

PD15093/RP/JL/PM

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Submitted via email to:
Christopher.Smith1@camden.gov.uk

30 May 2025

Dear Christopher,

100 AVENUE ROAD, LONDON, NW3 3HF
APPLICATION REFERENCE: 2025/0852/P

APPLICANT RESPONSE AND CLARIFICATIONS TO THIRD PARTY REPRESENTATIONS

We submitted a Section 73 ("s.73") amendment application to the London Borough of Camden ("LBC") in February 2025 on behalf of our client, Regal Avenue Road Limited (the "Applicant"). The proposals seek to amend Planning Permission 2014/1617/P, which was granted at Appeal by the Secretary of State (ref: APP/X5210/W/14/3001616) (the 'Implemented Permission') on 18 February 2016 in relation to 100 Avenue Road, London, NW3 3HF (the "Site").

We write on behalf of the Applicant to firstly identify a number of scheme revisions to the submitted proposals, and secondly to respond to key topics raised through comments submitted by interested parties (inc. local residents, community groups, Ward Councillors and the Belsize Conservation Area Advisory Committee) regarding the s.73 application.

1. PROPOSED SCHEME REVISIONS

As a result of post submission discussions with officers, a series of minor scheme revisions are proposed. These include:

- Relocation of secondary residential entrance of the lower block to the Avenue Road frontage, and associated changes at ground floor level including the sub-division of the commercial space;
- Enhancements to design detailing of residential entrances in the lower block, including updated bay studies;
- Daytime CGI view of the northern elevation of the tower as viewed from Finchley Road;
- Updated wheelchair home typical layouts including a second bathroom in some instances;
- Revisions to lower block roof to incorporate a bio-solar roof;
- Associated UGF revisions; and
- Other updates to landscape including amendments to the landscaping layout, including planter orientation, consideration of tree species sizes / locations, and increased provision of bird / bat boxes.

In addition, further consultation responses have been prepared in respect of sustainability, air quality and drainage matters. Accordingly, the following documents have been formally submitted to LBC:

- Updated Application Drawings;
- Updated Landscape Drawings;
- Updated Area Schedules;
- Updated CIL Form; and
- Design and Access Statement Addendum.

2. RESPONSES TO PUBLIC CONSULTATION COMMENTS

A. Increased quantum of homes and impacts on local services

The proposed amendments will deliver an additional 53 homes on the Site (including 16 additional affordable homes). Optimising the capacity of the site to enable the delivery of additional residential dwellings ensures that this highly accessible brownfield site makes the best use of land. This approach conforms with the latest National Planning Policy Framework, London Plan Policy D3, Local Plan Policy H1 and draft Local Plan (Regulation 19) Policy H1.

The increased housing numbers will also assist Camden in meeting their housing targets, and addressing the recent under-delivery of homes in the borough. The proposals fully align with the Government's growth agenda in response to the acute housing crisis, and it is through the creation of these additional homes, that the Applicant is able to bring forward and deliver this stalled housing site in the heart of Swiss Cottage.

The Health Impact Assessment submitted as part of the Application confirms that there is sufficient capacity in the local area to accommodate the additional demand arising for both primary and secondary school places. The 13 primary schools within 1.6km of the Site have a total net surplus of 379 places. The 19 secondary schools within 3.2km of the site have a total net surplus capacity of 1,733 places.

The Health Impact Assessment also identifies that there are five GP practices within one mile of the site, which have a total of 51.3 Full Time Equivalent (FTE) GPs. As such the average number of patients per PTE GP across the practices is 1,270, which is lower than (i.e. at a better level) than the target ratio of 1,800 patients per PTE GP set by the Royal College of General Practitioners.

B. Tenure changes

The proposals seek to change the proposed tenure of homes from Build to Rent to homes for sale.

The Implemented Permission included the provision of affordable Discounted Market Rent homes within the Build to Rent homes. The Discounted Market Rent homes were only secured as affordable housing for 15 years, and therefore would no longer meet the criteria to qualify as affordable housing. Excluding these Discounted Market Rent homes, the Implemented Permission would only deliver 23% affordable housing by habitable room or 25% by GEA. The proposals will also increase the delivery of genuinely affordable housing. The proposals increase the affordable provision to 36% by habitable room or 35% by GIA. This includes the delivery of social / affordable and intermediate rented homes.

