**100 AVENUE ROAD, SWISS COTTAGE**

 STATEMENT OF OBJECTIONS ON BEHALF OF

 SWISS COTTAGE ACTION GROUP

 SAVE SWISS COTTAGE

 BELSIZE RESIDENTS ASSOCIATION

COMBINED RESIDENTS’ ASSOCIATION OF SOUTH HAMPSTEAD

 Philip Davies (Heritage and Planning) Ltd

 July 2014

**Preamble**

**Philip Davies (Heritage & Planning Ltd)**

Philip Davies MA (Cantab), DipTP, MRTPI, IHBC, FRHistS, FRAS, FSA is the principal in Philip Davies (Heritage & Planning) Ltd, a consultancy specialising in conservation, urban design and planning issues. From 2004-2011 he was the Planning and Development Director for London and South East England at English Heritage responsible for two multi-disciplinary regional offices plus the Government Historic Estates Unit, which provided advice and guidance nationally across the entire government estate, including the occupied royal palaces, Whitehall, Defence Estates, and the Palace of Westminster. He has prepared national guidance on a whole range of heritage issues from tall buildings and heritage at risk to the public realm and the management of conservation areas. In the context of this proposal, it is particularly relevant that he was the co-author of the joint English Heritage - CABE *Guidance on* *Tall Buildings* published in 2007. He also gave expert evidence to the House of Commons to the Select Committee on Tall Buildings in 2002.

He has over 40 years experience of managing change to some of Britain’s most sensitive historic buildings and places. He is a Trustee of the Heritage of London Trust, and the Euston Arch Trust, and a member of the Advisory Panel of the Railway Heritage Trust. As an expert in colonial architecture and founder member of the International Advisory Group of the Yangon Heritage Trust, he is currently advising the government of Myanmar on a conservation and regeneration strategy for the city of Rangoon, including the control and management of tall buildings.

He is the best-selling author of six major books on architecture and architectural history in Britain and overseas, and a large number of articles for both professional and popular journals. *Lost London 1870-1945*, short-listed for the prestigious Spears book prize, is the best-selling book on London ever published.

**EXECUTIVE SUMMARY**

* Swiss Cottage is a vibrant and successful town centre. On its periphery at the southern end is a separate, but related, civic complex which forms a major arts and leisure centre of London-wide significance.
* It has a very distinct sense of place, which has been created incrementally over time around an attractive and popular open space. It is highly-valued as a local amenity with the character of a contemporary London square. Surrounded by a variety of arts, leisure and community facilities in low-rise buildings, including the iconic listed library building. it has evolved to a human scale. No individual building dominates the whole.
* The proposed development is contrary to national planning policies, in particular, paragraphs 129 and 137 of the National Planning Policy Framework. The development does not enhance the significance or the setting of the surrounding conservation areas.

* The proposed development is contrary to national, joint English Heritage-CABE Guidance on Tall Buildings. The Council does not have a plan-led approach for tall buildings identifying locations, which are appropriate, sensitive or inappropriate, nor has it carried out an urban design study to identify the constraints and opportunities, nor set out specific policies in map-based form in accordance with the Guidance. Neither has it drawn up such plan-led proposals through effective engagement with the local communities. It is also contrary to the specific criteria set out in the Guidance for evaluating tall buildings, in particular, paragraphs 4.1.1, 4.1.2, 4.1.5, 4.1.9 and 4.4. It is not in an appropriate location and does not enhance the qualities of its immediate location, or the wider setting.
* The proposed development does not accord with paragraph 121 of national guidance in the Historic Environment Planning Practice Guide.
* The proposed development is contrary to paragraphs 7.22, 7.7C, 7.25, 7.7D, 7.8D and 7.31 of the Mayor of London’s policies in the London Plan.
* The proposed development is contrary to the Council’s own adopted policies set out in CS3, CS5, CS7e and CS 14 (a), (b), and (e) of its Core Strategy, DP24 and DP25 of its Local Development Framework, and paragraph 3.7 of CPG 1 and BE 20 of the Belsize Conservation Area statement, as well as the whole thrust and objectives of the other relevant Conservation Area statements for Elsworthy, Fitzjohns/Netherhall and South Hampstead.
* The proposed development adversely affects the wider setting of adjacent listed buildings, in particular, the iconic Swiss Cottage Library, one of the most important listed post-war civic buildings in the UK, and Regency Lodge.
* This is not an appropriate location for a tall building because of the substantial visual harm it would cause to the wider area. The proposed development would adversely affect a whole series of local views. In at least 7, the proposed impact would be truly shocking or massively overbearing. 11 would suffer substantial harm, and a further 6 would suffer significant harm to the setting of the town centre, the adjacent civic site and public open space, adjacent listed buildings and/or the setting, character and appearance of surrounding conservation areas.
* National, regional and local planning policies and guidance place high standards of protection on the historic environment. The Council has unequivocal policies to resist development outside conservation areas that would harm their setting, and to ensure that all new development takes full account of its potential impact on the setting, character and appearance of conservation areas, listed buildings and other heritage assets. This proposal conspicuously fails to do so.
* This is a monstrous proposal, which is grotesquely out of scale with its surroundings, and contrary to the Council’s site allocation guidance. It is wholly unjustified and speculative. It owes its origins to the outmoded thinking of the 1960s and 1970s, which caused great harm to town and suburban centres across London and the UK. It takes its cue from buildings which detract from the character and appearance of the area. Locally, the Adelaide Road blocks and Centre Heights show how tall buildings in the wrong locations can visually blight a neighbourhood for generations. It would be tragic, and set an appalling precedent for other sites in Camden, if the Council were to disregard its own policies, together with national and regional policies and guidance, and repeat the mistakes of the past.
* There is rightly overwhelming public opposition to the proposed development. It would cause substantial visual harm to the amenity of the town centre, the related civic site and public open space, the setting of adjacent listed buildings, local views from surrounding conservation areas and their wider setting. It is specifically contrary to national, regional and local planning policies and guidance, and should be refused planning permission for the reasons set out in this statement.

