stay	Short-stay	Long-stay	Short-stay
Tower Block – Residential	174 spaces	Not defined	236 spaces	7 spaces
Lower Block – Residential	66 spaces		96 spaces	
Retail / Commercial	Not defined		7 spaces	60 spaces
Community			1 space	14 spaces
<b>Total</b>	<b>240 spaces</b>	<b>48 spaces</b>	<b>340 spaces</b>	<b>81 spaces</b>

### Delivery & Servicing

- 6.12 The servicing strategy for the Implemented Permission received deliveries from the on-site at-grade courtyard, accessible from Eton Avenue, with smaller delivery vehicles (small vans, cars, and motorcycles) making use of the basement car park area, accessed via the basement ramp underneath the Hampstead Theatre, from Eton Avenue.
- 6.13 All delivery vehicles which are small vans, cars, motorcycles, and cargo cycles, will continue to service the Proposed Development from the basement servicing area. Larger delivery vehicles will make use of the courtyard area provided on-site, accessed from the pedestrian zone of Eton Avenue, as per the Implemented Permission and access rights on Eton Avenue. There will be a requirement to retain unfettered access to the Development from the Eton Avenue pedestrian zone, to ensure emergency access can be made to all areas of the building, and further details are provided in the Transport Statement.

### Waste Storage & Collection

- 6.14 Waste storage will be provided across the Development for each land use. The residential element of the Tower will be provided with a dedicated waste store located at basement level, with residents making use of a waste chute system, removing the need for residents to travel to the waste store. Waste from basement level will then be taken by Site Management to a level holding area at the vehicle ramp before waste is then taken up to street level prior to collection using a bin tug. This will see collection continue to take place from Eton Avenue. The residential element of the Lower Block will be provided with a ground floor waste store to allow direct collection without the need for management. The commercial and community uses are provided with ground floor waste storage capacity within their respective units, all of which will be located in an accessible location to allow for direct and easy collection.

### **Landscaping & Public Realm**

- 6.15 The Implemented Permission provided limited amenity space on the ground floor with predominantly hard landscaping to be provided across the Site. The Proposed Scheme has therefore sought to maximise the provision of additional soft landscaping and has been developed through a series of pre-application discussions with the Camden Open Space team. The overall landscaping concept has been developed in accordance with a series of key principles relating to connectivity and route hierarchy, greening and biodiversity, art and materiality, and inclusion and playfulness. The proposals have also been developed to appropriately integrate with elements outside of the site boundary, and it is expected that further discussions will take place with Camden during and post-determination of the s.73 Application.

### **Design Optimisation**

- 6.16 The Proposed Scheme brings the Implemented Permission up to current building standards, as well as rationalising and reconfiguring the layout and design to enhance the overall buildability of the scheme and secure its delivery, whilst ensuring no reduction in the quality and range of benefits secured under the Implemented Permission.

### Height, Bulk, and Massing

- 6.17 The Implemented Permission comprised the construction of the 24 storey Tower Block and the part 7 part 5 storey Lower Block. The Proposed Scheme does not alter the approved building envelope, with the delivery of the additional homes secured through the increased floor to floor efficiencies which mean that additional storeys can be introduced within both buildings without reducing the overall residential quality of the proposed homes.

### Façade Design and Materiality

- 6.18 The review of the Implemented Permission has also allowed for a thorough reconsideration of the approach to the façade and materiality, to propose a revised design that draws inspiration from the architectural context of the local area. The

pre-cast concrete solution of the Implemented Permission is to be replaced with a brickwork solution that harmonises with the surrounding context and residentially proportioned window openings replace the previous large areas of glazing, making the design more functional while reducing heat loss and improving energy efficiency. This also introduces considered brick detailing throughout the Tower and the Lower Block, with a variance in brick colour proposed to distinguish the two.

- 6.19 Balconies have been relocated to the corners and rounded to soften the visual impact of the massing, creating a more elegant and cohesive appearance, when compared to the Implemented Permission. These adjustments enhance the architectural composition and proportions and ensure compliance with the requirements of Approved Document O, promoting better ventilation and energy efficiency, whilst also successfully integrating with the character of the area.

#### Dual Aspect Homes

- 6.20 The Implemented Permission provided 106 dual aspect homes, including 86 private homes and 20 affordable homes. The Proposed Scheme increases the amount of dual aspect homes to 124, including 96 market sale homes and 28 affordable homes, including the provision of an increased number of dual aspect homes within the affordable tenure.

#### **Energy & Sustainability Considerations**

- 6.21 Under the Implemented Permission, the proposals achieved at least 29% regulated carbon emission reduction in line with then up-to-date Part L 2010 Building Regulations. Subsequently, further information prepared in relation to the Section 106 Agreement attached to the Implemented Permission demonstrated that the proposals achieved a site wide carbon reduction of 30.6% against Part L 2013 Building Regulations. It should be noted that these previous assessments were completed against outdated versions of the Building Regulations which were relevant at the time, with the on-site carbon reduction through the use of gas fired CHP for heating and hot water, and the provision of Photovoltaic Panels.
- 6.22 The Proposed Scheme to be brought up to modern standards and be compliant with London Plan 2021 in line with the energy hierarchy and future proofed for the Future Homes Standard which is due for release in 2025. A fabric first approach has been adopted, with low U-values, air permeability and excellent thermal bridging, ensuring the energy use of the building is reduced as much as possible before the addition of low carbon technologies. The Proposed Scheme will be connectable to a heat network in the future and a highly efficient ambient loop air source heat pump (ASHP) will provide heating, hot water and cooling where required. In accordance with the principles established under the Implemented Permission, the provision of Photovoltaic Panels on the roofs of the Tower and Lower Block is maximised.
- 6.23 Carbon reduction on site will be prioritised, targeting approximately 77% overall, with the remainder to meet net zero paid as the carbon offset payment. This is a substantial enhancement over the Implemented Permission and will move away from reliance on fossil fuels and be a fully electric scheme, taking benefit from low carbon heating through ambient loop ASHP. The ambient loop will be reversible, enabling heat to be recovered to ensure the highest possible efficiencies, and removing the need for a separate cooling system.

## 7.0 S.73 AMENDMENT PROCEDURE

- 7.1 The proposed scheme amendments have been discussed with Officers, who have confirmed that the level of changes sought to the Extant Permission can be secured through a s.73 amendment application.
- 7.2 Applications made under s.73 of the Town and Country Planning Act (1990) (As Amended) can be used to make material amendments to permissions, by way of varying or removing planning conditions. There is no statutory limit on the degree of change permissible to conditions under s.73, but the changes must only relate to planning conditions and not to the operative part of the permission.
- 7.3 Permission granted under s.73 of the Town and Country Planning Act (1990) (As Amended) would result in a new independent permission to carry out the same development as previously permitted, subject to the new / amended planning conditions.
- 7.4 A recent Court of Appeal judgment in respect of R (Fiske) v Test Valley Borough Council (December 2024) clarified the scope of variations which can be made under s.73. The judgment found that the use of s.73 is subject to one restriction, that being that conditions imposed under s.73 would be unlawful if “they are inconsistent in a material way with the operative part of the original permission”.
- 7.5 There are no statutory provisions which advise (or limit) the scale of changes which can be secured via a s.73 amendment, it is for the decision maker to use their judgment as to whether the proposed changes are materially consistent with the operative part of the permission. This may include the amendment of conditions which would otherwise be considered a fundamental alteration to the original permission.
- 7.6 The Court of Appeal judgement in respect of Finney v Welsh Ministers (November 2019) ruled that s.73 applications are limited to permission for the development of land without complying with conditions. As such any s.73 application is constrained by the scope of the description of development of the Extant Permission. The ability to amend the description of development is however possible through a s.96a non-material amendment application.
- 7.7 As detailed in Sections 1 and 4 of this Planning Statement, a s.96a amendment application has been approved (ref.2024/5432/P) which amended the proposed description of development. It also removed some of the detail from the description of development (e.g. number of homes, building storey heights and the quantum of floorspace), and the proposed land uses were updated to reflect the latest Use Classes Order. This detail is now secured via new planning condition which is being subsequently amended through this s.73 application.
- 7.8 The mechanism of submitting a s.96a amendment to the description of development and a s.73 amendment to secure scheme changes (through the approval of updated drawings secured by condition) is a well-established procedurally acceptable way to secure scheme amendments, such as the changes proposed at 100 Avenue Road.
- 7.9 The Implemented Permission has already been determined to be acceptable in principle, and s.73 applications should be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), having regard to the amendments which are proposed against the national, regional, and local policies and other material considerations which may have changed since the Extant Permission was granted.
- 7.10 Many key principles established through the Implemented Permission are not proposed to be altered through the proposed s.73 amendments (including building heights, land uses and strategies relating to servicing, deliveries, and construction). As such when determining the application, the assessment should focus on the acceptability of the proposed changes against the most up to date policies and guidance.



## 8.0 PLANNING POLICY FRAMEWORK

8.1 This Application has been developed having regard to the adopted and emerging Development Plan policies and other relevant guidance and material considerations. This section provides a summary of the relevant planning policy context and **Section 9** provides assessment of the Application against these policies and guidance.

8.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with policies of the statutory Development Plan unless material consideration indicate otherwise.

8.3 The Development Plan for the Site comprises the following:

- London Plan (2021) (the “London Plan”);
- London Borough of Camden Local Plan (2017) (“the Local Plan”) and
- London Borough of Camden Site Allocations Plan (2013).

8.4 Relevant material considerations in respect of the Proposed Development include:

- The NPPF, originally published in 2012 and updated most recently updated in December 2024;
- National Planning Practice Guidance (“NPPG”) which is periodically updated;
- Camden Planning Guidance (Supplementary Planning Guidance);
- London Planning Guidance; and
- The draft New Camden Local Plan (Regulation 18), published in January 2024.

8.5 The revised National Planning Policy Framework (the “NPPF”) was published on 12 December 2024 and supersedes previous national planning guidance and previous versions of the NPPF.

8.6 The NPPF sets out the Government’s approach to planning matters and is a material consideration in the determination of planning applications. It also places a significant emphasis on the development of brownfield land and the delivery of new homes across the country, as set out in the ‘Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation’, dated 12 December 2024. This states the Government are seeking to deliver housing of every tenure in the right places, supporting the growth of towns and cities, and providing homes people want near to businesses and employment opportunities, and that the changes (to the NPPF) reflect this government’s commitment to radically boosting the supply of housing, while delivering homes and places that are high-quality and genuinely affordable.

8.7 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a ‘golden thread’ running through decision-taking (paragraph 11), and goes onto state that:

*“For decision taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - o the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
  - o any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

8.8 The most recent Housing Delivery Test, published on 12 December for 2024, outlines that the presumption in favour of sustainable development now applies to Camden, which engages paragraph 11(d)(ii) of the NPPF (the “Tilted Balance”) in respect of the Proposed Development. Planning policy is clear that the Proposed Development must be considered in this context, and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.

### **The London Plan**

8.9 The London Plan (published by the Greater London Authority “GLA”) is the overall spatial development strategy for Greater London. The London Plan is centred around Good Growth, with a focus on building strong and inclusive communities, making the best use of land, creating a healthy city, growing a good economy, and increasing efficiency and resilience. The London Plan also sets housing targets for Camden and recognises the importance of delivering high quality housing, particularly affordable housing. In addition, the GLA has published several London Plan Guidance (LPG) documents, that are relevant in the consideration of this Application, as set out below:

- Fire Safety LPG (Draft February 2022)
- Characterisation and Growth Strategy LPG (June 2023)
- Optimising Capacity – A design-led approach LPG (June 2023)
- Planning for Equality and Diversity in London SPG (October 2007)
- Accessible London SPG (October 2014)
- Affordable Housing and Viability SPG (August 2017)
- Affordable Housing LPG (draft May 2023)
- Development Viability (draft May 2023)
- London View Management Framework SPG (March 2012)
- Social Infrastructure (May 2015)
- Housing SPD (March 2016)
- Urban Greening Factor LPG (February 2023)
- Air quality positive LPG (February 2023)
- Air quality neutral LPG (February 2023)
- Be Seen energy monitoring LPG (March 2022)
- Circular economy statements LPG (March 2022)
- Energy Planning Guidance (March 2022)
- The control of dust and emissions in construction SPG (July 2014)
- Whole life carbon LPG (March 2022)
- Sustainable Transport, Walking and Cycling LPG (March 2023)
- Housing Design Standards (June 2023)

8.10 In addition, the GLA have also published their ‘Accelerating Housing Delivery Planning and Housing Practice Note December 2024’, which focuses on increasing the provision of affordable homes and wider housing delivery, including social rented housing for households in greatest housing need and intermediate housing for key workers and middle income earners. This practice note is also a material consideration for the purposes of determining planning applications.

### **The Camden Local Plan**

8.11 The Camden Local Plan sets out how development will be managed within the Borough. The Plan seeks to address a number of challenges, adapting to Camden’s growing population and to social change, the supply and cost of housing in the Borough, maintaining a successful economy and improving opportunities, inequalities, health, and wellbeing, improving transport, quality of the environment and crime and safety.

