

<b>Address:</b>	100 Avenue Road London NW3 3HF		<b>1</b>
<b>Application Number:</b>	2014/1617/P	<b>Officer: David Fowler</b>	
<b>Ward:</b>	Swiss Cottage		
<b>Date Received:</b>	21/06/2013		
<p><b>Proposal: Demolition of existing building and redevelopment for a 24 storey building and a part 7 part 5 storey building comprising a total of 184 residential units (Class C3) and up to 1,041sqm of flexible retail/financial or professional or café/restaurant floorspace (Classes A1/A2/A3) inclusive of part sui generis floorspace for potential new London Underground station access fronting Avenue Road and up to 1,350sqm for community use (class D1) with associated works including enlargement of existing basement level to contain disabled car parking spaces and cycle parking, landscaping and access improvements.</b></p>			
<p><b>Drawing Numbers:</b> PL_099 P3, PL_100 P2, PL_101 P1, PL_102 P1, PL_105 P3, PL_106 P1, PL_107 P2, PL_108 P1, PL_113 P1, PL_119 P1, PL_121 P1, PL_123 P1, PL_124 P1, PL_161 P1, PL_162 P1, PL_163 P1, PL_164 P1, PL_170 P1, PL_171 P1, PL_172 P1, PL_173 P1, PL_200 P1, PL_201 P2, PL_202 P1, PL_203 P1, PL_204 P1, PL_205 P1, PL_206 P1, PL_207 P1, PL_210 P1, PL_211 P1, PL_401 P1, PL_402 P1, PL_403 P1, PL_404 P1, PL_405 P1, PL_406 P1, LL443-100-001 P1, LL443-100-002 P2, LL443-100-003 P1, LL443-100-001 P1, LL443-100-004 P1, LL443-100-005 P2, LL443-100-006 P1, LL443-100-007 P1, LL443-100-100, LL443-200-101.</p>			
<p><b>Documents:</b> Planning Statement prepared by Turley Associates (February 2014), Design and Access Statement prepared by GRID Architects (February 2014), Landscape Strategy (within Design and Access Statement) prepared by Camlins, Arboricultural Report (855028) prepared by RSK (January 2014), Townscape and Visual Impact Assessment prepared by Peter Stewart Consultancy (February 2014), Heritage Statement prepared by CGMS (February 2014), Energy Strategy (47066761) prepared by URS (February 2014), Sustainability Report (including CfSH / BREEAM Pre Assessments) prepared by Bluesky Unlimited (21 February 2014), Transport Assessment (&amp; Travel Plan) prepared by Vectos (February 2014), Justification for the Loss of Offices Report (27787/002 Rev AA) prepared by Peter Brett Associates (February 2014), Daylight, Sunlight and Overshadowing Assessment prepared by GVA (February 2014), Flood Risk Assessment (132017-R1(4)-FRA) prepared by RSK (February 2014), Phase 1 Environmental Survey (Ground Conditions) (26427-01(01) prepared by RSK (May 2013), Noise &amp; Vibration Assessment (121044-02(01)) prepared by RSK (December 2013), Air Quality Assessment (121044-AQ(03)) prepared by RSK (February 2014), Archaeology Assessment (121044) prepared by RSK (June 2013), Pedestrian and Terrace Level Wind Microclimate Assessment (1300492E-PLW) prepared by RWDI (27 February 2014), Statement of Community Involvement prepared by Polity (February 2014), Basement Impact Assessment (47066169) prepared by URS (February 2014), LUL Demise Interface Report (47066169) prepared by URS (February 2014), Viability Toolkit Assessment prepared by Strutt &amp; Parker (March 2014) (<i>due to commercial sensitivity this report is confidential</i>).</p>			

**RECOMMENDATION SUMMARY: Grant conditional permission subject to S106 Legal Agreement and referral to Mayor of London for his direction**

<b>Applicant:</b>	<b>Agent:</b>
Essential Living (Swiss Cottage) Limited	Turley Associates 17 Gresse Street London W1T 1QL