**1.0 THE BRIEF**

**1.1** Philip Davies (Heritage and Planning) Ltd has been commissioned by the Swiss Cottage Action Group, Save Swiss Cottage and the Belsize Resident’s Association to comment on the current application for planning permission for the erection of a 24 storey tower and related 5/7 storey blocks at 100 Avenue Road (APP:2014/1617/P). The brief is to assess the proposals against all relevant national, regional and local policy and guidance, and, where appropriate, to set out a structured statement of objection to the proposals for consideration by the applicants, the Council and the Mayor of London. The comments relate primarily, but not solely, to the urban design and visual impacts, and should be read in conjunction with all the other representations and objections submitted.

**2.0 THE PROPOSAL**

**2.1** The proposed development comprises a 24 storey tower block at the northern end of the site containing a range of residential apartments with retail accommodation at ground floor level plus lower part 5, part 7 storey ancillary blocks on the site of 100 Avenue Road, adjacent to the Swiss Cottage civic centre site and public open space.

**2.2** Although the site stands within an area designated as a town centre by the Council, it lies on the periphery. It is not recognized as either part of the core or secondary frontage, but forms the western edge of the separate, but related former civic centre site, which has been developed incrementally over the past 50 years to form a major arts and leisure complex and public open space.

**3.0 THE CHARACTER OF SWISS COTTAGE**

**3.1**  The applicants have made little attempt to analyse the character of Swiss Cottage, other than a superficial resume of the surrounding conservation areas. However in the supporting documents they allege that Swiss Cottage lacks a coherent sense of place. This is palpably not the case to anyone who knows the area.

**3.2 The Commercial Town Centre**

Swiss Cottage is a successful and vibrant town centre. It grew up incrementally along the Finchley Road, which was laid out as a turnpike from 1826 onwards by Colonel Eyre of the Eyre estate. The eponymous Swiss Cottage was built in the 1840s as an inn serving the new road, and it soon gave its name to the whole area. Rebuilt and enlarged in the 1930s in a similar Swiss chalet style, it is a unique London landmark, which still confers a very distinct sense of place. There is nothing comparable either in style or form anywhere else in London. Situated on the trapezoidal island site created by the intersection of Avenue Road, Adelaide Road and Finchley Road, the Odeon cinema (1937) by H. Weedon forms the backdrop to the Swiss Cottage. Adjacent, and forming the southern entrance to the town centre, is Regency Lodge, which comprises a series of nine linked, 6 storey blocks of flats around a central courtyard designed by Robert Atkinson in 1937-38. It is a well-composed, grade II listed landmark building in *moderne* style enriched with bas-relief panels designed by the Birmingham Guild, which illustrate the trades employed in its construction.

**3.3** The buildings lining the Finchley Road at Swiss Cottage are heterogeneous in character - essentially low-rise terraces of a variety of different dates and styles. A substantial section of the west side between Swiss Terrace and Fairfax Road comprises a well-articulated, serpentine terrace of 1950s Council housing of 3 storeys over ground floor shops. Beyond, to the north, the shopping parade is continued by Nos 167-173 Finchley Road, a handsome Edwardian stone terrace of 4 storey gabled buildings, which leads to St John’s Court, a substantial 6/7 storey block designed by T.P. Bennett between 1936-3 in *moderne* style with banded fenestration and balconies, and ground floor retail use (now Waitrose). The east side of the road is more broken in character, but still characterised by low-rise buildings of between three and six storeys with shops and restaurants at ground floor level.

**3.4** St John’s Court at the north end, and the Odeon and Regency Lodge at the south end of the town centre, set a common height limit for the area until the 1960s when Centre Heights (1961 by Douglas Stephen and Parios Koulermos) was erected at the south end of Finchley Road. Faced in concrete with a prominent staircase tower, it broke the established ground plus three storey terrace line on the west side of the street rising to over 8 storeys in a large monolithic tower. It was followed shortly afterwards by Cresta / Overground House, a bland red brick slab block. Both cast a baleful, deadening presence over the south end of the town centre undermining its sense of place and blighting the streetscape. They are severely detrimental to the character of the area and have been widely regretted ever since.

**3.5 Civic Centre Site**

The application site lies on the periphery of the town centre and forms part of the separate, but related, Civic Centre site. Proposals for a civic centre on the site for the then Hampstead Borough Council were mooted as early as 1943, but the first phase of development only began in 1963-64 with the erection of Swiss Cottage Library and Swimming Baths designed by Basil Spence, Bonnington and Collins. The library is widely regarded as one of the finest post-war libraries and civic buildings in the country. It was listed grade II as early as 1998. Outside is the grade II listed *Hampstead Figure*, a reclining abstract female bronze figure by FE McWilliam, which was commissioned by Spence as part of the wider planned civic complex. Both the library and baths (and the subsequent redevelopment of the latter) were designed as low-rise 2/3 storey blocks with powerful geometric contrasts - vertical concrete fins on the library contrasting with horizontal slatting on the baths. Subsequently a succession of *grand projets* were advanced for the remainder of the civic site. These were stillborn. Instead the site was developed incrementally. In the 1980s low-rise sheltered housing was provided on the north-east corner alongside a retained mid-19th century terrace on Winchester Road incorporating retail, residential and community facilities. This was funded by the development of the current building on the site of 100 Avenue Road.