8.12 To address these challenges, the Local Plan sets three key objectives:

- Developing new solutions with partners to reduce inequality and improve health and wellbeing
- Creating conditions for and harnessing the benefits of economic growth
- Investing in our communities to ensure sustainable neighbourhoods

8.13 Camden's objective is to create the conditions for growth to provide the homes, jobs and other facilities needed to support it, while ensuring that growth delivers opportunities and benefits for their residents and businesses. The Local Plan aims to deliver sustainable growth while continuing to preserve and enhance the features that make Camden such an attractive place to live, work and visit; and establishes that residential is the priority land use within the Borough.

8.14 Furthermore, Camden have adopted 'Camden Planning Guidance' (CPG) and the relevant CPGs are included below:

- Access for All (March 2019)
- Air Quality (March 2021)
- Amenity (January 2021)
- Basements (January 2021)
- Biodiversity (March 2018)
- Design (January 2021)
- Developer Contribution (March 2019)
- Energy Efficiency and Adaptation (January 2021)
- Housing (January 2021)
- Planning for Health and Wellbeing (January 2021)
- Public Open Space (January 2021)
- Transport (January 2021)
- Trees (March 2019)
- Water and Flooding (March 2019)

### **Emerging Planning Policy Considerations**

#### Draft Camden New Local Plan

8.15 Camden are in the process of preparing a new Local Plan to be adopted in spring 2026. Once adopted, the new Plan will replace the current LB Camden Local Plan (2017). Formal consultation on the draft Local Plan first commenced in January - March 2024 under the Regulation 18 stage, and whilst the new Local Plan is a material consideration at this stage of its preparation it has limited if any weight in decision-making terms at this stage. The weight that the Draft Local Plan can be given will increase as it progresses towards adoption and this is currently anticipated to take place in 2026.

### **Relevant Adopted & Emerging Allocations & Planning Designations**

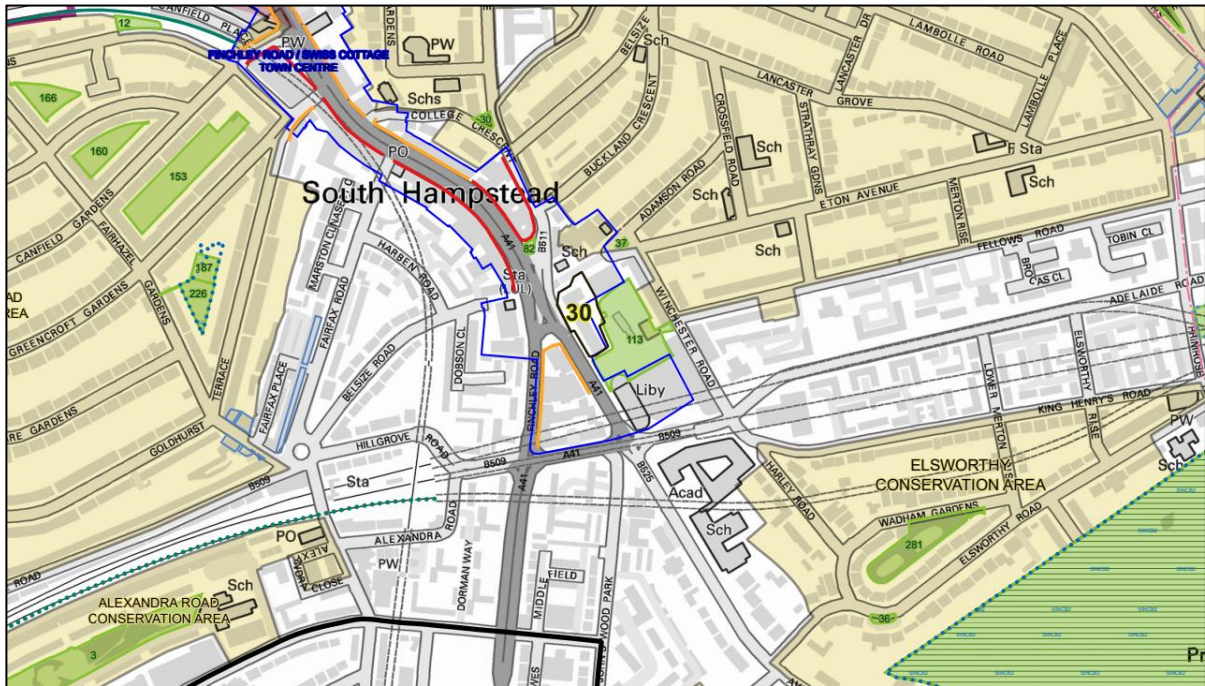
8.16 Within the Camden Local Plan and associated policies map, the Site is allocated as Site Allocation 30 which identifies the Site as providing a *"mixed use redevelopment including permanent (Class C3) residential, and other appropriate town centre uses such as retail and employment"*. A copy of the existing Site Allocation is provided at **Appendix 3.0**. The allocation notes that development will be expected to:

- Optimise the potential of the site to provide new housing (including affordable housing) while minimising potential conflicts between residential and other uses;
- Include retail use or food and drink use or other appropriate town centre uses (particularly to create active frontages at ground floor level);
- Respect the setting of Swiss Cottage public open space;

- Provide or contribute to public realm improvements with particular regard to pedestrian safety and junction improvements;
- Contribute towards local town centre improvements; and
- Provide infrastructure for supporting local energy generation on site and/or connections to existing or future networks where feasible.

8.17 The Site is not located within a Conservation Area but is within the Finchley Road Town Centre. In addition, the Site lies next to the designated Swiss Cottage Public Open Space (Public Open Space 113).

**Figure 8.1: Adopted Proposals Map Extract**



8.18 The Draft Camden New Local Plan continues to allocate the Site (ref. W11), recognising that presence of the Implemented Permission, and the indicative capacity is identified as being 184 homes. A copy of the proposed Site Allocation is provided at **Appendix 4.0**. The Camden Building Heights Study (2023) has identified this Site as a location where tall buildings may be an appropriate form of development.

## 9.0 PLANNING ASSESSMENT

- 9.1 This section of the Statement assesses the Proposed Development against policies within the Development Plan and other material considerations. Furthermore, it should be noted that the Implemented Permission has established the principle of development on the Site and is therefore a 'major consideration' for the scheme amendments proposed.

### **Principle of Development**

- 9.2 The Camden Local Plan identifies Finchley Road / Swiss Cottage town centre as an area with the 'most significant growth' expected to be delivered, and as set out in Section 8, the Site is allocated in both the Local Plan and draft Local Plan for residential-led development of a significant quantum.
- 9.3 The Extant Permission has been judged to be acceptable in planning terms, and this is an established planning position which should not be reconsidered as part of this application, and indeed the Extant Permission was implemented and thus could be lawfully completed in accordance with the approved details. The proposed amendments continue to align with site specific policies and allocations, whilst proactively bringing the development up to modern design and technical / regulatory standards and optimising the quantum and quality of development on the Site, to maximise the benefits that redevelopment of the Site was intended to provide when the Extant Permission was granted in 2016.
- 9.4 As such, the principle of development is consistent with the Implemented Permission and considered to be acceptable.

### **Principle of Residential Uses**

- 9.5 The NPPF (2024) supports the Government's objective of significantly boosting the supply of homes, particularly on previously developed land.
- 9.6 The London Plan promotes sustainable development seeking the optimised use of previously developed land, aiming to create successful sustainable mixed-use places that make the best use of land (Policy GG2). Policy H1 (Increasing housing supply) aims to optimise the potential housing delivery for all suitable and available brownfield sites especially when sites are within PTAL rating 3-6, which this Site is PTAL 6a, the highest level.
- 9.7 Local Plan Policy H1 (Maximising housing supply) aims to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing. Camden regard self-contained homes as a priority land use and where the sites are underused or vacant, expecting the maximum reasonable provision of housing that is compatible with any other uses needed on the site.
- 9.8 The acceptability of continued delivery of homes on the Site (which is allocated for residential development) should not be reconsidered as part of this application. Indeed, the increased provision of market and affordable homes should be welcomed and given significant weight in the overall planning balance given residential is the priority land use in Camden.

### **Principle of Flexible Commercial, Business and Service (Class E) Uses**

- 9.9 Policy SD6 (Town centres and high streets) of the London Plan aims to promote and enhance the vitality and viability of London's town centres. Encouraging strong, resilient, accessible, and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses.
- 9.10 At a local level, the Local Plan Policy TC1 (Quantity and location of retail development) aims to focus new shopping and related uses in Camden's designated growth areas and existing centres, identifying town centres as requiring significant additional provision. The Site is within Finchley Road / Swiss Cottage Town Centre.

- 9.11 The Extant Permission includes the delivery of 1,039 sqm (GIA) of floorspace for flexible retail, financial or professional services and café or restaurant uses. The proposed amendments retain the provision of town centre uses at ground floor, and these uses are considered to be acceptable in principle.
- 9.12 The amendments sought include increasing the amount of commercial floorspace to c. 1,188 sqm (GIA), and for these uses to fall within Class E of the latest Use Classes Order. The proposed uplift of 149 sqm (GIA) of Class E floorspace, when compared to the Implemented Permission is acceptable in this town centre location.
- 9.13 Condition 8 of the Extant Permission provides a cap of 1,100 sqm (GEA) for Class A1-A3 floorspace. The uplift in commercial floorspace will require an amendment to this condition to reflect the proposed floorspace and use classes.
- 9.14 Condition 11 of the Extant Permission restricts the operating hours of the commercial space to between 08:00 to 23:00 hours Sunday to Thursday and Bank Holidays and 08:00 to 00:00 hours on Friday and Saturday. It is proposed that the operating hours of the proposed Class E space is extended to between 07:00 to 23:00 hours Sunday to Thursday and Bank Holidays and 07:00 to 00:00 hours on Friday and Saturday. It is envisaged that the ground floor of the lower block will be convenience retail / supermarket offering and the ground floor of the tower will be a café. The hours proposed are appropriate for such uses.
- 9.15 Condition 23 of the Extant Permission restricts the use of the commercial space for Class A1, A2 and A3 uses. It is proposed that this condition is amended through this s.73 application to reflect the latest use classes, as above.

#### **Principle of Community (Class F(b)) Uses**

- 9.16 London Plan Policy GG1 (Building strong and inclusive communities) aims to provide access to good quality community spaces, services, amenities, and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration and addressing social isolation.
- 9.17 Local Plan Policy C2 (Community facilities) aims to ensure that community facilities and services are developed and modernised to meet the changing needs of the community and reflect new approaches to the delivery of services.
- 9.18 The Extant Permission included the delivery of 1,350 sqm (GEA) of floorspace for community use. The proposed amendments retain the provision of the community facility and is considered to be acceptable in principle. The proposed floorspace is c. 1,372 sqm (GIA) and this use now falls within Class F2(b) of the latest Use Classes Order. The redesigned facility is also more efficient and has been developed in collaboration with The Winch through proactive dialogue prior to submission of the application in order to meet their operational needs
- 9.19 The proposed amendments to the community facility will necessitate variations to the S106 Agreement as set out in **Section 10** of this Statement.

#### **Enhanced Delivery of Residential Homes**

- 9.20 London Plan Policy D3 (Optimising site capacity through the design-led approach) seeks to ensure all developments make the best use of land by following a design-led approach that optimises the capacity of sites. Higher density developments should generally be promoted in locations that are well connected.
- 9.21 The London Plan sets a 10 year housing target for Camden of 10,380 homes between 2019/20 and 2028/29.
- 9.22 Local Plan Policy H1 (Maximising housing supply) set a minimum target of delivering 16,800 additional homes between 2016/17 and 2030/21, including 11,130 additional self-contained homes.
- 9.23 Draft Local Plan Policy H1 (Maximising housing supply) sets a housing target of 11,500 additional homes over the over the 15 year plan period to 2041, which is the equivalent of 770 homes per year.



- 9.24 All of these housing targets are significantly below the local housing needs identified by central government. Under the revised Standard Method published in December 2024, the Local Housing Need in Camden is identified as 3,137 homes a year.
- 9.25 The Housing Delivery Test results of 2023 (published December 2024) highlights the significant need for homes in LB Camden. Against a target delivery of 2,297 homes between 2020/21 to 2022/23 only 1,539 homes were delivered (only 53% of the target). As identified in Section 8 of this report, this means that NPPF Paragraph 11(d) is triggered, and there is a presumption in favour of sustainable development.
- 9.26 The proposed amendments will result in the delivery of an additional 53 homes in comparison to the Implemented Permission. In light of increased housing targets and under delivery of homes in the borough, there is a strong need for the delivery of additional housing. The proposed uplift of 53 homes, including 16 additional affordable homes, should be strongly supported on this sustainable brownfield development Site and should be given substantial weight in the overall planning balance.

### Residential Mix & Affordable Housing Statement

- 9.27 London Plan Policy H10 (Housing size mix) aims to incorporate a range of unit sizes within the scheme, to introduce a mix of uses, range of tenures and deliver a mixed and inclusive neighbourhood which provides a range of unit types at different price points across London.
- 9.28 Local Plan Policy H6 (Housing choice and mix) seeks to secure a variety of housing suitable for existing and future households, which provides a diverse range of housing products in the market and affordable sectors. The policy also requires 90% of new-build self-contained homes to be accessible and adaptable in accordance with Building Regulation M4(2), and 10% to be suitable by a wheelchair user or easily adapted for occupation by a wheelchair user.
- 9.29 The amended residential unit mix has been developed having regard to the dwelling size priorities table from LB Camden Policy H7 (Large and small homes).

