|  |  |  |
| --- | --- | --- |
| **Address:**  | **Athlone House****Hampstead Lane****London****N6 4RU** |  |
| **Application Number:**  | **2006/1412/P** | **Officer: Neil McDonald** |
| **Ward:** | **Highgate** |  |
| **Subject:**Report to Committee on a Proposed Deed of Variation to the Section 106 legal agreement dated 4th October 2005 relating to development at Athlone House, Hampstead Lane London N6 4RU. |
| **RECOMMENDATION SUMMARY: Vary Section 106 Legal Agreement to allow change of project architect** |

## OFFICERS’ REPORT

**Reason for Referral to Committee: This matter would involve a change to a clause in the S106 agreement originally inserted to address concerns over the possibility of the scheme being compromised if there were a change of architect following planning permission.**

1. **SCOPE OF REPORT**
	1. This report is to seek the committee’s ratification of a variation to the Section 106 Agreement allowing a change from the original named project architect, David Chipperfield Architects, and to enable the appointment of a new architect. The new architect proposed to be appointed is Hamilton & Associates who would see through the development to completion.
	2. The relevant clause of the Agreement is 3.9.1 which states:

*“The Owner hereby covenants that (unless otherwise agreed such agreement not to be reasonably withheld or delayed) (i) not to submit any further drawings required to be submitted under or in connection with the Planning Permission unless such drawings have been prepared by David Chipperfield Architects of Cobham Mews, Agar Grove, London NW1 9SB in respect of Blocks A, B & C and the Coach House, Caen Cottage and the Gatehouse and Lincoln Campbell Associates of 47 Rodrich Road, London NN3 2NP Architects in respect of Athlone House (ii) not to Implement or carry out any works forming part of the Construction Phase of the Development at any time when the same architects for that part of the Development are not employed by the Owner as project architects for those parts of the Development as ascribed above.”*

* 1. It should be noted that the proposed variation is just to relate to the parts of the development adjacent Athlone House, i.e. Blocks A, B & C and the Coach House, Caen Cottage and Gatehouse. This does not concern Athlone House itself for which the named architect will remain unchanged.

**2. RELEVANT BACKGROUND**

* 1. The original scheme (**Ref Nos. 2003/2670/P & 2003/2671/C**) was approved by the General Purposes (Development Control) Sub-Committee at its meeting of 20th January 2005. An additional clause was inserted into the accompanying S106 agreement restricting the implementation of the scheme to the named project architects. This was at the request of the Athlone House Working Group to ensure the design of the scheme was not compromised. This is not standard practice for any type of application, however, given the applicant’s willingness at the time to agree to this clause, officers did not advise against it.
	2. The Council’s formal notice of approval was issued on 5th October 2005 following the legal agreement. The description of development as stated on the notice was:

**Part Conversion and part redevelopment of site for 27 residential units including:**

**\* Alterations, extensions and conversion of Athlone House to 1 x 7 bed house, The Coach house to 2 x 2 bed units, The Gate House to 1 x1 bed house and Caen Cottage to 1 x 3 bed house:**

**\* Demolition of all remaining post war buildings and erection of 3 new blocks to provide 22 flats with underground parking (9 x 2 bed, 10 x 3 bed and 3 x 4 bed)**

**\* Donation of 0.98 hectare of land as extension to Hampstead Heath and**

**\* Significant landscaping content.**

* 1. On 19th June 2006, planning permission was granted under delegated powers for a revised scheme (**Ref: 2006/1412/P**) entailing changes to elevations and some remodelling at roof level in respect of the new-build development only. This was accompanied by a deed of variation to ensure that the revised proposals continued to be subject to the various clauses of the S106 agreement as originally signed.
	2. Approvals of details on 2006/1412/P have since been issued in respect of conditions 22 (archaeological investigation) and 23 (archaeological building and recording analysis).