**3.6** 100 Avenue Road was built in 1981-84 by Architectural Design Associates (formerly Ted Levy Benjamin & Partners) with cream travertine facings. Whilst the post-modern design is typical of the period and unexceptional, in urban design terms, it is a polite composition, successfully enclosing the central public open space without dominating it, and providing a respectful relationship with Basil Spence’s landmark library beyond. Pevsner refers to it as *‘tactfully stepping down.’*  Immediately to the east is the elegant new Hampstead Theatre building by Bennetts (1994-2003) in the form of a 2 storey pavilion with a zinc roof, which encloses the north end of the central space. Opposite, to the north, the late 19th century theatre of the Royal Central School of Speech and Drama and its recent extensions reinforce the function and identity of the wider site as a major London centre for arts and leisure, but without compromising or dominating the overall townscape.

**3.6 A Contemporary London Square**

As is sometimes the case, the gradual organic, low-rise development of the site has created a popular, highly-valued contemporary civic space of human scale and considerable quality. Its character and amenity value has been enhanced by sensitive soft landscaping and a fine central water feature designed by Gustafson Porter (2006). A shallow pool at its northern end can be drained for cultural events. As a result of its sporadic incremental development, the civic site has the character of a modern London square enclosed by low-rise buildings where, importantly, none dominates. These confer a human scale on the whole area and enclose a public space of rare quality. Its character and amenity value would be seriously harmed by the erection of a 24 storey tower block in its north-west corner and a substantial increase in height and scale along its western edge.

**3.7 A Strong Identity and Sense of Place**

Swiss Cottage has a strong established identity and a distinct sense of place. It is a successful and vibrant local town centre complemented by a major arts and leisure complex of London-wide significance, which has been carefully reinforced incrementally over the past 25 years by sensitive, progressive development of a human scale. It should be unthinkable that such a successful place should be compromised and blighted by a 24 storey tower block, which owes its thinking to the outmoded concepts of the 1960s, particularly when evidence of similar past failures lies immediately opposite the site. It would be tragic if a failure to understand the lessons of the past condemned the whole area to a repetition of past mistakes on an even more grotesque scale.

**4.0 GENERAL MATTERS**

**4.1**  Before considering the proposals in detail, there is a number of highly pertinent general matters, which should be addressed. First, the Council has determined that an Environmental Impact Assessment is not required. This is both surprising and unusual, particularly in the absence of a plan-led approach to the siting of tall buildings across the borough, and where there are acknowledged impacts on surrounding historic areas. EH-CABE *Guidance on Tall Buildings* recognizes that proposals for tall buildings are likely to require an EIA. The absence of such an assessment leaves the Council exposed to potential challenge.

**4.2** English Heritage has responded to the consultation on the basis that the application is one that should be determined locally. This should not in any way be interpreted as expressing a view on the desirability or appropriateness of the proposal. Such standard letters are often misconstrued. It simply means that as a national agency English Heritage considers that the Council has sufficient resources and expertise to determine the application at a local level without the need for its direct involvement.

**4.3** The application has involved a series of meetings with the Design Council (CABE). However it is commonplace that their assessments consistently fail to consider a proposal in relation to national, regional or local policies and guidance, and, in particular, the potential impact on the surrounding historic environment. They leave this aspect to English Heritage, which has stated that it regards this case as one that lies within the capability of the local authority to determine. This is a major failing, which has consistently undermined the credibility of the Design Council (CABE) comments. The historic environment is a crucial aspect of its overall brief to consider the entire built environment, but it is one that is habitually disregarded. In this case there is no evidence that at any stage they commented on the lack of a plan-led approach, or the absence of a borough-wide urban design study to determine where tall buildings are appropriate, sensitive or inappropriate in line with EH-CABE Guidance. In addition there is no evidence that they evaluated the potential impact on each of the viewpoints from the surrounding historic areas. If they did so, then their assessments should be made available for Council and public scrutiny. Therefore little credibility can be attached to their comments.

**5.0 TALL BUILDINGS**

**5.1** Repeated studies have demonstrated that there is no economic, social or environmental imperative for tall buildings in London.It is a question of whether we choose to have them and, if so, where. Government policy is to get the right developments in the right places. The overriding consideration is whether a location is suitable for a tall building in terms of its effect on the existing context and environment at a city-wide, as well as local level, in particular, the potential impact on the surrounding historic environment and the inherent quality of a place. By reason of their size and prominence, tall buildings can irreparably harm the qualities that people value about a place. The wrong building in the wrong place can blight the appearance of an entire neighbourhood for generations and prove impossible to remove. The residential towers in Adelaide Road are a local example of such visual blight. If a location is unsuitable, then no tall building should be acceptable irrespective of the quality of its design. Only if it can be demonstrated that the location and context are appropriate should other factors, including design quality, be addressed.