#### Residential Mix

- 9.30 The s.73 Application proposes a mix of small and large homes including studios, one, two and three bedroom homes, and a comparison with the Implemented Permission is set out in Table 9.1 below:

**Table 9.1: Consented and Proposed Unit Mix**

Unit Size	Implemented Permission	Proposed Amendments	Comparison
Private Rent (Implemented Permission) / Private Sale (Proposed Amendment)			
Studio	25	24	-1
1 bed	32	58	+26
2 bed	49	74	+25
3 bed	24	11	-13
<b>Total</b>	<b>130</b>	<b>167</b>	<b>+37</b>
Discount Market Rent			
1 bed	9	0	-9
2 bed	9	0	-9
<b>Total</b>	<b>18</b>	<b>0</b>	<b>-18</b>
Social Rented (Implemented Permission) / Social Affordable Rent (Proposed Amendment)			
Studio	0	0	0
1 bed	4	4	0

2 bed	8	6	-2
3 bed	16	26	+10
<b>Total</b>	<b>28</b>	<b>36</b>	<b>+8</b>
<b>Intermediate</b>			
Studio	0	0	0
1 bed	3	16	+13
2 bed	3	18	+15
3 bed	2	0	-2
<b>Total</b>	<b>8</b>	<b>34</b>	<b>+26</b>

9.31 The proposed amendments overall increase the number of residential dwellings by 53, totalling 237 units. For the market homes, these are now proposed to be for sale, rather than for rent. There are an additional 51, 1 and 2 bedroom market homes and a reduction of 13 x 3 bed homes. This aligns with the high priority units identified for 2 bedroom market housing within Policy H7 table. The housing mix has taken into consideration the size and type of units which are most suitable for this particular development, location, and nature of demand.

9.32 The social affordable rent and social rented residential mix results in 10 additional 3 bedroom homes and a reduction of 2 x 2 bedroom units. This increases the amount of larger social affordable/ social rented dwellings which aligns with the Policy H7 table, identifying 3 bedroom social-affordable rented as high priority.

9.33 The discounted market rent tenure has been removed. Within the intermediate tenure there are an additional 28 x 1 bed and 2 bed homes and a reduction of 2 x 3 bed homes. This aligns with Policy H7 priority table as 1 bedroom units are recognised as high priority and 2 bedroom units are considered medium priority, whilst 3 bedrooms are lower priority (due to their affordability), and the proposed mix has been developed through positive discussions with LBC during the pre-application process.

#### Accessible Dwellings

9.34 The residential dwellings have been reconfigured and regularised to comply with the Building Regulations, specifically Part M and other considerations to comply with the updated building regulations and the Disabled Housing Standards.

9.35 The Application has been carefully designed to provide high quality residential dwellings, with 100% of the dwellings complying with M4 Building Regulations, 90% complying with M4(2) and 10% M4(3).

#### Affordable Housing Quantum

9.36 London Plan Policy H4 (Delivering affordable housing) seeks a strategic target for 50% of all new homes to be delivered across London to be genuinely affordable.

9.37 Policy H5 (Threshold approach to applications) applies to major development which trigger affordable housing requirements. The threshold level of affordable housing is set at 35% (based on habitable room), and the application must meet or exceed the relevant threshold level of affordable housing on site without public subsidy, be consistent with the relevant tenure split, meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant, and demonstrate that they have taken account of the strategic 50% target in Policy H4. Where proposals meet 35% affordable housing, they may follow the Fast Track Route where viability assessment is not required.

9.38 Policy H6 sets target split for affordable housing tenures. A minimum of 30% should be provided as low-cost rented homes (including London Affordable Rent or Social Rent). A minimum of 30% should be provided as intermediate



products which meet the definition of genuinely affordable housing (including London Living Rent and London Shared Ownership). The remaining 40% should be determined by the borough.

9.39 Local Plan Policy H4 (Maximising the supply of affordable housing) seeks to maximise the supply of affordable housing and exceed a borough wide strategic target of 5,300 additional affordable homes. The policy sets an affordable housing target of 50% for sites with capacity for 25 or more homes. Affordable housing is measured by GIA, and the guideline mix of affordable housing types is 60% social-affordable rented housing and 40% intermediate housing.

9.40 The affordable housing secured in the Implemented Permission is summarised in Table 9.2 below. Figures are provided both with and without the Discounted Market Rent (DMR) homes which fell within the Private Rented Sector (PRS) homes. The DMR homes were only secured as affordable housing for 15 years, which would no longer meet the criteria to qualify as affordable housing.

**Table 9.2: Affordable Housing Provision in Extant Permission**

Housing Tenure	By Unit	By Habitable Room	By Area (GEA)*
Private Rented Sector (PRS)	148	402	75%
• Of which are Discounted Market Rent (DMR)	(18)	45	9.4%
Social Rent	28	96	78%
Intermediate	8	23	22%
<b>TOTAL</b>	<b>184</b>	<b>521</b>	<b>100%</b>
<b>Total Affordable (excluding Discounted Market Rent)</b>	<b>20%</b>	<b>23%</b>	<b>25%</b>
<b>Total Affordable (including Discounted Market Rent)</b>	<b>29%</b>	<b>31%</b>	<b>34.4%</b>

\*note GIA affordable housing areas were not provided in original application

9.41 The proposed revised affordable housing offer of the s.73 Application is set out in Table 9.3 below.

**Table 9.3: Affordable Housing Provision in Amendment Application**

Housing Tenure	By Unit	By Habitable Room	By Area (GIA)	By Area (NIA)
Market Homes	167	406	15,675 sqm	10,397 sqm
Social Rent / Affordable Rent	36	228	8,451 sqm	5,742 sqm
Intermediate	34			
<b>TOTAL</b>	<b>237</b>	<b>634</b>	<b>24,126 sqm</b>	<b>16,139 sqm</b>
<b>Total Affordable</b>	<b>30%</b>	<b>36%</b>	<b>35%</b>	<b>36%</b>

9.42 The s.73 Application will result in a significant uplift in genuinely affordable housing provision compared to the Extant Permission, particularly against the position excluding the DMR homes. The proposals increase the affordable habitable rooms from 23% to 36%. By area, the proposed amendments increase the affordable floorspace from 25% to 35%. The proposed affordable tenure split is 51:49 between Social / Affordable Rent and Intermediate Rent, and the Social Rent and Affordable Rent split is 50:50 on a unit basis. On this basis, the proposals are eligible to follow the Fast Track Route.

9.43 Plans showing the location layouts and types of affordable housing are provided within the Design and Access Statement and application drawings prepared by Cartwright Pickard Architects.

#### Affordable Housing Rent Levels

9.44 Social Rented Homes will be subject to weekly rental levels set in line with Government formula and guidance as set out in Table 9.4 below.

**Table 9.4: Social Rent Levels (excluding Service Charges)**

Unit Type	Weekly Rent
1 bed	£173.74
2 bed	£184.00
3 bed	£194.22

9.45 The Affordable Rented Homes will be subject to weekly rental levels as set out in Table 9.5 below.

**Table 9.5: Affordable Rent Levels (excluding Service Charges)**

Unit Type	Weekly Rent
1 bed	£331.39
2 bed	£412.96
3 bed	£497.10

9.46 Service charges will be payable in addition to the rental levels identified in Table 9.4 and 9.5 above. As the affordable housing is all contained within the Lower Block, it is anticipated that the level of service charge will be able to be set at a reasonable and affordable level. The internal design and communal amenity spaces have been designed in a way that ensure durability and low maintenance ensuring service charges are kept to a minimum.

9.47 The rent levels for Intermediate Rented Homes will be set in accordance with Camden's Intermediate Housing Strategy, with income linked levels to be agreed with the Council during the determination of the application. The weekly rental levels, inclusive of service charges, will be calculated in line with the GLA requirement that:

- No more than 3.5 times the household income threshold to buy; and
- No more than 40% of net household income including rent and service changes (with net income assumed to be 70% of gross income).

9.48 All intermediate homes are either 1 or 2 bedroom units, to ensure affordability. It is anticipated that the 2 bedroom homes will be allocated to a mixture of families and sharers.

9.49 In conclusion, affordable housing delivery is an important element of the proposed scheme. The quantum of affordable housing has been increased, both in terms of number of homes, habitable rooms and floorspace under the s.73 Application, and the proposed Social Rent, Affordable Rent and Intermediate Rent homes align with the Council's dwelling mix targets and priorities for rental levels to ensure they will make an important contribution to the delivery of affordable homes in Camden. It should therefore be given substantial weight in the overall planning balance judgement.

### **Design Principles**

9.50 High quality and inclusive design are encouraged at all policy levels. The NPPF notes that "good design" is a key aspect of sustainable development and should contribute positively to making places better for people. Part 135 of the NPPF outlines the requirement for good design and sets out that developments:

- *"will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development"*
- *are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit;*

- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- *create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

9.51 Chapter 3 of the London Plan reinforces the Mayor’s commitment to ensuring the delivery of good quality designed developments, which reflect and respond to London’s character. Policy D1 (London’s form, Character and Capacity form growth) requires developments to respond to local context by delivering buildings and spaces that are positioned and are of a scale, appearance and shape that responds successfully to the identity and character of the locality. Furthermore, Policy D5 (Inclusive Design) requires developments to deliver inclusive environments that meet the needs of all Londoners.

9.52 Local Plan Policy D1 (Design) seeks high quality design and development, and Camden require that development:

- Respects local context and character;
- Preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
- Is sustainable in design and construction;
- Comprises details and materials that are of high quality and complement the local character;
- Integrates well with the surrounding streets and open spaces, improving movement through the site and wider area;
- Is inclusive and accessible for all;
- Is secure and designed to minimise crime and antisocial behaviour;
- Incorporates high quality landscape design and maximises opportunities for greening; and
- Preserves strategic and local views.

9.53 Following a detailed review of the Implemented Permission, this Application proposes to update the façade design to ensure that the Approved Document O Building Regulations are met and to revise the materiality from concrete to brick to better reflect the local architectural context and maximise buildability. The design of the proposal has emerged through working closely with officers at the London Borough of Camden, the GLA, the DRP, and other stakeholders during the pre-application process, and the proposed design amendments will result in an enhanced appearance and design that responds successfully to the character of the locality and enhances the appearance of this part of Swiss Cottage.

9.54 In response to discussions with the London Borough of Camden and the Designing Out Crime Officer, the Proposed Development has positively introduced an additional entrance to the affordable housing on the northern façade of the lower building, This entrance will ensure all residents are provided with safe access to the lower block as it is on a prominent corner and is in close proximity to the station entrance and bus stops.

9.55 Condition 18 of the Extant Permission relates to the specific material details, and it is proposed this this condition is re-discharged following approval of this s.73 amendment application.

### **Internal Layout Considerations**

9.56 London Plan Policy D6 (Housing quality and standards) requires that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

9.57 Policy D6 requires housing development to maximise the provision of dual aspect dwellings and normally should avoid the provision of single aspect dwellings. The residential units should meet the minimum requirements for internal space

and private outdoor space. Further guidance is provided in the Housing Design Standards LPG, and this has been fully considered when developing the internal layouts of the residential elements.

9.58 In addition, the GLA have also published their 'Accelerating Housing Delivery Planning and Housing Practice Note December 2024'. In relation to the Mayor's housing design guidance, the aforementioned Practice Note outlines at Section 9 that the LPG should not be applied mechanistically in a way that inhibits delivery. It should also be applied in the context of the need to optimise site capacity in line with London Plan Policy D3 and to maximise affordable housing provision in accordance with London Plan Policy H4. It goes on to state at Paragraph 9.3 that "*standard C4.1 sets out the intention that new homes should aim to be dual aspect while recognising that the appropriate and efficient design solution may involve some single aspect units. While the amount of single aspect units should be kept to a minimum, this will vary according to the specifics of each Site, the design rationale for their use and the impact on key objectives*", and this should be taken into account when considering this aspect of the s.73 Application.

9.59 However, it should be noted that the basement of the Implemented Permission has already been constructed and provides structural limitations to internal layouts. Notwithstanding this, the proposed amendments introduce second staircases in both buildings to respond to fire safety as well as increasing the proposed number of homes within the approved building envelope.

9.60 The Extant Permission included 106 dual aspect homes (58%). The proposed amendments include 124 dual aspect homes (52%). Whilst there is an overall increase in the number of dual aspect homes, there is a slight reduction on a percentage basis. Within the Tower Block, the proportion of dual aspect homes has decreased from 66% to 57% as a result of the introduction of a studio unit within the building floorplate, and further information regarding this has been provided in the Design and Access Statement, and it should be noted that the single aspect homes within the Tower are limited to 1 and 2 bedroom homes, none of which are north facing. Within the Lower Block, which contains the affordable housing, the proportion of dual aspect homes has increased from 37% to 40%. This is as a result of the optimisation of the internal layouts and the installation of an additional storey. It has not been possible to further increase the number of dual aspect homes within this block as a result of the constraints of the basement and the linear nature of the Extant Permission, which is not proposed to be amended through this s.73 Application.

### **Heritage, Conservation and Townscape**

9.61 The Site does not lie in a Conservation Area, but it is, in close proximity to several conservation areas, listed buildings non-designated heritage assets, as set out in the Heritage, Townscape & Visual Impact Assessment prepared by Turley.