**3. JUSTIFICATION**

* 1. Officers requested that the applicant provide justification to support the proposed change of architect. This has been provided in the form of a letter from the applicant’s solicitor David Cooper dated 25 January 2007, and also by submissions from the architect themselves to demonstrate their work and capability of undertaking a project of this nature. The supporting material is itemised as follows:
* Letter from David Cooper dated 25 January 2007. This provides assurances as to the brief of the new architect, which will be to deliver a scheme adhering to the original Chipperfield style and concept. It also states the belief that the new architect would provide the appropriate depth of management function required to see through the implementation of a scheme of this nature.
* Letters from Hamiltons dated 1 May 2007 and 4 May 2007 accompanying the various brochures and giving a brief explanation of the brochures’ contents.
* Company Brochure of Hamiltons Architects introducing the firm and its principle personnel, also giving examples of projects completed.
* Brochure titled ‘Submission to Camden Council’ providing more detail on selected projects.
* Brochure titled ‘Athlone House Hampstead May 2007’. This contains example drawings of how the detailed design of the Athlone House project would progress, and also provides detailed drawn and photographic material of a comparable scheme at Montrose Place, Belgravia.
	1. The information provided is considered good evidence of the architect’s experience of seeing through major construction projects to a high quality specification. The examples of their recent and current projects - particularly Montrose Place, demonstrate a high quality of execution. Montrose Place also bears resemblance to the new-build development at Athlone House in many ways, most notably through the form of the buildings and use of stone as the predominant facade material. This, along with many other Hamiltons schemes involves the context of a heritage building or buildings. One such example in LB Camden involves the refurbishment and sensitive extension of an 8,000sqm Victorian building on Tottenham Court Road. The site is 227-233 Tottenham Court Road, 24 Store Street and 10-12 South Crescent (Camden Ref: 2004/3201/P). As well as numerous other projects in the inner London boroughs, there is also an example from Marlow in Buckinghamshire which successfully blends a large modern house into the landscape of the Chiltern Hills. All of this is considered testament to the skill and versatility of the architect in responding to a range of environments.
	2. It is stated by Hamiltons that the Project Architect is intended to be Jason Good who joined the practice at the beginning of 2006 having previously worked for David Chipperfield. He has already had extensive involvement in this scheme while engaged on this project with David Chipperfield, having liaised directly with Camden officers throughout the planning stages. In addition, two other former David Chipperfield employees who were involved in the Athlone House planning application are now working with Hamiltons. This will build in an awareness of the history and previous discussions which have shaped the proposals to date, which can then be carried forward into the detailed design.
	3. Notwithstanding the experience demonstrated and the example drawings submitted for the Athlone House detailed design, the Council would still retain full control over all approvals of details in the usual way. Details drawings are required in respect of sections, elevations and facing materials for the three new blocks A, B & C (condition 5) and The Coach House, Caen Cottage and The Gate House (condition 6) before work on these parts is commenced. Any material changes to the scheme would also require approval by means of a separate planning application. None of theses would be likely to receive approval if it were considered that they might compromise the scheme.
1. **CONCLUSION**
	1. From the submitted examples of past projects, Hamiltons Architects would appear to demonstrate a level of quality in both their designs and completed works, which reflects favourably upon their experience of handling a project such as Athlone House. Many of their past works have indeed been of a similar nature to Athlone House, involving issues relating to existing heritage buildings and landscapes. Furthermore, the Hamiltons team includes personnel who have proven capability in handling this project due to their previous experience working on the same while employed by David Chipperfield.
	2. In view of the above, and given the control retained by the Council over approvals of details, officers are satisfied that there is no reason to believe that the replacement of David Chipperfield with the new architects, Hamiltons, would result in the scheme being compromised. There is, therefore, considered to be no reason to justify the Council withholding its agreement to vary the Section 106 agreement as requested.

**5. LEGAL COMMENTS**

* 1. Members are referred to the note from the Legal Division at the start of the Agenda.

**6. RECOMMENDATION**

* 1. That the Head of Legal Services (Acting) be instructed to vary the S106 agreement to allow the relevant parts of the development to progress with Hamiltons appointed as project architect.