**5.2 Densities**

Whilst there is a legitimate need to increase residential densities in many urban areas, and, in particular, close to transport nodes, this aspiration needs to be weighed against broader environmental and planning considerations. High density does not necessarily mean high rise. As Lord Rogers pointed out so eloquently over 15 years ago in *Towards an Urban Renaissance*, different forms of architecture such as a traditional street layout, mansion flats, or medium-rise urban blocks enclosing a public open space (as on this site at Swiss Cottage) can all be built to the same density. Some of the highest residential densities in London can be found in low-medium rise areas of housing such as Islington and Kensington, which have become highly-desirable centres of high density living without sacrificing environmental quality. The same conclusions were reinforced in 2014 by the Princes Foundation for Building Community. It is also questionable whether it is prudent or desirable to increase densities significantly at major transport nodes when the transport infrastructure is operating above capacity and unable to cope fully with peak demand.

**5.3 Past Mistakes**

It is highly debatable whether tall buildings enhance the beauty of our cities and neighbourhoods. Historically British cities have developed in a multi-layered organic way in the European rather than North American tradition. Indeed one of the reasons why London has flourished as a great World City is the quality and amenity of its historic areas and landscapes. One of the principal failings of high-rise buildings of the 1960s and 1970s was that so many were located and designed with a total lack of appreciation or understanding of the townscape context in which they were sit. All too often it was disregarded. As a result, very significant harm was done to towns and cities nationwide at great economic, social and environmental cost generating widespread public concern. Across London in areas as diverse as Archway, Holloway, Totteridge and Twickenham, tower blocks looming over suburban town centres and other locations are now widely regretted as incongruous eyesores, which have blighted whole neighbourhoods and retarded community regeneration. In Camden the nearby Adelaide Road blocks were regarded by the Council as a mistake never to be repeated. Unless we learn the lessons of the past, there is a real danger of repeating the mistakes of the 1960s and 1970s. 100 Avenue Road is the product of the same out of date thinking. In such an important and sensitive location a more sophisticated and sensitive approach is required in line with a more progressive vision and 21st century thinking about urbanism.

**6.0 POLICY AND GUIDANCE**

**6.1 EH-CABE Guidance**

For the reasons set out in **5.3**, in 2007 the government invited English Heritage and CABE to prepare national guidance on tall buildings for local planning authorities. Para.2.5 of the advice recommended that *‘local planning authorities should now identify appropriate locations for tall buildings in their development plan documents.’* It stressed that *‘these should be drawn up through effective engagement with local communities and with proper regard to national and regional planning policies such as the local environment. Such an approach will ensure that tall buildings are properly planned as part of an exercise in place-making informed by a clear long term vision, rather than in an ad hoc, reactive, piecemeal manner.’*

**6.2** Para.2.6 sets out a clear development-plan led approach for local authorities to follow. It states:

 *A development plan led approach to tall buildings:*

* *enables areas appropriate for all buildings to be identified within the local development framework in advance of specific proposals.*
* *enables the spatial, scale and quality requirements for new tall buildings to be established within the local development framework.*
* *ensures an appropriate mix of uses is achieved.*
* *enables proper public consultation at the plan-making stage on the fundamental questions of principle and design.*
* *reduces the scope for unnecessary, speculative applications in the wrong places.*
* *protects the historic environment and the qualities which make a city or area special.*
* *highlights opportunities for the removal of past mistakes and their replacement by development of an appropriate quality.*
* *sets out an overall vision for the future of a place.*

**6.3** Para.2.7 advises that *‘in identifying locations where tall buildings would and would not be appropriate, local planning authorities should, as a matter of good practice, carry out a detailed urban design study.’* Para. 2.8 goes on to state that *‘having identified the constraints and opportunities through an urban design study, specific policies and locations should be included in the development plan and supplementary planning documents clearly identifying in map-based form, areas that are appropriate, sensitive or inappropriate for tall buildings. In some places, historic environment considerations may be of such significance that no tall buildings will be appropriate.’*

**6.4** Para.2.9 then amplifies that *‘in areas considered as appropriate or sensitive to tall buildings, local authorities should consider commissioning more detailed, three-dimensional urban design frameworks to be adopted as supplementary planning documents as support policies to core strategies and/or as area action plans. The potential impact of buildings of various heights and forms can be modelled to assess their effect on context including on other local authority areas, and on each other. This should help to inform the decision-making and plan making process.’*

**6.5 Consideration** The proposed development demonstrably fails to comply with EH-CABE Guidance on Tall Buildings. The Council has not identified areas appropriate, sensitive or inappropriate for tall buildings within its development plan documents in advance of these specific proposals. There is no overall vision for the future of Swiss Cottage as a successful place, and no detailed urban design study has been carried out in line with national good practice. This has led to an unnecessary, speculative application in the wrong place, which causes very substantial harm to the surrounding historic environment and the qualities, which make Swiss Cottage special.