9.62 Paragraph 207 of the NPPF states that in determining applications, local planning authorities should require an application to describe the significance of any heritage assets affected, including any contributions made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance,

9.63 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 212).

9.64 London Plan Policy HC1 (Heritage Conservation and Growth) states that developments proposals affecting heritage assets and their setting should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings, should also be actively managed.

9.65 At a local level, Local Plan Policy D2 (Heritage) seeks to preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings and locally listed heritage assets. In terms of conservation areas, the Council will:

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

9.66 The Secretary of State concluded in their decision that the Implemented Permission would cause ‘less than substantial’ harm to the Belsize Conservation Area in respect of the view from Belsize Park. Overall, the proposal accords with the aims and objectives of the LB Camden Policies however a level of harm is carried through the planning balance. It was considered that this harm was weighed against the public benefit of the proposal, including securing its optimum use.

9.67 As previously highlighted, the proposed amendments do not alter the height, massing or scale of the buildings of the Implemented Permission. As such the massing of the scheme is an established planning position which should not be reconsidered as part of this amendment application. Notwithstanding this, a Heritage, Townscape & Visual Impact Assessment has been prepared by Turley and submitted in support of this Application, which considers the nature of the changed appearance and materiality of the proposed amendments. The HTVIA provides analysis of all viewpoints previously considered in the Extant Permission.

9.68 In summary, the amended proposals will continue the principle of sustaining the heritage significance of the relevant designated heritage assets, established by the Implemented Permission and enhance the significance of Swiss Cottage Library. With respect to the impact on the Belsize Conservation Area the amended proposals further reduce the previous, less than substantial harmful impact of the Implemented Permission, through amended design and materiality. The amended proposals will also have no impact on the local significance of local heritage assets, with visual impacts in terms of height and bulk in further and longer distance views remain as for the Implemented Scheme, whilst again, from closer-to viewpoints the improvement in architectural character of the amended proposals result in beneficial impacts, when directly compared to the Implemented Permission.

### **Landscaping, Public Realm and Open Space**

9.69 Details of the landscaping design by Turkington Martin is provided in the Design and Access Statement submitted in support of the Application. It is proposed that Condition 3 of the Extant Permission requiring details of landscaping is to be discharged in due course, too, should this s.73 application be approved.

9.70 The proposed amendments aim to improve the quality of the amenity space throughout the development in terms of private amenity space, play space and soft and hard landscaping. The proposed landscaping amendments will introduce additional seating, soft landscaping and play space along the ground floor to activate the frontage onto Swiss Cottage Open Space and Avenue Road.

9.71 The connection between the Swiss Cottage Open Space and the Site has been carefully designed following consultation with the planning officers and LB Camden Open Space Team. The proposals have been designed with regard to the Swiss Cottage Open Space Improvement Project which is due to commence in January 2025. Illustrative proposals within the Design and Access Statement show works which could be undertaken outside the application red line boundary to continue the proposed landscape character for the full length of the building frontage facing the park.

9.72 The landscape design has been carefully considered following discussions with Designing Out Crime Officers to reduce anti-social behaviour and ensure the space feels safe and welcoming, taking into account Make Space for Girls

principles. The public spaces will benefit from natural surveillance from the residential apartments, as well as the on-site management. Lighting of the external spaces has been designed to provide wayfinding and enhanced security.

- 9.73 To further activate the ground floor towards the Swiss Cottage Open Space and provide natural surveillance the community space reception will be open until 10pm, ensuring the space feels safe and welcoming.
- 9.74 In addition to the ground floor public realm improvements, amenity space and playspace is provided as a roof podium garden on the top of the lower block, with amenity space for the community facility also provided at this level.
- 9.75 London Plan Policy S4 (Play and informal recreation) aims for proposals that are likely to be used by children and young people should increase opportunities for play and informal recreation and enable children and young people to be independently mobile. Specifically residential development should incorporate good-quality, accessible play provision for all ages.
- 9.76 The Implemented Permission incorporated a total of 312 sqm of play space (not inclusive of the community space as this is not accessible to residents). The proposed amendments result in an increased provision of playspace (681 sqm). Whilst this does not meet the playspace requirement set out in the LBC Shaping Neighbourhoods: Play and Informal Recreation SPG 2012 of 1,030 sqm in full for this Site, the proposed amendments are considered a betterment from the Implemented Scheme and is not only an increase to the amount of play space, but also the quality of play space for children and young people. All of the 0-4 play provision and the majority of the 5-11 play provision is accommodated on site, with playspace for older children provided in the Swiss Cottage Open Space or other surrounding open spaces that can be accessed on foot.
- 9.77 Urban Greening was not a consideration when the Extant Permission was determined. London Plan Policy G5 sets a target Urban Greening Factor ("UGF") of 0.4 to be achieved for residential developments. The Extant Permission would have achieved a UGF score of 0.06. The proposed amendments achieve a significant uplift against the original scheme, achieving a UGF of 0.25. It is considered that the urban greening opportunities have been optimised in the Site, taking in consideration the constraints of the Extant Permission and retaining pedestrian and vehicular access to the Site.
- 9.78 The Arboricultural Assessment concludes that the Proposed Development introduces 37 new trees, a significant uplift from the Extant Permission. The assessment also identifies the requirement for the pruning of 1no Category A tree and 11no Category B trees off-site. All works is considered necessary to facilitate construction logistics and is considered to be minor. The Arboricultural Assessment provides a Tree Protection Plan, and it is recommended that an Arboricultural Method Statement in advance of works to trees occurring. Condition 21 of the Extant Permission requires a Tree Protection Plan to be submitted. This condition was approved under application ref. 2016/2352/P. It is proposed that this Condition is amended to reflect the latest Arboricultural Assessment and re-discharged in due course.

### **Amenity Considerations**

#### Daylight and Sunlight and Overlooking

- 9.79 Paragraph 130 of the NPPF emphasises the importance of a flexible approach when considering applications for housing on applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site.
- 9.80 Camden Policy A1 (Managing the impact of development) seeks to protect the quality of life of occupiers and neighbours and will grant permission for development unless this causes unacceptable harm to amenity. The factors to be considered include sunlight, daylight and overshadowing.
- 9.81 The daylight, sunlight and overshadowing impacts on neighbours and the surrounding area was tested as part of the Extant Permission. The Secretary of State and the Inspector found that the Extant Permission scheme would have some

impacts to the internal daylight and sunlight levels within some of the flats at Cresta House, however the impacts were considered to be minimal and in accordance with BRE Guidelines.

- 9.82 Whilst the proposed building massing of the amended scheme is aligned with the Implemented Permission, the Daylight and Sunlight Report prepared by Consil has retested the daylight and sunlight impacts to surrounding residential properties. The results demonstrate that all neighbouring properties assessed would comply with the BRE guidance for both annual and winter sunlight against the Annual Probably Sunlight Hours ('APSH') test. In terms of daylight to neighbouring properties at 115-121 Finchley Road, Mora Burnet House and 3-35 Winchester Road would comply with the BRE guidance. At Cresta House, all windows tested would comply with the No Sky Line ('NSL') test for daylight, however there would be small reductions in the absolute Vertical Sky Component ('VSC') figures to most of the windows. These windows at Cresta House are located beneath balconies and when tested without balconies (as recommended by the BRE guidance), the results show full compliance. As such the impacts identified to neighbouring properties are almost identical and no worse than the effect of the Implemented Permission.
- 9.83 The Daylight and Sunlight Report prepared by Consil also provides an updated assessment of daylight and sunlight levels achieved within the development, against the latest BRE Guidance. The scheme has been designed to maximise daylight and sunlight within the main living areas of each apartment. Unlike the Implemented Permission (e.g. within the Tower block at Levels 6-18 where there are studio homes with no balconies) the amended design incorporates external amenity spaces to all homes via inset balconies, which the Report acknowledges can result in restrictions to internal light levels.
- 9.84 The analysis concludes that 90% of the rooms assessed would meet or exceed the guideline values given by the BRE for daylight amenity against the Illuminance / Lux criteria. Where the guidance is not met, the vast majority of rooms are bedrooms, where daylight can be considered less important. This level of compliance is considered acceptable in the context of the local area and when balanced against other design considerations, including working within the consented massing and footprint of the Implemented Permission.
- 9.85 The internal sunlight assessment prepared by Consil goes on to demonstrate that 98% of the proposed rooms served by a window orientated within 90- degrees of due south would receive at least 1.5 hours of sunlight in accordance with the Sunlight Exposure ('SE') test in the BRE guidance. Of the five rooms not meeting the SE test, two are located within apartments where at least one further room would comply with the BRE guidance. The three remaining apartments are private studios served by windows on the south side of the Tower facing the Lower Block. These three studios would receive between 1.1 and 1.3 hours of direct sunlight on 21 March, only marginally below the recommended 1.5 hours. This level of compliance is considered high in an urban location.
- 9.86 The overshadowing assessment shows that the future occupiers of the development will have access to adequately sunlit communal external amenity spaces throughout the year. The Report identifies that 92% of the public realm and 82% of the Lower Block terrace would receive high levels of sunlight on 21 March, well in excess of the 50% target recommended by BRE guidance. In terms of Swiss Cottage Open Space, the overshadowing results also accord with the BRE guidelines. This aligns with the results of the Implemented Permission.
- 9.87 In summary, the daylight and sunlight assessments demonstrate that the proposed habitable rooms within the development and communal external amenity spaces will receive adequate levels of daylight and sunlight amenity, in compliance with national and local planning policy and the guidance provided by the BRE.

#### Noise

- 9.88 London Plan Policy D14 (Noise) considers that development should manage noise by avoiding significant adverse noise impacts on health and quality of life. Mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.



9.89 London Plan Policy D13 (Agent of change) places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them. Development proposals should manage noise and other potential nuisances by:

- i. *“ensuring good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area*
- ii. *exploring mitigation measures early in the design stage, with necessary and appropriate provisions including ongoing and future management of mitigation measures secured through planning obligations*
- iii. *separating new noise-sensitive development where possible from existing noise-generating businesses and uses through distance, screening, internal layout, sound-proofing, insulation and other acoustic design measures.”*

9.90 Camden Local Plan Policy A4 (Noise and Vibration) seeks to ensure that noise and vibration is controlled and managed.

9.91 An Acoustic Report including a vibration assessment has been prepared by RBA Acoustics has been submitted in support of the Application. The report concludes that the acoustic model has been used to provide indicative glazing specifications to ensure suitable internal noise levels are achieved at the proposed development to ensure that the British Standards and relevant World Health Organisation guidelines can be met.

9.92 The measured vibration levels have been used to assess the impact from underground train movement on the proposed development. Mitigation measures have been provided to suitable control re-radiated noise within the affected areas.

#### Wind

9.93 A Microclimate and Wind Assessment has been prepared by GIA and supports this Application, to ensure the wind and microclimate levels are sufficient within the Proposed Development.

9.94 London Plan Policy D8 (Public Realm) requires buildings and public realm to be designed in away where considerations have been given to the local microclimate, which could be created by buildings and the impact this may have on service entrances and faces on the public realm. Furthermore, Policy D9 (Tall Buildings) of the London Plan states that development proposals should ensure that environmental impacts such as wind do not compromise comfort and the enjoyment of open spaces around the Building.

9.95 Local Plan Policy A1 (Managing the Impact of Development) seeks to protect the quality of life of occupiers and neighbours. The Council seek to ensure that the amenity of communities, occupiers and neighbours is protected and will consider the microclimate.

9.96 The Implemented Permission Wind and Microclimate Assessment prepared by RWDI concluded that the wind microclimate at the Site is suitable for sitting and standing/entrance use during the windiest season. In the summer, when winds are lighter, the wind microclimate is suitable for sitting at all receptors with no wind safety risk areas within the Site or surrounding areas.

9.97 An updated Wind and Microclimate Assessment has been prepared by GIA in support of this s.73 Application, and this confirms that wind comfort conditions would be suitable for all intended uses (or no worse than the baseline conditions) for all thoroughfares, roadways, proposed or existing building entrances, bus stops, the stalls of Swiss Cottage Farmers Markets, existing amenity spaces, the proposed roof terraces and balconies. As a result, the proposed development is not considered to have any adverse impacts from a wind microclimate perspective and there are no wind safety risks within the Site or surrounding areas.



- 9.98 Condition 15 of the Extant Permission requires details of microclimate mitigation measures to be submitted to the Council, and were partially discharged under application ref. 2017/3838/P and 2019/1772/P. It may be necessary to amend the wording of Condition 15 to reflect the wind and microclimate mitigation measures identified in the latest assessment prepared by RWDI.