Through the consultation process, some observations have been received in relation to the potential marketing and sales strategy of the future residential units, and the Applicant has provided the following commentary:

"London is an international city, and it is inevitable that this is reflected in its housing market with a mixture of locals and overseas buyers too. The vast majority of overseas buyers purchase for use by

family members or to rent the property out. This effectively puts the homes 'back into circulation' in the private rental sector, the largest share of which will be rented to locals.

Our clients across all our projects are both owner occupiers and investors, the latter who purchase properties to rent them out or for family members to live in. In our experience, properties are not left empty and medium to long term tenants are sought by their owners. There are many individuals and families looking for rental opportunities to provide them with the flexibility to adapt their living arrangements to their changing needs.

Our projects are marketed simultaneously throughout their offices and with any agents we engage. All clients undergo rigorous checks as part of a mandatory process that verifies a customer's identity and financial activities to prevent fraud and money laundering. These are required by banks, financial institutions, and other businesses, whether they are purchasing as owner-occupiers or as investors."

C. Wind

Comments from the Belsize Conservation Area Advisory Committee stated that the submitted Wind Micro-climate Assessment Report only relates to the buildings and not to the surrounding pedestrian spaces. The Wind Micro-climate Assessment Report does include a comprehensive assessment of the wind impacts to the surrounding public realm. Please refer to Section 3.2 of the report (Ground Level Conditions).

Revised comments were also received from the Save Swiss Cottage Action Group, and in response to these comments our wind consultant GIA has confirmed the following points:

- A new Wind Microclimate Assessment Report has been submitted to account for the differences in the design of both the buildings and landscaping compared to the 2014 assessment.
- The "location and severity of wind speed" is shown in Figures 4 to 6 for the existing baseline (with a clear site) and for Figures 7 to 12 for the proposed development. The results show a continuous map of wind conditions, so capture conditions at all of the probe locations that were considered for the 2014 RWDI report and also at locations between the wind tunnel probes (i.e. our assessment has greater coverage).
- Conditions for Receptors 2, 7 and 12 are shown in Figures 7 to 9 of our report. Each of these locations is suitable for walking in winter and standing in summer, and are not subject to any exceedances of the wind safety threshold. This is suitable for the intended use (in accordance with the industry standard Lawson Comfort Criteria). No further mitigation is necessary.
- GIA have worked with the design team ahead of the design of the updated proposal being fixed, to ensure that all conditions will be suitable. The revised landscape scheme also includes considerably more planting than the Implemented Permission.
- The new wind microclimate assessment submitted with the s.73 application is based on the conditions around the proposal with its updated design, and the target wind conditions are based on the industry standard Lawson Comfort Criteria. This assessment replaces the 2014 report.

A suitably worded planning condition will be secured to ensure the relevant mitigation measures are delivered.

D. Car and cycle parking

The proposals are for a car free development and include the delivery of 8 blue badge parking spaces. This meets the policy requirement to deliver a minimum of 3% disabled parking spaces. This approach was agreed in principle with the London Borough of Camden and TfL during pre-application discussions.

The Proposed Development seeks to provide a reasonable level of accessible parking provision that can meet anticipated demand of future residents, whilst also maximising the public realm opportunities on-site. The strategy for retaining and reducing accessible parking at the Site compared to the Implemented Permission has been recognised as a positive approach by TfL in their consultation response.

In addition to this, mitigation has been sought and agreed by the Applicant to provide financial contribution towards the implementation of step-free access at Finchley Road Station.

The Applicant considers that the parking provision and agreed mitigation with TfL, along with enabling high quality public realm and additional cycle parking at the Site, strikes an appropriate and acceptable balance to meet the potential demand of Blue Badge parking at the Site. The Applicant has sought and agreed a financial Disabled Parking Space contribution towards accessible parking mitigation as agreed with LBC.