**6.6 National Policy and Guidance**

The National Planning Policy Framework sets out the government’s planning policies for England and how they are expected to be applied. It emphasizes (para.60) that it is proper to promote or reinforce local distinctiveness, and that planning policies and decisions should address the connections between people and places and *‘the integration of new development in to the natural, built and historic environment.’* (para.61). Para.129 makes it clear that local planning authorities *‘should identify and assess the particular significance of any heritage asset, including development affecting the setting, and take this in to account when considering the impact of a proposal.’* In the case of assessing tall buildings on a conservation area therefore, it is vital to assess the impact on the significance of the whole area, as well as on the individual components within it. The test is set out in para.137. It advises that ‘*within conservation areas or their settings, local planning authorities should look for new development to enhance or better reveal their significance.’*

**6.7** The NPPF is reinforced by more detailed advice on setting in para. 121 of the Historic Environment Planning Practice Guide. This highlights that *‘the design of a development affecting the setting of a heritage asset may play an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials’.*

**6.8 Consideration** The proposed development does not comply with national policy set out in the NPPF, or the Historic Environment Practice Guide. The height of the proposed tower is wholly alien to the established height, form, bulk, massing and scale of Swiss Cottage Town Centre and its circumjacent domestically-scaled conservation areas. For these reasons, it is palpably is not integrated in to the existing built or historic environment, nor does it enhance or better reveal the significance of the surrounding conservation areas, or the setting of the adjacent grade II listed Swiss Cottage Library, or Regency Lodge. It is an alien urban intrusion in to a suburban town centre; one surrounded by a series of conservation areas, which coalesce to create a very distinctive sense of place, which would suffer serious harm should the development be permitted to proceed in its current form.

**6.9 Regional Policies**

Regional policies are set out in the Mayor of London’s London Plan, or Spatial Development Strategy, published in July 2011. Policy 7.4A sets out policies on Local Character. It states that: *‘Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings’.* 7.4B sets out policies for Planning Decisions. The policies are clear. *‘Buildings, streets and open spaces should provide a high quality design response that:*

*a. has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.*

*c. is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings*

*d. allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area.*

*e. is informed by the surrounding historic environment.’*

**6.10** The thrust of these policies is reinforced by section 7.22 on Architecture. This emphasises that *‘a building should enhance the amenity and vitality of the surrounding streets. It should make a positive contribution to the landscape and relate well to the form, proportion, scale and character of streets, existing open space, waterways and other townscape and topographical features, including the historic environment.’*

**6.11** Further specific policies are set out on the location and design of tall buildings in Policy 7.7. These reinforce national EH-CABE Guidance. Strategically tall buildings should be part of a plan-led approach by the identification of appropriate, sensitive and inappropriate locations. Camden Council has not carried out such an exercise, so the proposal does not comply with the requirement for a plan-led approach. In addition, tall buildings should not have an unacceptably harmful impact on their surroundings. Policy 7.7 C requires that tall buildings should:

*‘b. only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building.*

*c. relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain, and public realm (including landscape features), particularly at street level.’*

The town centre and surrounding conservation areas are highly sensitive to the height, bulk, mass and scale of tall buildings on their periphery. The proposal directly contravenes these policies by having a severely adverse effect on their character, appearance and setting.

**6.12** Policy 7.7D stresses that: *‘Tall buildings should not impact on local or strategic views adversely’,* whilst 7.7E highlights that *‘the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings … etc’.* Section 7.25 goes on to make clear that ‘*tall buildings can have a significant detrimental impact on local character* and *should be resisted in areas that would be particularly sensitive to their impacts.’*

**6.13** Additional London Plan policies relate to the Heritage Assets and Archaeology. Policy 7.8D states that‘*development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural details’.* Section 7.31 is unequivocal. *‘Heritage assets such as conservation areas make a significant contribution to local character and should be protected from inappropriate development that is not sympathetic in respect of scale, materials, detail and form. Development that affects the setting of listed buildings and conservation areas should be of the highest architectural quality of architecture and design, and respond positively to local context and character….’*

**6.14 Consideration** The proposed development is therefore contrary to the policies of the Mayor’s London Plan. The Council has not identified areas appropriate, sensitive or inappropriate for tall buildings. It has not carried out a plan-led urban design study evaluating the impact of tall buildings at key locations, such as Swiss Cottage. In addition this proposal adversely affects important local views from surrounding conservation areas (see the analysis in section 7.0 below) and it causes significant harm to their setting and value as heritage assets, as well as that of adjacent listed buildings - the iconic listed Swiss Cottage Library and Regency Lodge.

**6.15 Local Policies and Guidance**

The Council’s Core Strategy highlights the quality of Camden’s built environment. Para. 22 stresses that  *‘ we need to manage change and growth so that they take place in a way that respects the character, heritage and distinctiveness of Camden’s valued and special places.’*  Swiss Cottage and its surrounding historic areas are both special and valued. This application is a litmus test of the Council’s commitment to its Core Strategy to manage change in a way that protects its special character.

**6.16**  In the Core Strategy, Finchley Road / Swiss Cottage is identified as one of a number of highly accessible areas where the Council will promote *‘appropriate development.’* CS3 makes it clear that ‘*development in these locations should be of a suitable scale and character for the area in which it is situated….’*  This is expanded in para. 3.5, which reaffirms that *‘all development in these locations is of a size and nature compatible with its site and the character of its surroundings and the wider area,* and also in para. 3.6, which states: *‘Camden’s highly accessible areas often include, or are adjacent to, residential communities and conservation areas and other heritage assets. Development in these locations must therefore take in to account the full range of Council policies and objectives, in particular those on amenity, design and heritage, sustainability, community safety, open space and transport.’*

**6.17** CS5 deals with managing the impact of growth and development. CS5d makes it clear that ‘*particular consideration will be given to protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.’* In the policy on town centres, CS7e, the commitment to *‘ensuring that new development is of an appropriate scale and character to the centre in which it is located’*  is reaffirmed yet again.