#### Air Quality

- 9.99 The NPPF states (Paragraph 135) that development should create places with a high standard of amenity for existing and future users.
- 9.100 London Policy D1 (London's Form, Character and Capacity for Growth) seeks to define the characteristics, qualities and values of different places within the plan area to develop an understanding of different areas' capacity for growth.
- 9.101 London Plan Policy SI 1 (Improving Air Quality) seeks to tackle poor air quality, protect health and meet local obligations. Development proposals should not; a) lead to further deterioration of existing poor air quality; b) create any new areas that exceed air quality limits or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits; c) create unacceptable risk of high levels of exposure to poor air quality. In order to meet the requirements in Part 1, as a minimum: a) development proposals must be at least Air Quality Neutral; and b) should use design solutions to prevent or minimise increased exposure. .
- 9.102 Local Plan Policy CC4 (Air Quality) seeks to ensure that the impact of development on air quality is mitigated and ensures that exposure to poor air quality is reduced in the borough.
- 9.103 The Air Quality Assessment prepared by Logika Group has considered the impacts of the Proposed Development on local air quality in terms of dust and particulate matter emissions. The Proposed Development is compliant with the London Plan as it will not lead to further deterioration of existing poor air quality; it will not cause exceedances of legal air quality limits; it will not create unacceptable risk of high levels exposure to poor air quality; design solutions have been used to address air quality issues rather than post-design mitigation, including design measures to minimise exposure; and it is better than air quality neutral.
- 9.104 Condition 24 of the Extant Permission relates to air quality monitoring and was discharged under application ref. 2016/1893/P. It is proposed that Condition 24 could be redischarged to reflect the proposed construction strategy.

#### **Energy and Sustainability**

- 9.105 Paragraph 164 of the NPPF states that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Paragraph 166 requires new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 9.106 London Plan Policy SI2 (Minimising greenhouse gas emissions) of the London Plan outlines that major developments should be net zero-carbon, which means reducing carbon dioxide emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy: 'Be lean, Be clean, Be green and Be seen'. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Specifically residential development should achieve 10 per cent through energy efficiency measures.
- 9.107 Policy SI4 (Managing heat risk) of the London Plan outlines that major development proposals should demonstrate, through an energy strategy, how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.
- 9.108 Policy SI 5 (Water Infrastructure) of the London Plan seeks to improve the water environment and ensure that adequate wastewater infrastructure capacity is provided.

- 9.109 Policy SI7 (Reducing waste and supporting the circular economy) of the London Plan sets out that resource conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal will be achieved by promoting a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible.
- 9.110 Policy CC1 (Climate change mitigation) of the Local Plan requires all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. To promote zero carbon development and require all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy; and require all major development to demonstrate how London Plan targets for carbon dioxide emissions have been met.
- 9.111 Policy CC2 (Adapting to climate change) of the Local Plan requires development to be resilient to climate change. All development should adopt appropriate climate change adaptation measures such as:
- a. *“The protection of existing green spaces and promoting new appropriate green infrastructure;*
  - b. *Not increasing, and where possible reducing, surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems;*
  - c. *Incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and*
  - d. *measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.”*
- 9.112 The proposed amendments aim to increase the sustainability and energy efficiency of the building, in line with the London Plan and Camden Local Plan policies.
- 9.113 Under the Implemented Permission, the proposals achieved at least 29% regulated carbon emission reduction in line with then up-to-date Part L 2010 Building Regulations. Subsequently, further information prepared in relation to the Section 106 Agreement attached to the Implemented Permission demonstrated that the proposals achieved a site wide carbon reduction of 30.6% against Part L 2013 Building Regulations. It should be noted that these previous assessments were completed against outdated versions of the Building Regulations which were relevant at the time, with the on-site carbon reduction through the use of gas fired CHP for heating and hot water, and the provision of Photovoltaic Panels.
- 9.114 The Proposed Scheme is to be brought up to modern standards and will be compliant with London Plan 2021 in line with the energy hierarchy and future proofed for the Future Homes Standard which is due for release in 2025. A fabric first approach has been adopted, with low U-values, air permeability and excellent thermal bridging, ensuring the energy use of the building is reduced as much as possible before the addition of low carbon technologies. The Proposed Scheme will also be connectable to a future heat network in the future and a highly efficient ambient loop air source heat pump (ASHP) will provide heating, hot water and cooling where required. In accordance with the principles established under the Implemented Permission, the provision of Photovoltaic Panels on the roofs of the Tower and Lower Block is maximised.
- 9.115 Carbon reduction on site will be prioritised, targeting approximately 77% overall, with the remainder to meet net zero paid as the carbon offset payment. This is a substantial enhancement over the Implemented Permission and will move away from reliance on fossil fuels and be a fully electric scheme, taking benefit from low carbon heating through ambient loop ASHP. The ambient loop will be reversible, enabling heat to be recovered to ensure the highest possible efficiencies, and removing the need for a separate cooling system.
- 9.116 The Implemented Permission achieved a BREEAM standard for the non-residential element of ‘Very Good’. The Proposed Development now achieves BREEAM ‘Excellent’. The Applicant has ensured that they maximise the opportunities to enhance the environmental performance of the development and ultimately exceed Building Regulations, London Plan and LBC requirements.

- 9.117 Policy SI 7 (Reducing waste and supporting the circular economy) of the London Plan states that schemes which are referable should promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement should be submitted which demonstrates how:
- *“How all materials arising from demolition and remediation works will be re-used and/or recycled;*
  - *How the proposals design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their usual life;*
  - *Opportunities for managing as much waste as possible on site;*
  - *Adequate and easily accessible storage space and collection systems to support recycling and re-use;*
  - *How much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy; and*
  - *How performance will be monitored and reported.”*
- 9.118 Draft Local Plan Policy CC3 (Circular economy and reduction of waste) seeks to ensure that developments minimise waste, use resources efficiently and are designed to facilitate easy maintenance and adaptability of use. The Council will require all developments to optimise resource efficiency by:
- *“Reducing waste through the application of the waste hierarchy (Prevention, Preparing for reuse, Recycling, Other recovery, Disposal);*
  - *Reducing energy and water use during demolition and construction, whilst effectively mitigating air quality impacts;*
  - *Minimising the amount of materials required;*
  - *Using materials with low embodied carbon content; and*
  - *Enabling low energy and water demands once the building is in use.”*
- 9.119 It should be noted that the Implemented Permission was not required to complete a circular economy statement as this is a new requirement under London Plan 2021.
- 9.120 This Application is supported by a Circular Economy statement prepared by Whitecode which outlines the Applicants’ commitment to Circular Economy and how this will be achieved. This report concludes that the circular economy principles are embedded at the start of the project. The report states that the Proposed Development will be achieving circular economy by completing required supporting documents, regular reviews of the statement and integration with the BREEAM requirements.
- 9.121 The Application has produced a Whole Life Carbon Assessment prepared by Whitecode which indicate that the development is comfortably within the WLC aspirational benchmark for Stages A-C with emissions totalling 717 kgCO<sub>2</sub>e/m<sup>2</sup>.
- 9.122 Furthermore, by incorporating measures to reduce embodied carbon, the development has achieved a saving of 113.65 kgCO<sub>2</sub>/m<sup>2</sup> when compared to a Notional baseline. The Site has demonstrated that every option for reducing carbon emissions has been considered and implemented where feasible at this stage.
- 9.123 Conditions 25, 26, 27 and 28 of the Extant Permission related to the original energy strategy, including details of the CHP and BREEAM. It is proposed that these conditions are removed and replaced with conditions which reflect the amended energy and sustainability strategies.
- 9.124 The Application is supported by a Ventilation and Extraction Strategy Statement prepared by Whitecode which evidences how the ventilation strategy proposed will comply with Approved Document F of the Building Regulations.

## Transport and Highways

- 9.125 Section 9 of the NPPF sets out the Government's policies with regard to transport. Paragraph 118 sets out the requirement for all developments that generate significant amounts of movement to be supported by a Travel Plan.
- 9.126 London Plan Policy T6.1 (Residential parking) aims for new residential developments to not exceed the maximum parking standards, which in this case, within an area of PTAL rating 6, is car free.
- 9.127 Local Plan Policy T1 (Prioritising walking, wheeling and cycling) promotes active travel by prioritising walking, wheeling and cycling in the borough. In order to promote cycling and ensure a safe and accessible environment, development should provide for and make contributions towards connected, high quality, convenient and safe cycle routes, in line or exceeding London Cycle Design Standards. To provide for accessible, secure cycle parking facilities exceeding minimum standards outlined in the London Plan and design requirements outlined within the SPD.
- 9.128 Local Plan Policy T3 (Parking and car-free development) limits the availability of parking and require all new developments in the borough to be car free.
- 9.129 Draft Camden Local Plan Policy T1 (Safe, healthy and sustainable transport) prioritises the delivery of safe, active, healthy, affordable and sustainable transport. The council will require development to reduce vehicle use through the delivery of car free development, provision of alternative, sustainable modes of travel, supporting improvements to and investment in public transport, and by prioritising the sustainable movement of goods, services and materials.
- 9.130 The Implemented Permission provided 13 car parking spaces, however in line with the development plan policies the car parking has been reduced and introduces 8 blue badge holder parking spaces, to provide the opportunity for disabled residents to park on Site.
- 9.131 This provision comprises of 5 spaces for the private tower and 3 spaces for the lower block, which represents a minimum 3% parking to residential unit ratio, as prescribed within London Plan guidance. This approach has been discussed in principle with both LB Camden and TfL during pre-application discussions.
- 9.132 In terms of cycle parking, the Implemented Permission provided 240 long-stay cycle parking spaces for residential use along with 48 short-stay cycle parking, of which, 66 long-stay spaces were for the Lower block and 174 spaces were for the Tower block.
- 9.133 The Proposed Development seeks to retain the cycle parking for the Implemented Permission as a baseline for the implemented 184 residential units. The additional 53 residential units proposed would be provided with cycle parking that accords with the current London Plan standards.
- 9.134 This will also include cycle parking for the commercial and community uses in line with London Plan standards. Short-stay cycle parking will also be provided in line with London Plan standards.
- 9.135 The total cycle parking provision for all uses will increase to 340 long-stay spaces and 81 short-stay spaces. A breakdown of cycle parking in comparison of the Implemented Permission and Proposed Development can be found within the Transport Statement prepared by Caneparo Associates in support of this Application. This approach has been discussed in principle with both LB Camden and TfL during pre-application discussions.
- 9.136 The Transport Statement supports this Application and has been prepared by Caneparo Associates. The Assessment concludes that the Proposed Development is acceptable in traffic and transport terms. Taking into consideration the Implemented Permission, the benefits of the proposal and the mitigation measures proposed, it is consistent with relevant transport policy guidance and is considered to meet the key test of the revised NPPF and paragraph 115.

9.137 On the basis there is no unacceptable impact on highway safety or residual cumulative impacts on the road network that would be severe, it is concluded the Proposed Development should be supported on transport and highways grounds.

#### Delivery, Servicing & Waste Management

9.138 London Plan Policy SI 7 (Reducing waste and supporting the circular economy) focuses on reducing waste and supporting the circular economy.

9.139 Local Plan Policy A1 (Managing the impact of development) seeks to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. The factors considered include transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans.

9.140 The Delivery Servicing and Waste Management Plan prepared by Caneparo Associates supports this Application and provides the measures and principles to ensure that servicing activities are undertaken successfully, efficiently, sustainability and without conflict between vehicles or pedestrians.

9.141 By way of background, the Implemented Permission secured a servicing strategy through the associated Section 106 Agreement, and the Service Management Plan under Clause 3.6.1. has been approved by the Council and was formally discharged on 13 October 2020. As such the existing Service Management Plan is an approved scenario, and one which the Implemented Permission could adopt if it were to be built out in accordance with its currently approved details.

9.142 The submitted Delivery Servicing & Waste Management Plan sets out that all delivery vehicles which are small vans, cars, motorcycles and cargo cycles will service the Development from the basement servicing area, accessible via a ramp to Eton Avenue. Larger delivery vehicles will make use of the courtyard area provided on-site, accessed from the pedestrian zone of Eton Avenue, as per the Implemented Permission and historic access rights of Eton Avenue. Further details of the proposed servicing arrangement can be found within the Caneparo documents, as mentioned above.

9.143 In terms of waste management, the storage will be provided across the development individually for each use, and details of these can be found within the Waste Management Plan prepared by Caneparo Associates. The collection of the waste will be as per the Implemented Permission and collected at the ground floor courtyard area.

9.144 Overall, the reports conclude that the Delivery Servicing and Waste Management Plan will ensure the successful operation of all servicing activity on a day-to-day basis.

#### Construction Management Plan

9.145 The Construction Management Plan prepared by Regal builds on the Implemented Scheme Construction Management Plan. Accordingly, access will continued be provided for all construction vehicles from Avenue Road and they will be instructed to not approach from any other routes. Further details are outlined within the Construction Management Plan and will be finalised and agreed with the London Borough of Camden and other stakeholders through the future Section 106 Agreement and the associated planning obligations.

#### TfL Station Access Area

9.146 The Section 106 Agreement includes obligations to safeguard land at basement and ground floor level for a potential step-free access to Swiss Cottage London Underground station. These areas are to be offered to be transferred to TfL in the event that TfL serves notice within a specified period. Should the transfer not be requested from TfL the safeguarded areas would revert to commercial or residential use. Discussions with TfL are ongoing as to whether they are likely to require the safeguarded areas. The Design and Access Statement submitted with the application indicates potential station access areas should the requirement still be necessary.

## **Ecology**

- 9.147 The NPPF, Paragraph 187 explains that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species.
- 9.148 Local Plan A3 (Biodiversity) aims to protect and enhance sites of nature conservation and biodiversity, which will seek to improve opportunities to experience nature, in particular where such opportunities are lacking.
- 9.149 A Preliminary Ecological Appraisal has been prepared by Greengage which concludes that due to the Site having negligible suitability for all other protected / BAP species, no further surveys are recommended. However, mitigation measures need to be implemented for the Jersey cudweed plants found on the Site and this can be appropriately secured following the grant of planning permission. In addition, the Preliminary Ecological Appraisal sets out a series of recommended compensation and enhancement actions to enable net gains in biodiversity, and these will be secured through the use of planning conditions in due course should they be deemed to be required during determination.