As per the Implemented Permission, it is proposed that the revised scheme would also be subject to the Section 106 obligation which requires the development to be car permit free. This means that residents of the scheme will not be entitled to be granted a Residents Parking Permit.

The Applicant has agreed with LBC to accept a further planning obligation to contribute financially towards additional Residential and Workplace Travels Plans, and this will be secured through the S106 Agreement.

In respect of cycle parking, the total provision of cycle spaces will increase. The Implemented Permission included 240 long-stay spaces and 48 short-stay spaces. This level of cycle parking for the consented 184 homes will be retained. The cycle parking requirement for the additional 53 homes will be provided in accordance with current London Plan standards. As such the total cycle parking provision will increase to 340 long-stay spaces and 88 short-stay spaces.

Cycle parking for visitors will be provided on-site within the external landscaping, with a further 16 Sheffield stands are proposed to be located outside the red line boundary. A financial contribution has been agreed and will contribute towards providing these cycle parking stands on the public highway.

Full cycle parking details will be secured by condition, but are intended to be designed to comply with the London Cycling Design Standards.

E. Construction management

A Construction Management Plan (CMP) was secured for the Implemented Permission within the Section 106 Agreement under Section 3.5. This required a CMP to be submitted to and approved by the Council prior to the implementation of the development.

The initial CMP was approved by Camden in 2018 and has been subsequently updated throughout the demolition period. The latest CMP was approved in 2020, and this latest approved CMP established a number of key principles including:

- that Avenue Road will serve as the primary route for all construction vehicles, with no access permitted from alternative routes.
- material deliveries will be managed via two methods: a designated 'pit-lane' occupying the inner lane of the A41 or a controlled route through Finchley Road, Avenue Road, and Adelaide Road. The southern exit will require a temporary license from Camden Parks to relocate existing structures, as previously agreed. The basement access from Eton Avenue will remain open exclusively for small-scale deliveries.

- To ensure safety, construction vehicle movements will be restricted during peak school drop-off and pick-up times.
- Delivery schedules will be coordinated to prevent vehicle stacking, and all waiting lorries must switch off engines.
- Traffic marshals will oversee all vehicle movements to maintain safety and efficiency.
- Throughout the construction period, air quality monitors will be installed at key locations, and noise, dust, and pollution levels will be continuously assessed.
- Noisy works will be limited to Monday–Friday, with efforts to avoid them on Saturdays. Quiet periods will be scheduled along the northern side of the site to align with Hampstead Theatre’s performance schedule. Monitoring results will be published on the project’s website for transparency.

As part of this s.73 application, a revised draft CMP was submitted by the Applicant, which retains all of these agreed measures, and the primary route access for the construction period via Avenue Road is continued to be endorsed by Camden Highways and TfL.

The requirement for a Construction Working Group has also been retained as a key part of our revised draft CMP, and Regal Avenue Road Limited will continue to engage with local residents, businesses, groups and Ward Councillors throughout the construction period.

A detailed CMP will be secured through a Deed of Variation to the S106 Agreement. This would require approval from Camden Highways and TfL. The Applicant is also willing to accept planning obligations which secure financial contributions in respect of CMP Implementation Support and Construction Impact Bonds.

F. Deliveries and servicing

A Service Management Plan was secured for the Implemented Permission within the Section 106 Agreement under Section 3.6. This requires a Service Management Plan to be submitted to and approved by the Council.

The latest Service Management Plan was approved in 2020. The approved Service Management Plan proposes that during the operational phase, servicing takes place from the internal courtyard, accessed via the pedestrian zone of Eton Avenue, and also the basement servicing area, accessed via the vehicle ramp from Eton Avenue.

As part of this s.73 application, a revised Delivery and Servicing Management Plan was submitted by the Applicant, which retains all of these agreed measures.

TfL have confirmed it is not possible to use Avenue Road for servicing during the operational phase as it is a designated double red route (no stopping at any time). The principle of delivery and servicing continuing to use the approved routes via Eton Avenue (in order to avoid vehicular access from Avenue Road), is supported by Camden Highways in the interests of the performance of the Transport for London Road Network (TLRN).

A detailed Delivery and Servicing Management Plan will be secured through a Deed of Variation to the S106 Agreement, and this would require subsequent approval from Camden Highways.