**6.18** The Council has a strong commitment to promoting high quality places and conserving Camden’s heritage articulated in CS14. The policies are unequivocal.  *‘The Council will ensure that Camden’s places and buildings are attractive, safe and easy to use by:*

*a) requiring development of the highest standard of design that respects local context and character;*

*b) preserving and enhancing Camden’s rich and diverse heritage and their settings, including conservation areas, listed buildings etc*

*e) protecting important views of St Paul’s Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views.’*  Para 14.8 makes it clear that applications for tall buildings will be assessed against policy 14 and DP 24 and 25.

**6.19** Detailed policies are set out regarding views in para. 14.25.  *‘We will seek to ensure that development is compatible with such views in terms of setting, scale and massing and will resist proposals that we consider would cause harm to them. Development will not generally be acceptable if it obstructs important views or skylines, appears too close or too high in relation to a landmark or impairs outlines that form part of the view.’*

**6.20** The Council’s detailed policies are set out in its Local Development Framework. Its policies on securing good new design (DP24) emphasise that ‘*development should consider the character, setting, context, form and scale of neighbouring buildings’.*  Particular factors are set out in para 24.7 based on the checklist in the CABE guidance *‘By Design’.* These include *‘the character and constraints of the site, the prevailing pattern, scale and density of surrounding development, the impact on views and vistas, and the wider historic environment and buildings, spaces and features of local historic value.’*  Para. 24.12 makes it clear that in *‘areas of distinctive character development should reinforce those elements that create the character’.* All these policies are reinforced by DP25 which sets out the Council’s detailed policies on conserving the heritage*.* Crucially, DP 25 states that *‘In order to maintain the character of Camden’s conservation areas, the Council will* (inter alia): *not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area.’*  In addition *‘it will not permit development that it considers would cause harm to the setting of a listed building.’*

**6.21** More justification is set out in para. 25.9. This too is unequivocal.  *‘Due to the dense urban nature of Camden, the character and appearance of our conservation areas can also be affected by development which is outside conservation areas, but visible from within them. This includes high or bulky buildings, which can have an impact on areas some distance away, as well as adjacent premises. The Council will therefore not permit development in locations outside conservation areas that it considers would cause harm to the character, appearance or setting of such an area’.*

**6.22** In additionPara. 25.15 reaffirms the importance of protecting the setting of listed buildings from unsympathetic neighbouring development. *‘The value of a listed building can be greatly diminished if unsympathetic development elsewhere harms its appearance or harmonious relationship with its surroundings’.*

**6.23 Site Allocation Guidance**

The Council’s site allocation guidance is highly qualified. It sets clear

 parameters for any development, which the current proposal breaches.

 It is certainly not a *carte blanche* for a tall building, particularly one

 which is grotesquely out of scale with the surrounding area. It states

 that‘*whilst there is some potential for taller buildings on this site, the*

 *acceptability of this depends on the quality of* *the design and the*

 *relationship with existing buildings in the area and open space. Any*

 *increase in height above the existing 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.’*

**6.24 Camden Planning Guidance**

The Local Development Framework is supported by Camden Planning Guidance (CPG), which forms a Supplementary Planning Document. CPG 1 covers Design. It is consistent with, and reiterates, the Core Strategy and LDF policies on design and heritage issues. It explains that tall buildings will be assessed against a range of design issues, including the historic context of the building’s surroundings (2.13), and that where a proposal creates a landmark or visual statement *‘particular care must be taken to ensure that the location is appropriate and that the development is sensitive to its wider context. This will be especially important where the development is likely to impact upon heritage assets and their settings.’* Para. 3.7 is crucial. It stresses that the Council‘*will only permit development within conservation areas, and development affecting the setting of conservation areas, that preserves and enhances the character and appearance of the area’.*

**6.25 Conservation Area Statements**

100 Avenue Road is surrounded by a number of residential conservation areas, including Belsize to the east, Elsworthy to the south, Fitzjohns/Netherhall to the north and South Hampstead to the west. Immediately to the east, and including part of the Winchester Road terrace on the civic centre site, is the most significant in respect of this application - the extensive Belsize Conservation area. The area has six discrete sub-areas, which are described in the Conservation Area statement. Developed in phases between 1853 and 1910, the earlier part is characterised by large, semi-detached Victorian villas faced in stucco with elevated ground floors above expansive basements. The later phases from 1870-1914, such as in Eton Avenue, developed by William Willett for the Eton College estate, comprise imposing detached houses faced in red brick and terracotta, many in variations of the Queen Anne revival style popularized by Norman Shaw. The layout of the whole area is distinctive with broad, straight, tree-lined streets lined with elegant suburban houses with open-ended vistas, which add to the feeling of spaciousness. Little development outside of the area intrudes thereby maintaining the spatial illusion. The conservation area is therefore well-preserved, but vulnerable to inappropriate development which affects its setting. Occasional glimpses of the 1960s tower blocks in Adelaide Road, (a planning mistake, which the Council vowed never to repeat) detract from its character and are indicative of its vulnerability to tall buildings on the periphery.