## **Contaminated Land Assessment**

- 9.150 Paragraph 196 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risk arising from land instability and contamination.

- 9.151 Condition 14 of the Implemented Permission is as follows:

*“Development shall not commence below ground level until a scheme for the following has been submitted to and approved in writing by the council:*

- 1. An intrusive land contamination survey and the written results. Laboratory results must be provided as numeric values in a formatted electronic spread sheet.*
- 2. A remediation scheme, if necessary, shall be agreed in writing with the Local Planning Authority.*

*The scheme as approved shall be implemented before any part of the development hereby permitted is occupied.”*

- 9.152 Part 1 of Condition 14 which was discharged on 12/12/2017 under ref. ref. 2017/5859/P, and remediation / mitigation measures were proposed to include the removal of existing tanks and the substation (including visual inspection of soils beneath the tanks and substation during deepening of the basement to confirm no visual evidence of contamination) and a watching brief and discovery strategy. As the previous work on the Site, under the Implemented Permission, included the removal of existing tanks, the substation and all of the above actions it can be confirmed that the source of contamination on the Site is no longer present.
- 9.153 It is concluded therefore, within the Contaminated Land Statement of Conformity, that the risk to site receptors including site workers and end users coming into contact with ground borne contamination a result of undertaking the proposed works is negligible given that all required mitigation measures were undertaken previously and no further excavation works are proposed in respect of the s.73 Application.

## **Drainage & Flood Risk Assessment**

- 9.154 Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at the highest risk.

- 9.155 Paragraph 181 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. The policy requires a site specific Flood Risk Assessment be submitted with planning applications for all sites greater than 1 ha in Flood Zone 1, for sites of any size within Flood Zones 2 and 3.
- 9.156 Policy SI12 (Flood Risk Management) of the London Plan requires that current and expected flood risk from all sources across London should be managed in a sustainable and cost-effective way, in collaboration with the Environment Agency, the Lead Local Flood Authorities, developers and infrastructure providers. This Policy outlines that all development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
- 9.157 Local Plan Policy CC3 (Water and Flooding) seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible. The Council will require development to incorporate water efficiency measures; consider the impact of development in areas at risk of flooding; and utilise SUDS in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible.
- 9.158 The Flood Risk Assessment was prepared by Robert Bird which concludes that the overall flood risk is low, and the residual risk of sewer flooding can be reduced as a result of the proposed drainage improvements at the Site. Groundwater contamination is not thought to be a concern at the Site as an impermeable layer of London Clay protects the underlying aquifer from the overlying perched water table.
- 9.159 Opportunities for Sustainable drainage systems are presented with respect to green roofs, attenuation tanks and flow control chambers. Such solutions reduce the peak surface water discharge to the combined sewer network and improve surface water quality, and further information is provided in the Drainage Report prepared by Robert Bird Group.

#### **Fire Strategy**

- 9.160 Policy D12 (Fire Safety) of the London Plan requires developments to achieve the highest standards of fire safety. All major development proposals are required to include a Fire Statement; an independent fire strategy produced by a third party suitably qualified assessor. The Statement should detail how the development proposal would function in terms of the building's construction methods, products and materials, means of escape for all building users, features which reduce the risk to life, access for fire service personnel, provision within the curtilage of the Site to enable fire appliance to gain access to the Building and ensure any potential future modifications to the Building will take into account fire risk.
- 9.161 In line with the requirements set out above, the s.73 Application includes a Fire Statement prepared by Ashton Fire. The Statement identifies the proposed means of escape for the Scheme, the proposed materials used and alarm detection measures to be installed within the Building. The Statement also sets out firefighting access arrangements and that any potential future modifications to the building will take into account and not compromise the base build fire safety / and any inherent protection measures.

#### **Health Impact Assessment**

- 9.162 London Plan Policy GG3 establishes that need to assess potential impacts of development proposals on the mental and physical health and wellbeing of communities, and that HIA's can help to achieve this.
- 9.163 Local Plan Policy C1 (Health and Wellbeing) requires development to positively contribute to creating high quality, active, safe and accessible places and to include an HIA for major development proposals.
- 9.164 A HIA has been prepared by Montagu Evans to support this application. This scope of this assessment was agreed prior to submission through a dedicated meeting with the London Borough of Camden, and this concludes that the health impacts identified are overwhelmingly positive, and the Proposed Development is expected to make a positive impact on public health within the local area primarily through the provision of new commercial and residential spaces. This in



turn will help to respond to local issues and inequalities by promoting active lifestyles, local economic development and providing employment opportunities to a range of local people and should be welcomed.

#### **Regeneration Benefits / Statement**

- 9.165 As identified in the HIA, the s.73 proposals will result in a number of regeneration benefits. These include the creation of jobs during the construction period, as well as the creation of permanent end user jobs within the proposed development when the scheme is fully operational. Local employment and training opportunities are secured within the S.106 Agreement, including the promotion of local procurement when tendering for the provision of goods and services related to the construction of the development.
- 9.166 Once operational, the new residents and workers within the scheme would generate additional spend within the local economy. This increased footfall will help support local businesses, including the Swiss Cottage Market, and the proposed commercial floorspace will also create revenue for the London Borough of Camden through business rates. The residential accommodation will also make a substantial contribution to the Borough via Council Tax payments.
- 9.167 A significant portion of the development will be dedicated to providing affordable housing, to help address local housing demand. Furthermore, the development will also bring forward community benefits, through the provision of new community floorspace that is capable of being occupied by a range of operators including the Winch. The provision of a dedicated and highly efficient space that will provide opportunities for local people should be welcomed and this aligns with Camden's goal of enhancing community engagement, cohesion, and amenities.
- 9.168 The development will incorporate green building principles and sustainable technologies such as energy-efficient systems and renewable energy technologies in line with Camden's commitment to reducing carbon emissions and environmental impact. The proposal also includes the creation of green areas and landscaping, contributing to biodiversity and improving the overall environmental quality of the area, and along with public realm improvements shall improve the aesthetic and functional quality of the area. This will ensure the delivery of a high quality development that will respect and integrate with Camden's architectural character, incorporating design elements that complement the existing urban fabric and preserve heritage aspects of the area.

#### **Structural Statement / Use of the Existing Basement and Piling Arrangement**

- 9.169 The Structural Statement prepared by Robert Bird and submitted in support of the s.73 Application highlights the Implemented Permission and the existing basement and superstructure, confirming how from a structural perspective, the revised proposals can be accommodated whilst utilising as much of the existing basement and structural solution as possible. Further information in relation to the specific approach which has been adopted in relation to the amended proposals, is provided in the Structural Statement, prepared by Robert Bird Group.

# 10.0 PLANNING OBLIGATIONS AND CIL

## Planning Obligations

- 10.1 Under Section 106 of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities have the power to enter into planning obligations with persons with an interest in the land.
- 10.2 Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 58 of the NPPF confirm that planning obligations must only be sought where they meet all of the following tests:
3. Necessary to make the development proposal acceptable in planning terms;
  4. Directly related to the development; and
  5. Fairly and reasonably relate in scale and kind to the development.
- 10.3 Paragraph 56 of the NPPF confirms that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 10.4 Policy DM1(D) of the Local Plan sets out that the Council will use planning contributions where appropriate to support sustainable development, secure the infrastructure, facilities and services to meet the needs generated by the development, and to mitigate the impact of development.
- 10.5 The Extant Permission is subject to a Section 106 Agreement which secured a number of planning obligations and financial contributions. Through the appeal process a s.106 Agreement was signed by Essential Living (Swiss Cottage) Limited, the London Borough of Camden and Mount Street Loan Solutions LLP on 24 August 2015. The appeal was allowed on 18 February 2016.
- 10.6 The Section 106 Agreement secured a number of obligations, including the following financial contributions:
- Public Realm Contribution (£231,813) – paid prior to implementation;
  - Landscape Works Contribution (£232,800) – paid prior to occupation;
  - External Public Open Space Maintenance Contribution (£25,000) – payment due prior to occupation;
  - Travel Plan Monitoring Contribution (£6,002) - payment due prior to occupation;
  - Carbon Reduction Contribution (£TBC) – payment due at post-completion review stage (if necessary); and
  - Contributions relating to additional and deferred affordable housing payments (amounts depending on viability).
- 10.7 A Deed of Variation to the s.106 Agreement was signed on 4 August 2020 in respect of permission reference 2018/4239/P. This incorporates changes to approved drawings and updated details relating to the Community Facility Lease with the Winch.
- 10.8 As a result of the scheme changes, it is proposed that a further Deed of Variation is entered into to incorporate changes which are necessary to the definitions and clauses contained within the s.106, to align the Agreement with the latest scheme proposals.
- 10.9 It is acknowledged that since the Extant Permission was granted, Camden have adopted a Developer Contributions SPD (March 2019). It is our view that any additional financial contributions should be considered if they are reasonable in scale to the proposed uplift in homes (rather than the development as a whole).
- 10.10 Table 10.1 below identifies the variations which we consider likely to be required to the s.106 Agreement (as amended by the 2020 Deed of Variation).

**Table 10.1: Proposed Variations to S106 Obligations**

Clause	Obligation	Nature of Amendment
Clause 3.2	Affordable Housing	Clause removed and replaced to: <ul style="list-style-type: none"> <li>- reflect proposed affordable tenures (Social Rent, Affordable Rent and Intermediate)</li> <li>- reflect amended proposed GA plans</li> <li>- include early stage viability review</li> </ul> Associated definitions to be removed / updated, as necessary.
Clause 3.4	Public Realm	Updated Public Realm Drawing to be provided. Delivery and maintenance of public realm outside red line boundary to be agreed with Camden and the Open Spaces Team
Clause 3.5	Construction Management Plan	Updated draft CMP is submitted with the application (based on same principles as the previously approved CMP).  Wording of clause may need updating to reflect latest requirements.
Clause 3.6	Service Management Plan	Updated Delivery, Servicing and Waste Management plan will be submitted with the application (based on same principles as approved plan), and the wording of clause may need updating to reflect latest LBC requirements.
Clause 3.7	Travel Plan	Wording of clause may need updating to reflect latest LBC Travel Plan requirements.
Clause 3.10	Energy Efficiency and Renewable Energy Plan	Clauses to be removed and replaced to reflect revised energy strategy and latest policy requirements.
Clause 3.13	Project Architect	To be amended to Cartwright Pickard Architects.
Clause 3.14	Community Facility	To be updated to reflect: <ul style="list-style-type: none"> <li>- latest Heads of Terms agreed with The Winch, to be secured through a Community Use Plan (if required)</li> <li>- revised GA plans for The Winch</li> </ul>
Clause 3.15	PRS Affordable Housing Disposal	To be removed (no PRS tenure in amended scheme).
Clause 3.16	Affordable housing Post Viability Review	To be removed (scheme will qualify for GLA Fast Track Route).

**Outline Employment & Training Strategy**

10.11 During the determination of the s.73 Application, the Applicant is willing to discuss other financial and non-financial obligations required to contribute to non-infrastructure projects that could mitigate the perceived impact of development such as employment, apprenticeships / skills training and recruitment. We note that Section 3.8 of the existing Section 106 Agreement outlines a number of commitments in relation to Local Employment measures including interactions with King's Cross Construction and the procurement of at least 19 apprentices on the works to be carried out during the Construction Phase and shall work with King's Cross Construction to promote and advertise the training places to potential candidates. In addition, 3.9 of the existing Section 106 Agreement relates to local procurement and the expectations required throughout construction. These will be discussed further during determination of the Application.

**Outline Community Use / Management Plan**

10.12 Section 3.14 of the existing Section 106 Agreement relates to the 'Community Facility' space to be provided as part of the Development. It is proposed that a Community Use / Management Plan will be secured through the future Deed of Variation and include information such as the proposed hours of operation, service charges, insurance details,

management arrangements, and access considerations in respect of the dedicated community floorspace included in the scheme. This is in accordance with the current obligations included in the existing Section 106 Agreement (as currently included at Clause 3.14.5).

### **Community Infrastructure Levy**

- 10.13 The Extant Permission was approved when both the Camden CIL Charging Schedule (April 2015) and the Mayoral CIL Charging Schedule (April 2012) were in place.
- 10.14 Prior to the commencement of development in December 2017, which was confirmed with a certificate of lawfulness issued by Camden on 8 February 2018 (ref: 2017/6884/P), Camden issued a CIL Demand Notice for £4,683,910.43 payable for Camden CIL and £580,444.84 payable for Mayoral CIL. CIL liabilities were fully paid by Essential Living in five instalments, which also accounted for Mandatory Social Housing Relief, granted by Camden.
- 10.15 Since this time, the relevant CIL Charging Schedules have been updated and revised.
- 10.16 The s.73 proposals will result in the creation of additional floorspace. As such the additional floorspace will be liable for CIL, in accordance with the Camden CIL Charging Schedule (October 2020) and the Mayoral CIL2 Charging Schedule (January 2019) and CIL Form 1 has been submitted as part of the Application, which provides further details.
- 10.17 Where CIL has been paid and then an amended planning application is granted planning permission, the CIL paid on the previous liability can be credited towards the new liability in accordance with Reg. 74(A) of the CIL Regulations, and this is expected to be applicable in this instance, alongside further Mandatory Social Housing Relief which will be agreed. In addition, and where demolition has already taken place in accordance with the Implemented Permission and factored into the associated CIL liability, the expectation is this will be credited against the future liability of the s.73 Permission.