**ANALYSIS INFORMATION**

Land Use Details:			
	Use Class	Use Description	Floorspace (GEA sqm)
Existing	B1 Business		8,152.8
	A3 Restaurant		673.4
Proposed	C3 Residential		21,089
	Flexible Class A Town Centre Uses (Classes A1, A2, A3)		925
	Flexible Class A Town Centre Uses (Classes A1, A2, A3) /LUL station entrance		116
	Class D1 Community Centre		1,350

Residential Use Details:						
	Residential Type	No. of Bedrooms per Unit				
		1	2	3	4	Total
All	Flat	73	69	42	0	<b>184</b>
PRS* (tower)	Flat	57	49	52	-	<b>158</b>
PRS DMR**	Flat	9	9	-	-	<b>18</b>
Affordable (rented and intermediate)	Flat	7	11	18	-	<b>36</b>
Affordable – rented	Flat	4	8	16	-	<b>28</b>
Affordable - intermediate	Flat	3	3	2	-	<b>8</b>

\*PRS – Private Rented Sector (not including DMR) \*\*DMR – Discounted Market Rent

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	49*	0
Proposed	0	13

\*breakdown unknown between general and disabled

## **OFFICERS' REPORT**

**Reason for Referral to Committee: Major development involving the construction of more than 10 new dwellings or more than 1000 sq. metres of non-residential floorspace [clause 3(i)]; and which is subject to the completion of a Section 106 legal agreement for matters which the Director of Culture and Environment does not have delegated authority [clause 3(vi)].**

**The application comprises over 150 units of new housing, exceeds 15,000sqm of new commercial floorspace and is over 30m in height and is therefore considered a 'strategic' application under the Mayor of London Order 2008. The application is thereby referable for his direction, whereby he has power to direct the local authority to refuse the application or call the application in for his own determination.**

### **Environmental Impact Assessment**

**A screening opinion on the same site for a larger development was provided by the Council in 2008 whereby that development did not constitute an EIA development under the EIA Regulations 2008 (as amended). Consequently, a further screening opinion was not necessary for the development as submitted, which was smaller and set in a context that has not changed since 2008. An EIA is not applicable to the development.**

## **1 SITE**

- 1.1 The application site is bounded on its western side by Avenue Road and the busy Swiss Cottage/Finchley Road junction and gyratory. Ye Olde Swiss Cottage pub is located directly opposite on the western side of Avenue Road, facing on to the junction. The site has an area of 6,162sqm.
- 1.2 The site is bounded on its northern side by the western end of Eton Avenue which is pedestrianised and is occupied by an occasional market. To the northern side of Eton Avenue is the School of Speech and Drama which consists of 8 storeys. North-east of the site is the Hampstead Theatre, which fronts on to Eton Avenue. A pedestrian route between Eton Avenue and Swiss Cottage Open Space separates the site from the Hampstead Theatre.
- 1.3 To the east of the site is Swiss Cottage Open Space which is designated open space (Swiss Cottage Open Space - 113). To the east of this open space is the rear of properties fronting Winchester Road which are generally commercial at ground floor level and residential above and also a community centre, the Winch at number 21, which works with children, young people, families and members of the local community. The Visage residential development is located south-east of the open space and consists of 5 storeys, beside the open space, rising up to 16 storeys as it moves south. The Belsize Park Conservation Area is the closest conservation area and is located to the east, on the other side of the open space.
- 1.4 To the south of the site is a small area of open space, a grade II listed sculpture and the Swiss Cottage Library (designed by Sir Basil Spence) which is grade II listed. To

the south-east of the site (on the southern side of the open space) is Swiss Cottage Leisure Centre.