**6.26** The Council’s Belsize Conservation Area statement recognizes the risk of buildings outside the conservation area affecting its setting and specifically warns that where new development does not preserve or enhance the setting of the conservation area, it is generally due, *inter alia,* to ‘*inappropriate scale/bulk/height/massing and inappropriate relationship to street and neighbouring properties’.* This is amplified in BE 20 which states that *‘’modern development has not always taken account of existing context. Development which is overtly modern will not be resisted provided it respects the layout height, and scale of the existing development within the Conservation Area’.*

**6.27** The proposed development at 100 Avenue Road does not respect the layout, height and scale of the existing development and directly contravenes this guidance. By reason of its height, scale, bulk and massing, the proposal would be detrimental to the character and appearance of the conservation area. It would harm the visual coherence and integrity of the area as a whole, as well as the setting of individual components within it. Thus it is specifically contrary to BE20.

**6.28** In order to understand fully the significance of any conservation area as a heritage asset, it is necessary to evaluate it using English Heritage’s *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment.*  Belsize conservation area possesses substantial evidential, historic, aesthetic and communal value. One important aspect of its communal value is that a number of views within it are the focus of important paintings by eminent early 20th century artists of the Camden Town Group. It is a measure of their importance that they are held in national collections, including the view of 69 Belsize Park by Robert Bevan (1916), and Street Scene in Belsize Park (1917). Robert Bevan and Stanislawa de Karlowska lived at 14 Adamson Road. The setting of both historic views would be harmed by the looming presence of the proposed tower eroding an important aspect of the communal significance of the conservation area.

**6.29** It would be otiose to repeat this exercise for each of the conservation areas affected as similar guidance applies in each of the statements. The statements translate the policies set out in the Council’s Core strategy, Local Development Framework and CPG at a local level.

**6.30 Consideration** In conclusion, it is evident that the proposal is contrary to the Council’s planning policies set out in CS3, CS5, CS7e, and CS14 (a), (b) and (e) of its Core Strategy, DP 24 and 25 of its Local Development Framework, para. 3.7 of CPG 1 and BE20 of the Belsize Conservation Area statement, as well as the whole thrust and objectives of the other relevant Conservation Area statements for Elsworthy, Fitzjohns/Netherhall, and South Hampstead.

**7.0 VIEWS ANALYSIS**

**7.1** The applicants have modelled the potential impact of the tower from 27 different viewpoints. These are contained in the Townscape and Visual Impact Assessment prepared by the Peter Stewart Consultancy. In several cases, such as the view of 69 Belsize Park (No 6), the accuracy of the view is highly questionable and requires independent verification. In others, such as the view from Daleham Gardens (No 22), or from Primrose Hill (No 17) the impact of the tower would be considerably greater if a minor change of viewpoint is made.

 Observations and comments on each of the views are set out below with an assessment of potential impacts ranging from none through limited harm to significant and substantial harm.

 1 Elsworthy Road: Limited harm to conservation area, but local impact

 will vary depending on precise viewpoint.

 2 Wadham Gardens: Limited harm to conservation area, but will coalesce

 with existing foreground block to create wall of development.

 3 King Henry’s Road: Limited harm.

 4 Eton Avenue: Significant harm to open axial vista and domestic

 residential scale and setting of conservation area.

 5 Crossfield Road: Substantial harm to setting of buildings and

 conservation area.

 6 Belsize Park: Substantial harm to setting of focal point of townscape

 and historic view and setting of conservation area.

 7 Akenside Road: Substantial harm to setting of conservation area.

 8 Fitzjohns Avenue North: Limited harm to setting of conservation area,

 but potentially significantly worse as the viewpoint moves south.

 9 Fitzjohns Avenue South: A truly shocking view. Substantial harm to

 setting of conservation area.

 10 Goldhurst Terrace: Significant harm to setting of conservation area.

 11 Fellows Road: Significant harm to setting of conservation area,

 potentially increasing as the viewpoint moves west in front of retained

 houses.

 12 Avenue Road South: Limited harm.

 13 Avenue Road North: Another truly shocking view. Substantial harm to

 setting of grade II listed building and dominating civic centre site.

 14 Finchley Road South: Limited harm.

 15 Finchley Road / Adelaide Road; Substantial harm to town centre and

 setting of listed Regency Lodge

 16 Finchley Road North: Another truly shocking view. Substantial harm

 dominating the entire town centre.

 17 Primrose Hill: Limited harm, but much greater impacts when viewed

 from slightly adjacent viewpoints.

 18 Pond Street: Not visible. No impact.

 19 Belsize Road: Limited harm to conservation area.

 20 Finchley Road/ Broadhurst Gardens: Another truly shocking view.

 Substantial harm to town centre.

 21 Glenloch Road: Limited harm to conservation area, but more visible

 when viewpoint adjusted to Glenmore Road.

 22 Daleham Gardens: Significant harm to conservation area increasing

 considerably if viewpoint moved to left.

 23 College Cres: Another shocking view. Substantial harm to setting of

 conservation area.

 24 Buckland Crescent: Significant harm to setting of conservation area

 looming over the roofscape of the houses.

 25 Eton Avenue North side: Not modelled in winter. Potentially significant

 harm to setting of conservation area.

 26 Adamson Road: Massive overbearing impact. Substantial harm to

 setting of conservation area and triangular open space.

 27 Civic Centre Public Open Space: Massive overbearing impact.

 Substantial harm dominating the setting of the public open space and

 civic centre.