# 11.0 SUMMARY AND PLANNING BENEFITS

11.1 This Planning Statement has provided an assessment of this s.73 Application against the Development Plan and any other material considerations, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

11.2 The Application proposes a series of amendments to the Implemented Permission to facilitate the redevelopment of this brownfield site, and to optimise the quantum and quality of development in accordance with the Site Allocation and the intentions of the revised NPPF issued in December 2024.

11.3 This s.73 Application retains key principles established in the Extant Permission (including land uses, building heights and strategies relating to servicing, deliveries and construction). The proposed s.73 amendments include the following:

- Introduction of a second staircase and floor plans which meet the latest Building Regulations;
- Residential units provided for sale, rather than as a build to rent product;
- Increased number of both 'Market for Sale' and 'Affordable' homes, broadly within the approved massing envelope;
- Provision of 35% affordable homes, on a floorspace (GIA) and habitable room basis, to meet Camden's needs;
- High quality residential accommodation delivered to meet the latest standards, including 90% M4(2) and 10% M4(3) units, across a mix of tenures and unit sizes;
- Provision of Community Space, to meet the needs of a variety of potential operations, including 'The Winch'.
- Improved building frontages with a dedicated community entrance and contextual public realm to address areas adjacent to the Site;
- Rationalisation and retention of Commercial, Business and Service (Class E) floorspace, with active frontages where possible;
- An MEP strategy which meets adopted London Plan policy requirements;
- An updated facade design to minimise overheating requirements;
- A more contextual facade strategy which illustrates high quality and buildability; and
- Improved public realm and maximising greening opportunities, resulting in an Urban Greening Factor of 0.25.

11.4 The proposed amendments have been influenced by the detailed technical review of the Implemented Permission and the Applicant's desire to optimise the of development the Site. Through design development the proposals result in the following benefits, many of which improve upon the level secured under the Implemented Permission:

- Redevelopment of a previously developed brownfield site to provide 237 new high-quality homes, providing a net uplift of 53 additional units when compared to the Implemented Permission to help Camden meet their local housing targets, without affecting the overall massing envelope of the development;
- 70 affordable homes equating to 35% affordable housing (by habitable room), representing an increase from the 23% affordable housing (by habitable room) secured under the Implemented Permission;
- The inclusion of a second residential stair within each residential block to ensure the highest standards of fire safety have been accounted for, for future residents of the development;
- Delivers appropriate buildings of high quality architecture that is well-related to the surrounding context and the neighbouring buildings;
- A car free development (with the exception of disabled parking provision) with cycle parking spaces provided in accordance with policy requirements, supporting the Council's aspirations for sustainable green transport solutions in the area;
- The inclusion of significant urban greening, far in excess of the Implemented Permission (0.06); and

- Sustainability benefits including SuDs and BREEAM 'Excellent' for the non-residential component together with a 77% improvement over Part L of the 2021 Building Regulations, thus contributing to a reduction of emissions compared to the Implemented Permission.

11.5 On the basis of the above, the proposed development should be approved without delay.

# APPENDIX 1.0

## APPLICATION DRAWING SCHEDULE



PLEASE NOTE DRAWINGS MAY NOT EXACTLY CORRELATE BETWEEN APPROVED AND PROPOSED REFERENCES DUE TO DIFFERENT NAMING CONVENTIONS

Latest Approved Drawings – Implemented Permission (As Amended) (To be Superseded)			s.73 Proposed Drawings (To be Approved)		
Drawing Title	Reference	Revision	Drawing Title	Reference	Revision
<b>Floorplans</b>					
Basement	SC_GRID_0_A_PL099	P6	Basement	1016-CPA-ZZ-B1-DR-A-0210	P01
Ground Floor	SC_GRID_0_A_PL100	P7	Ground Floor	1016-CPA-ZZ-ZZ-DR-A-0200	P01
First Floor	SC_GRID_0_A_PL101	P4	First Floor	1016-CPA-ZZ-ZZ-DR-A-0201	P01
Second to Fourth Floor	SC_GRID_0_A_PL102	P4	Second to Fourth Floor	1016-CPA-ZZ-ZZ-DR-A-0202	P01
Fifth Floor	SC_GRID_0_A_PL105	P5	Fifth Floor	1016-CPA-ZZ-ZZ-DR-A-0203	P01
Sixth Floor	SC_GRID_0_A_PL106	P4	Sixth Floor	1016-CPA-ZZ-ZZ-DR-A-0204	P01
Seventh Floor Plan	SC_GRID_0_A_PL107	P4	Seventh Floor	1016-CPA-ZZ-ZZ-DR-A-0205	P01
Eighth to Twelfth Floor	SC_GRID_0_A_PL108	P3	Tower – Eighth to Twelfth Floor, Lower Building – Eighth Roof Plan	1016-CPA-ZZ-ZZ-DR-A-0206	P01
Thirteenth to Eighteenth Floor	SC_GRID_0_A_PL113	P3	Tower – Thirteenth to Twenty-Fourth Floor	1016-CPA-ZZ-ZZ-DR-A-0207	P01
Nineteenth to Twentieth Floor	SC_GRID_0_A_PL119	P3	Tower – Twenty-Fifth Floor	1016-CPA-ZZ-ZZ-DR-A-0208	P01
Twenty-First to Twenty-Second Floor	SC_GRID_0_A_PL121	P3	Tower Roof Plan	1016-CPA-ZZ-ZZ-DR-A-0209	P01
Twenty-Third Floor	SC_GRID_0_A_PL123	P3			
Roof Plan	SC_GRID_0_A_PL124	P3			
<b>Typical Apartments</b>					
Typical Two Bed Apartment Wheelchair Compliance Type 1	PL_161	P1	Included in Design & Access Statement, prepared by Cartwright Pickard Architects		
Typical Three Bed Apartment Wheelchair Compliance Type 2	PL_162	P1			
Typical Two Bed Apartment Wheelchair Compliance Type 3	PL_163	P1			
Typical Two Bed Apartment Wheelchair Compliance Type 4	PL_164	P1			
Typical Two Bed Apartment Lifetime Homes Compliance PRS	PL_170	P1			
Three Bed Apartment Lifetime Homes Compliance Affordable	PL_171	P1			
One Bed Apartment Lifetime Homes Compliance Affordable	PL_172	P1			
Typical Two Bed Apartment Lifetime Homes Compliance PRS	PL_173	P1			
<b>Elevations</b>					
Northern Block North	SC_GRID_0_A_PL200	P4	South-West Elevation – Avenue Road	1016-CPA-ZZ-ZZ-DR-A-0600	P01
Northern Block South	SC_GRID_0_A_PL201	P5	North-East Elevation – Open Space	1016-CPA-ZZ-ZZ-DR-A-0601	P01
Northern Block East	SC_GRID_0_A_PL202	P6	North-West Elevation – Eton Avenue	1016-CPA-ZZ-ZZ-DR-A-0602	P01
Northern Block West	SC_GRID_0_A_PL203	P6	South-East Elevation – Park Walkway	1016-CPA-ZZ-ZZ-DR-A-0603	P01
Southern Block North	SC_GRID_0_A_PL204	P5	South-East Elevation – Between Buildings	1016-CPA-ZZ-ZZ-DR-A-0604	P01
Southern Block South	SC_GRID_0_A_PL205	P6	North-West and South-West Contextual	1016-CPA-ZZ-ZZ-DR-A-0610	P01
Southern Block East	SC_GRID_0_A_PL206	P6	North-East and South-East Contextual	1016-CPA-ZZ-ZZ-DR-A-0611	P01
Southern Block West	SC_GRID_0_A_PL207	P6			
North and South Contextual	SC_GRID_0_A_PL210	P3			
East and West Contextual	SC_GRID_0_A_PL211	P3			

PLEASE NOTE DRAWINGS MAY NOT EXACTLY CORRELATE BETWEEN APPROVED AND PROPOSED REFERENCES DUE TO DIFFERENT NAMING CONVENTIONS

Latest Approved Drawings – Implemented Permission (As Amended) (To be Superseded)			s.73 Proposed Drawings (To be Approved)		
Drawing Title	Reference	Revision	Drawing Title	Reference	Revision
Tower Typical Bays	SC_GRID_0_A_PL213	P4			
Lower Block Typical Bays	SC_GRID_0_A_PL214	P4			
<b>Sections</b>					
Section 1 Northern and Southern Block	SC_GRID_0_A_PL401	P3	Section A-A	1016-CPA-ZZ-ZZ-DR-A-0701	P01
Section 2 Northern and Southern Block	SC_GRID_0_A_PL402	P4	Section B-B	1016-CPA-ZZ-ZZ-DR-A-0702	P01
Section 3 Northern Block	SC_GRID_0_A_PL403	P3	Section C-C	1016-CPA-ZZ-ZZ-DR-A-0703	P01
Section 4 Southern Block	SC_GRID_0_A_PL404	P4	Section D-D	1016-CPA-ZZ-ZZ-DR-A-0704	P01
Section 5 Southern Block	SC_GRID_0_A_PL405	P4	Section E-E	1016-CPA-ZZ-ZZ-DR-A-0705	P01
Section 6 Southern Block	SC_GRID_0_A_PL406	P4	Section F-F	1016-CPA-ZZ-ZZ-DR-A-0706	P01
<b>Landscaping</b>					
Existing Public Realm and Landscaping Plan	LL443-100-003	P1	Materials – General Arrangement	AR657-TML-ZZ-00-DR-L-0201	P05
Existing Tree Plan	LL443-100-006	P1	Planting – General Arrangement	AR657-TML-ZZ-00-DR-L-0501	P06
Extent of Public Realm Improvement Plan	LL445-100-004	P1	Rendered Podium Plan	AR657-TML-ZZ-06-DR-L-0000	P03
Proposed Roof Plan	LL443-100-005	P2	Podium Materials & Planting General Arrangement	AR657-TML-ZZ-06-M2-L-0201	P04
Proposed Illustrative Landscape A-A*	LL443-100-100	-	Rendered Landscape Masterplan	AR657-TML-ZZ-ZZ-DR-L-0000	P03
Proposed Illustrative Landscape Section B-B*, C-C*, D-D*, E-E*	LL443-200-101	-	Urban Greening Factor Plan	AR657-TML-ZZ-ZZ-DR-L-0260	P03
Proposed Public Realm and Landscape Plan (inc. Indicative Off-site Proposals)	LL443-100-002	P2			
Proposed Public Realm and Landscape Plan (inc. Site Area only)	LL443-100-001	P1			
Proposed Tree Plan	LL443-100-007	P1			

# APPENDIX 2.0

## SUMMARY OF RELEVANT / AVAILABLE PLANNING HISTORY

Reference	Description / Summary of Application	Decision / Date
2024/5432/P	<p><b><u>NMA</u></b>  Non-material amendment to Planning Permission ref. 2014/1617/P (allowed at appeal ref: APP/X5210/W/14/3001616) on 18 February 2016 to alter and simplify the description of development, and to add a condition containing the specific residential unit numbers, building storey heights and the quantum of floorspace following the removal of these details from the description.</p>	<p>Granted  17/01/2025</p>
2024/3717/P	<p><b><u>Environmental Impact Assessment Screening Opinion</u></b>  Request for Environmental Impact Assessment (EIA) Screening Opinion for a mixed use re-development including 236 residential units, commercial and community uses.</p>	<p>EIA not required  24/09/2024</p>
2024/1964/P	<p><b><u>Hampstead Figure Sculpture NMA</u></b>  Amendment to alter the description of development of planning permission ref. 2018/2340/P dated 27/6/2018 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', namely, to ensure the permission also applies to variations to the parent application.</p>	<p>Granted  18/07/2024</p>
2024/1970/P	<p><b><u>Hampstead Figure Sculpture S73</u></b>  Variation of conditions 1 (relocation deadline), 2 (permanent location review) and 4 (approved plans) of planning permission ref. 2018/2340/P dated 27/6/2018 to enable construction works in the area to be completed without causing harm to the statue.</p>	<p>Granted  15/07/2024</p>
2024/1953/L	<p><b><u>Hampstead Figure Sculpture Listed Building Consent</u></b>  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.</p>	<p>Granted  15/07/2024</p>
2022/1609/P	<p><b><u>NMA</u></b>  Alterations including (in summary) reconfiguration of residential units and access corridors and hallways; removal of back-of-house goods lifts and reconfiguration of service spaces; alterations to services on roof of lower block; alterations to residential amenity area at 23<sup>rd</sup> floor level; relocation of openable windows; rearrangement of amenity space at first floor level of main tower; relocation of access doors at ground floor level; reconfiguration of landscaping at base of main tower; reconfiguration of bin stores and substation accesses; reconfiguration of retail and community space to planning permission granted under reference 2014/1617/P (allowed by appeal under APP/X5210/W/14/3001616 dated 18/02/2016 and as varied by 2016/2048/P dated 10/05/2016, 2018/4239/P dated 04/08/2020 and 2019/1405/P dated 07/05/2019) for: 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 1,041 sqm 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 1,350 sqm 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.</p>	<p>Granted  29/12/2022</p>
2021/0022/P	<p><b><u>Condition 18</u></b>  Details of the facing materials (including samples, detailed drawings, 1:1 mock up bay) to discharge condition 18 of planning permission 2014/1617/P dated 18/02/2016 as amended by 2019/1405/P dated 07/05/2019</p>	<p>Refused  05/10/2021   Appeal allowed  24/05/2022</p>

