

PD15093/RP/JL/PM
Christopher Smith
Development Management
Regeneration and Planning
London Borough of Camden
5 Pancras Square
London
N1C 4AG**Planning Portal Ref: PP-13370463**


26 February 2025

Dear Christopher,

**100 AVENUE ROAD, LONDON, NW3 3HF
SECTION 73 OF THE TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
MINOR MATERIAL AMENDMENT PURSUANT TO PLANNING PERMISSION 2014/1617/P (AS AMENDED)**

On behalf of our Client, Regal Avenue Road Limited ('the Applicant'), please find enclosed an application made under Section 73 of the Town & Country Planning Act 1990 (as amended) ('the Act'), seeking amendments to Planning Permission 2014/1617/P granted by the Secretary of State (ref: APP/X5210/W/14/3001616) at Appeal, on 18 February 2016, in relation to 100 Avenue Road, London, NW3 3HF ('the Site').

Background

Planning Permission 2014/1617/P (as amended) was granted via Appeal (ref: APP/X5210/W/14/3001616) on 18 February 2016 for the following description of development ("the Implemented Permission"):

"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".

The Implemented Permission has been amended via a series of non-material amendments (including refs. 2016/2048/P, 2018/4239/P, 2019/1405/P, 2022/1609/P & 2024/5432/P). Since the Implemented Permission was approved in February 2016, development on Site has been lawfully implemented, as confirmed through the approval of a Certificate of Lawfulness (ref. 2017/6884/P). Demolition and basement construction works have been undertaken, however, above ground construction works have now stalled.

Regal Avenue Road Limited acquired the Site in 2024 and are bringing forward proposals at 100 Avenue Road as soon as practicable, subject to the securing of future amendments to the Implemented Permission to ensure its deliverability, respond to updated Building Regulations as well as meeting current residential market requirements. This submission also follows extensive pre-application discussions have been held with the London Borough of Camden, the Greater London Authority, key stakeholders and local residents.

A non-material amendment to amend the Implemented Permission's description of development has been approved under ref. 2024/5432/P. This amendment revised the original description of development by updating the planning use classes and moving the number of homes and storeys approved to a new planning condition (Condition 34). The latest (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.”

This Section 73 Application

The Section 73 application seeks amendments to the list of approved plans and documents listed at Condition 2 of the Implemented Permission (as amended by s.96a ref. 2022/1609/P), to allow the scheme to be modified, and the proposed 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.

Additional amendments to the following planning conditions attached to the Implemented Permission are also expected to be required to ensure consistency with the scheme changes, and this will be further discussed and agreed with the London Borough of Camden during the determination of this Section 73 application:

- Condition 2 (Approved Documents/Plans)
- Condition 8 (Retail Floorspace)
- Condition 11 (Retail 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 (No. of storeys, homes and land uses)

Where relevant, subsequent discharge of condition applications will also be submitted (subject to the approval of this Section 73 application) to re-discharge any previously approved and so that the details align with the proposed scheme. The proposed condition changes which will be required are considered to remain consistent with the operative part of the Implemented Permission and would not fundamentally alter or conflict with the Implemented Permission. Thus, they are capable of being secured under this part of the Act, and this has been discussed and agreed with the London Borough of Camden during the pre-application process.

The proposed amendments to the Implemented Permission will ensure the delivery of a stalled and allocated housing site in the heart of Finchley Road / Swiss Cottage, and which has laid dormant for several years. 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 where possible. Through building efficiencies, two additional storeys are introduced to the Tower Block and one additional storey to the Lower Block which allows for the delivery of additional homes and affordable housing and also positively allows for the inclusion of second staircases to ensure compliance with the latest fire safety standards that have been adopted since the Implemented Permission was approved.

Further details of the proposed amendments and associated public benefits can be found within with Planning Statement prepared by Montagu Evans and the Design & Access Statement prepared by Cartwright Pickard.

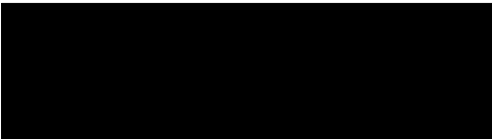
Administrative Matters

This Section 73 application is accompanied by the requisite application forms, and various drawings, documents, and reports, as listed on the Schedule of Documents and the Schedule of Drawings, prepared by Montagu Evans – this has been agreed with the London Borough of Camden prior to submission.



We trust the above and the enclosed is in order and we look forward to receiving confirmation of validation shortly. However, if you have any queries or require further clarifications then please do not hesitate to contact Rachel Power [redacted] James Leuenberger [redacted] or Phoebe Milner [redacted] of this office.

Yours sincerely,



MONTAGU EVANS LLP