The swept path diagrams submitted demonstrate that all vehicles (including the largest HGVs, 12.1m refuse vehicles and 10m rigid vehicles) will be able to enter and exit the site safely in a forward gear.

Waste collections from within the site will be programmed to take place outside of market operating hours. Should residents require specialist deliveries (or if for example they are moving in or out of the apartments), it will be made clear that these deliveries must be programmed to arrive before 10am or after 5pm between Tuesday to Saturday to avoid potential conflicts with the operating hours of the market.

The Applicant will continue to hold discussions with the Swiss Cottage Market to ensure that the market can continue to thrive alongside the development proposals. Their engagement in the development of the final DSMP will be secured through the S106 Agreement. This is in addition to the Markets Management Plan, which will also be secured to ensure that both the Swiss Cottage Market and the development can operate successfully alongside one another moving forwards.

G. Materiality

The Heritage and Townscape Visual Impact Assessment provides an assessment of the proposed brick colours chosen from the lower block (grey) and the tower (red).

When selecting the materiality of the tower, a red brick was chosen to reflect the character of the surrounding residential areas, ensuring the proposals feel connected to and integrated within context. The use of grey brick on the lower element complements this by creating a strong visual and material dialogue with the nearby Swiss Cottage Library. The choice of red brick for the tower also reflects London's rich architectural heritage, celebrating the city's identity while respecting the local vernacular.

The red brick used in the tower offers a warmer, more inviting quality, which in our view softens the tower's visual impact and create a more harmonious relationship with its surroundings.

The proposed brickwork is rich in detailing and texture on both buildings.

Final details of the proposed brick and mortar detailing will be secured via planning condition and approved by Camden at an appropriate stage of the construction process.

H. Community facility

This s.73 application retains the delivery of a community facility, as secured in the Implemented Permission within the Section 106 Agreement (Part 3.14). The facility has been designed in consultation with The Winch to ensure that the space better meets their needs than their existing facility on Winchester Road, and the commitment to delivering the community benefits for the scheme have been endorsed by its Chief Executive as per their letter of support submitted in respect of the s.73 application.

I. Flood

The Site is located within Flood Risk Zone 1 where there is a low probability of flooding.

A revised Drainage Strategy Report has been submitted to the Council, which includes responses to consultation comments received by the Lead Local Flood Authority as well as the South Hampstead Flood Action Group. Specifically in response to comments raised about whether permeable paving can be incorporated within the scheme. As per the Implemented Permission (which did not include permeable paving), our flood and drainage consultants Robert Bird have advised that permeable paving has not been included due to the extent of the basement across the site, which does not permit infiltration.

Opportunities to explore permeable paving in the public realm will be considered at the next design stage, however, green roofs and attenuation tanks are proposed to mitigate surface water runoff. The planted / soft landscaping areas of the Site would also intercept rainwater. On this basis, Camden have concluded that the drainage and flood risk of the development is acceptable and accords with development plan requirements.

J. EIA Screening

An EIA Screening Request was submitted to Camden in September 2013 (ref. 2013/5806/P) in respect of the original planning application (now the Implemented Permission. The EIA Screening Opinion issued by the Council confirmed that the original development did not constitute EIA Development. As such an EIA was not required to be submitted as part of the original application.

The Applicant submitted a further EIA Screening Request to Camden in September 2024 which considered whether the proposed amended scheme (i.e. this s.73 application) would constitute EIA Development (ref.2024/3717/P). This Screening Request related to the scheme in its entirety (not solely on the basis of the uplift in the number of homes), and Camden issued an EIA Screening Opinion in September 2024, and confirmed that the proposed amended scheme would not constitute EIA Development.

As such an Environmental Statement was not required to be submitted as part of the s.73 application.

K. Summary and Conclusions

If you have any further queries about our responses, please contact Rachel Power (rachel.power@montagu-evans.co.uk), James Leuenberger (james.leuenberger@montagu-evans.co.uk) or Phoebe Milner (phoebe.milner@montagu-evans.co.uk) of this office.

Yours sincerely,



MONTAGU EVANS LLP