Reference	Description / Summary of Application	Decision / Date
2021/0025/P	<p><b><u>Section 106A Amendments</u></b>  Application in accordance with Section 106A, sub-sections (3) and (4), to amend clause 3.2 (and associated definitions) of S106 Agreement relating to 2014/1617/P (as amended by 2018/4239/P dated 04/08/2020 and 2019/1405/P dated 07/05/2019).  The amendments include removing the requirement to provide 28 affordable rent units, 8 intermediate housing units and 18 DMR units (for a minimum of 15 years post completion) to be replaced with 18 DMR units in perpetuity. Modifications of various relevant definitions – Disposal Viability Assessment, Original Viability Assessment and Surplus – to refer to GDV figure identified in the FVA dated 09/12/2020.</p>	<p>Refused 23/03/2021</p> <p>Appeal dismissed 07/01/2022</p>
2018/4239/P	<p><b><u>NMA</u></b>  Alterations including the relocation of ground floor entrance openings (including affordable entrance); internal layout changes to floorplans; basement changes to footprint, levels and layout to car parking spaces, cycle parking and refuse; relocation of access doors to communal terrace; external ground level; relocation and amendment of rooftop plant, services and lift overrun including removal of building maintenance units; modular, louvre and soffit changes to elevation treatment; glazing detail changes including window openings, doors and mullions; amendments to glazed Juliet balconies, balcony dividers and handrails to planning permission granted under 2014/1617/P.</p>	<p>Granted 04/08/2020</p>
2019/1772/P	<p><b><u>Condition 15</u></b>  Microclimate Mitigation Measures</p>	<p>Granted 16/10/2019</p>
2019/1773/P	<p><b><u>Condition 3</u></b>  Details of Landscaping, Replacement Trees and Planting and Maintenance Plan</p>	<p>Granted 16/10/2019</p>
2019/2275/P	<p><b><u>Condition 17</u></b>  Partial discharge re. piling and construction method statement relative to HS2 structures and tunnels</p>	<p>Granted 29/05/2019</p>
2019/1405/P	<p><b><u>NMA</u></b>  Amendment of Condition 18 (facing materials, external frames, balconies and roof terraces) to require details prior to above ground works (other than demolition) and for a 1:1 mock-up of a typical elevation bay and other technical drawings, of planning permission 2014/1617/P</p>	<p>Granted 07/05/2019</p>
2017/6638/ CMP	<p><b><u>S106 – Construction Management Plan</u></b>  Pre-commencement CMP to discharge Clause 3.5.1-3.5.2 of the S106 Agreement dated 24/08/2015 related to permission 2014/1617/P</p>	<p>Approved 22/11/2018</p>
2018/2340/P	<p><b><u>Hampstead Figure Sculpture to the North of Swiss Cottage Library</u></b>  Removal and temporary re-siting of the Hampstead Figure Sculpture for the duration of the construction associated with 100 Avenue Road</p>	<p>Granted 27/06/2018</p>
2018/2347/L	<p><b><u>LBC - Hampstead Figure Sculpture to the North of Swiss Cottage Library</u></b>  Removal and temporary re-siting of the Hampstead Figure Sculpture for the duration of the construction associated with 100 Avenue Road</p>	<p>Granted 27/06/2018</p>
2017/4036/P	<p><b><u>NMA</u></b>  Alterations including the relocation of ground floor entrance openings; internal layout changes to floorplans; basement layout changes to car parking spaces, cycle parking and refuse; relocation of access doors to communal terrace; relocation and amendment of rooftop plant, services and lift overrun including removal of building maintenance units; amendment to the basement levels; modular, louvre and soffit changes to elevation treatment; glazing detail changes including window openings, doors and mullions; amendments to glazed Juliet balconies, balcony dividers and handrails to planning permission granted under reference 2014/1617/P</p>	<p>Withdrawn 16/04/2018</p>
2018/1098/P	<p><b><u>Condition 17</u></b>  Details of detailed design and construction method statements relative to the HS2 structures and tunnels</p>	<p>Granted 09/04/2018</p>

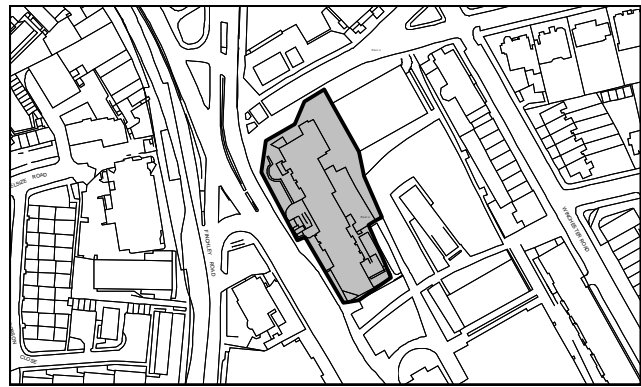
Reference	Description / Summary of Application	Decision / Date
2017/6884/P	<b><u>CLEUD</u></b> Certificate of Lawfulness for demolition of part of the existing building as shown on Demolition Works Plan No LL443-275-0015, in accordance with section 56(4) of the Town and Country Planning Act 1990 constituting a material operation for commencement of planning permission 2014/1617/P	Granted 08/02/2018
2017/5859/P	<b><u>Condition 14</u></b> Contamination	Granted 12/12/2017
2017/4196/P	<b><u>Condition 4</u></b> Details of Boundary Levels	Granted 30/08/2017
2017/3838/P	<b><u>Condition 15</u></b> Microclimate Mitigation Measures	Granted 01/08/2017
2017/3139/P	<b><u>Condition 27</u></b> Details of U-values and Approach to Thermal Bridging	Granted 17/07/2017
2016/6699/P	<b><u>Condition 31</u></b> Outline Method Statement	Granted 02/06/2017
2016/2803/P	<b><u>S73</u></b> Variation of condition 31 to change the wording to allow for above ground demolition works to take place if an outline method statement for how the above ground existing building was to be demolished.	Withdrawn (date unavailable)
2016/1893/P	<b><u>Condition 24</u></b> Air Quality Monitoring	Granted 27/06/2016
2016/2352/P	<b><u>Condition 21</u></b> Details of Trees	Granted 27/06/2016
2016/2048/P	<b><u>NMA</u></b> Amendment of condition 27 (u-values and thermal bridging) to require details before the relevant part of the work commences (other than demolition) under planning permission 2014/1617/P	Granted 10/05/2016
2016/2128/P	<b><u>NMA</u></b> Amendment of condition 31 (to allow discharge of the conditions prior to the commencement of below-ground works) of planning permission 2014/1617/P	Refused 04/05/2016
2016/1321/P	<b><u>NMA</u></b> Amendment of conditions 27 and 31 (to allow discharge of the conditions prior to the commencement of below-ground works) of planning permission 2014/1617/P	Withdrawn (date unavailable)
2014/1617/P	<b><u>Original Application</u></b> 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 cafe/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 03/10/2014  Appeal allowed 19/02/2016

# APPENDIX 3.0

## ADOPTED SITE ALLOCATION



## Site 30: 100 Avenue Road, Swiss Cottage



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Scale 1cm : 40m

### Site Details

Area:	4,100 sqm
Ownership:	Private
Existing Uses:	Offices and retail/ café
Ward:	Swiss Cottage

### Planning Context

#### Planning Designations

Town Centre: Finchley Road / Swiss Cottage

#### Other Information

Adjacent to:

- Swiss Cottage open space
- Swiss Cottage library (grade II listed building)

Public transport accessibility level: excellent (6a-6b)

The southern portion of the site is included in the proposed safeguarded corridor for HS2 which will require consultation with HS2 Ltd

#### Relevant Planning Applications

None

### Site allocation guidance

**A mixed use redevelopment including permanent (Class C3) residential, and other appropriate town centre uses such as retail and employment**

Development will be expected to:

- Optimise the potential of the site to provide new housing (including affordable housing) while minimising potential conflicts between residential and other uses
- Include retail use or food and drink use or other appropriate town centre uses (particularly to create active frontages at ground floor level)
- Respect the setting of Swiss Cottage public open space
- Provide or contribute to public realm improvements with particular regard to

pedestrian safety and junction improvements

- Contribute towards local town centre improvements
- Provide infrastructure for supporting local energy generation on site and/or connections to existing or future networks where feasible

### Site Context

The site is currently occupied by a three to six story building dating from the 1980s and it is understood that the existing floor space is apportioned as 5,000m<sup>2</sup> offices and 500m<sup>2</sup> of retail and restaurant space.

### Main Policy Considerations

CS1 and CS3 promote growth in highly accessible areas. CS8 promotes a successful and inclusive economy and seeks to support viable employment sites. CS7 seeks to protect and enhance Town Centres whilst CS6 promotes quality homes. DP1 and DP13 seek housing where appropriate in mixed use development and where a site is not suitable for other business use other than offices.

### Further Information

The site has been included in the revised Swiss Cottage Town Centre boundary designation, and if development comes forward it is considered appropriate to accommodate a mixed use development including residential use.

As a major town centre site including a building of no particular merit, the site offers a significant opportunity for redevelopment. Self contained housing within Class C3 (including affordable housing) will be the preferred use where a change of use from offices is considered appropriate in accordance with policy DP13. An increase in floorspace will generate a commensurate need to include housing in mixed use proposals (DP1).

The Council's Employment Land Review (2008) states "There is no evidence of a shortage of space around Finchley Road/Swiss Cottage and the stock of purpose-built, multi-let office buildings in the south of the area provides a healthy reservoir of space to accommodate fluctuating demand."

The Camden Employment Land Review and Core Strategy however identify areas including Swiss Cottage town centre as having an important role for businesses that provide local services. These areas are not expected to experience an increase in demand for office space.

Any reduction in B1 office space must be justified and demonstrate that it would not unduly impair the general provisions of office space in the area. Redevelopment could include viable employment floor space as part of a mixed use scheme attractive to a range of office/studio occupiers. Employment uses are important to the overall vitality of the Town Centre and Camden economy.

Appropriate town centre uses at ground floor level should be provided in order to help activate the street frontages and to reinforce the town centre location of the site.

Other uses such as hotel or an aparthotel could be considered in this location, but should not be at the expense of permanent residential accommodation which is considered to be a higher priority for this site and Borough.

Swiss Cottage open space lies immediately to the south and east of the site. Redevelopment of the site should not detrimentally impact on this open space around which is framed by a

range of community and cultural facilities. In terms of acceptable scale and massing, there may be potential for an increase in height, especially at the northern end of the site, which doesn't abut directly on to the open space. While there is some potential for taller buildings, the acceptability will ultimately depend on the quality of design and the relationship with existing buildings in the area and the open space. Any increase in height above the existing building level would need to address the context of the nearby Belsize Conservation Area, townscape issues and assess the full impacts and effects of sunlight, daylight and microclimate.

The elevation fronting the open space, in contrast, should be more sensitive, in keeping with the scale of the buildings which provide the open space with its sense of enclosure and more intimate character.

As a site that has an interface with HS2 applicants are advised to consult with HS2 Ltd to ensure that their plans are not affected by the latest HS2 proposals.

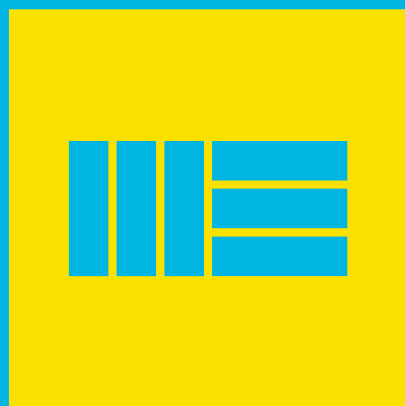
# APPENDIX 4.0

## DRAFT SITE ALLOCATION

Ref*	Address	Allocated use	Indicative capacity	Key Considerations
W10 (IDS20q)	Abbey Co-op Housing site, Emminster and Hinstock	Permanent self-contained homes  Class E uses	65 additional homes	Phase 3 planning permission has been granted and demolition occurred (phases 1 and 2 of the Abbey Co-op estate regeneration have been completed)
W11 (IDS20v)	100 Avenue Road	Permanent self-contained homes	184 additional homes	<p>Planning permission granted on appeal and initial works commenced.</p> <p>The Camden Building Heights Study has identified this site as a location where tall buildings may be an appropriate form of development, with 12m - 63m considered the potentially appropriate height range. The acceptability of particular tall building proposals, and their location within the site, will be assessed against Policy D2 on tall buildings and other relevant development plan policies.</p>
W12 (IDS20z)	Former Liddell Road Industrial Estate	Permanent self-contained homes and  Commercial	106 additional homes	Under construction
W13 (New)	551-557 Finchley Road	Permanent self-contained homes	15 additional homes	Planning permission granted.
W14 (New)	317 Finchley Road	Permanent self-contained homes	22 additional homes	Under construction

\*Previous policy reference used in the draft Site Allocations Local Plan 2020 is shown in brackets

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