**7.2** The Council is strongly urged to assess the Views Analysis with great care against its adopted policies, particularly in relation to the historic environment. The conclusion of the above evaluation is damning. 11 of the 27 views cause substantial harm, 6 cause significant harm, 9 cause limited harm, and in one the development is not visible. Both the Mayor of London and the Council have rigorous policies to ensure that new development and tall buildings do not cause harm to surrounding areas, particularly where development outside a conservation area will cause harm to the setting of the heritage asset as a whole, or the individual components within it. In this case the proposal will cause substantial harm to the town centre, to the amenity of the civic centre site as a successful contemporary open space, to the setting of adjacent listed buildings and to the setting of circumjacent conservation areas.

**8.0 CONSIDERATION OF TOWNSCAPE AND VISUAL IMPACT**

 **ASSESSMENT**

**8.1** The applicant’s Townscape and Visual Impact assessment relies on

 bland assertions rather than seeking to test the proposal against

 relevant policies and guidance. Both Swiss Cottage town centre and the

 adjacent civic site and open space are not lacking a sense of place at

 all. They have a very distinct identity and sense of place amplified in

 section 3.0 above. The immediate area already has two major listed

 landmark buildings – the iconic Spence library and Regency Lodge,

 which forms a prominent gateway in to the town centre from the south.

 In addition, the unlisted Swiss Cottage is a famous London landmark

 which has conferred its name on the whole area. The proposed

 development would be overbearing and dwarf these historic buildings

 substantially harming their setting.

**8.2** Paragraph 6.3 of the report by the Peter Stewart consultancy argues

 that *‘the height, scale and massing of the proposed development have*

 *been carefully considered to respond to the site context*,’ and that it

 *‘would provide a well-designed marker for the area’.* This is palpably

 absurd. The building takes no account of the wider site context, or the

 historic environment, in line with national, regional and local policy and

 guidance, and which confers such a distinct sense of place on Swiss

 Cottage. It is around eight times taller than the buildings in the

 surrounding conservation areas, and taller than the Adelaide Road

 blocks, regarded as a mistake the Council vowed it would never repeat.

**8.3** The applicants allege repeatedly that the proposed building will improve

 ‘legibility’. This implies that the site is somehow incoherent and illegible

 at present. This is nonsense. At a metropolitan level, the existing civic

 site is highly legible. It is disposed around an attractive and popular

 open space surrounded by low-rise buildings containing arts and leisure

 facilities of London-wide renown. As a destination, it is already an

 integral part of Londoner’s mental mapping. Locally the site and its

 surroundings are highly legible. The listed Regency Lodge is a major

 local landmark marking the entrance to the town centre, whilst the listed

 library building is a definitive ‘marker’ for the civic site. The underground

 station entrance is also a major point of orientation. In addition, the

 Adamson Road triangular open space acts as a funnel subtly directing

 people in to the historic residential conservation area adjacent. These

 confer a very distinct sense of place, which means that the area

 is already highly legible for both residents and visitors alike.

**8.4** It has become a risible cliché for those attempting to foist tall buildings

 on areas for which they are inappropriate to describe them as ‘markers’

 or ‘gateways.’ Swiss Cottage already has a number of very distinctive

 markers in the form of Regency Lodge, the iconic listed Spence library

 and the idiosyncratic Swiss Cottage itself. The hollowness

 of this argument is brutally exposed by the deadening impact of past

 mistakes in the area such as the tall buildings at Adelaide Road and

 Centre Heights. Are these markers, or much-regretted eyesores? If they

 are such successful markers, why are they excluded from the

 surrounding conservation areas? In addition, the highly successful arts

 and leisure complex is a very potent marker for the area, which attracts

 people from across London. Indeed, the most successful town centres

 and places in London are those urban and suburban neighbourhoods,

 which have not been blighted by such crude attempts at placemaking,

 and which have evolved to a human scale fostering animated street

 frontages and community activity, such as nearby Hampstead,

 Highgate, Belsize Park, Primrose Hill, Muswell Hill and Crouch End, or

 Richmond, Greenwich and Blackheath in south London. It is difficult to

 identify a single example of any post-war tall building anywhere in

 London that acts as a successful ‘marker’ which reinforces rather than

 harms local identity.

**8.5** Contrary to the assertion in 6.5 of the same report, the application fails to

 comply with the plan-led approach set out so clearly in EH-CABE

 Guidance, or with the criteria for evaluation in respect of the relationship

 to context and the effect on the historic context.

**8.6** The conclusions in Section 6.15 of the report - that the proposed

 building *‘is not harmful in any view’* – is both disingenuous and absurd for

 the reasons set out in section 7.0 of this statement. There is substantial

 harm and a severely adverse impact on many views. The report alleges

 that the juxtaposition of a tall building and large foreground houses is an

 *‘established aspect of the character of central London’* in general, and

 the site in particular. However this is not part of central London, but an

 established suburban town centre of low-medium rise buildings

 surrounded by historic residential conservation areas lined with fine

 individual heritage assets.

**9.0 CONCLUSION**

**9.1** The proposed development is unacceptable by reason of its height,

 design, bulk, scale and massing and its failure to integrate with the

 surrounding context. It would adversely affect local views, and the setting

 of adjacent listed buildings. It would cause substantial harm to the setting

 of surrounding conservation areas and individual heritage assets within

 them. The development is clearly contrary to specific national, regional

 and local policies and EH-CABE Guidance on Tall Buildings, as well as

 the Council’s own guidance set out in its conservation area statements.

**9.2** The Council is strongly urged to refuse the application for the reasons set

 out in this statement, together with other relevant planning policies

 articulated by others elsewhere.

Philip Davies

Philip Davies (Heritage and Planning) Ltd

July 2014