- 1.5 The existing building on the site was developed in the 1980's and accommodates 8,152.8sqm office floorspace and 673.4sqm restaurant use.
- 1.6 The site forms part of the Swiss Cottage Town Centre area and is identified (site 30) within the Camden Site Allocation Document.
- 1.7 There are 2 entrances into Swiss Cottage Underground Station, 1 to the north of the building (on the junction of Avenue Road and Eton Avenue) and the other to the west.
- 1.8 As stated above, Belsize Park is the closest conservation area. Other conservation areas in the wider area are as follows; Fitzjohn Netherhall Conservation Area is located to the north of the Swiss Cottage Gyratory, South Hampstead Conservation Area is located to the west and Elsworthy Conservation Area is located to the south-east.
- 1.9 The site is not covered by any strategic views.

## 2 THE PROPOSAL

- 2.1 The proposed development is for the demolition of the existing building and the erection of 2 buildings on the site to provide 20,430sqm floorspace; a 24 storey standalone tower on the northern part of the site and a part 7/part 5 storey building to the south. The tower element would be 81m high and the lower block would be 21m at its highest (on the Avenue Road side). The new development would accommodate:
  - 184 dwellings,
  - 1,041sqm of flexible retail/financial or professional or café/restaurant floorspace at ground floor level
  - up to 1,350sqm for community use (class D1) in the southern building
  - 116sqm flexible retail/new entrance to the underground station, in the southern building.
- 2.2 The above uses would be accommodated in the 2 elements as follows:

Tower	Lower block
<ul style="list-style-type: none"> <li>• Residential (130 flats) (private tenure)</li> <li>• Town centre Class A uses</li> </ul>	<ul style="list-style-type: none"> <li>• Residential (54 flats) (affordable tenure in perpetuity 36 + 18 affordable for 15 years)</li> <li>• Community centre</li> <li>• Town centre Class A uses</li> <li>• Flexible retail/LUL station entrance</li> </ul>

2.3 The proposal would also involve extending the existing basement area and landscaping around the proposal.

### **3 RELEVANT HISTORY**

#### The site

3.1 The existing building on the site was erected in the mid 1980's. Since that date there have been numerous minor applications related to the site, none of which are relevant to the proposed redevelopment. The relevant history is laid out below.

3.2 2014/1149/P - Request for Environmental Impact Assessment (EIA) Screening Opinion for a mixed use re-development including 184 residential units, commercial and community uses and a potential new underground station access for Swiss Cottage. Decision - EIA not required (28/02/2014).

3.3 TP2413/21651- The use for a limited period of the site of No. 100, Avenue Road, Hampstead, as a car park and the formation of a new means of access to the highway. Conditional Approval (1956). This use was later extended in 1959 and remained in place until the site was developed for the existing office building in the mid 1980's.

3.4 The site has been used prior to being used as a car park as a school for the blind in the Victorian era and a hospital in the 1930's.

#### The area

3.5 The area has been one of change in recent years with several new developments having recently been completed, including the Swiss Cottage Leisure Centre and Visage (2006), the Central School of Speech and Drama (2006) and the UCL Academy School to the south of Adelaide Road. Swiss Cottage Open Space has also undergone some changes the newly-designed open space with a water feature, new sports pitches and children's play facilities.

### **4 CONSULTATION SUMMARY**

#### **STATUTORY**

##### **4.1 Greater London Authority Stage 1 response (including comments from TfL)**

- Strongly support principle of the mixed use development on this site. No objection to loss of offices.
- Strongly support layout, and appearance
- No objections to massing and height
- Broadly support density and residential quality, require more information regarding affordable housing, viability and children's playspace
- Broadly supportive regarding inclusive access, requires small revisions
- Shortfall on CO2 savings must be met off-site
- Further discussions required regarding:
  - Options for Swiss Cottage Underground Station
  - Financial contributions towards public transport upgrades
  - Construction logistics and timings in relation to gyratory works

- Conditions/obligations to secure public realm works, delivery and servicing plan,

#### 4.2 Transport for London

- Disabled parking and onsite servicing bay welcomed
- Cycle parking should be provided for staff of the retail and community centre
- Proposal would result in loss of off-highway cycle lane (*Officer's response: this is incorrect, the proposal would not remove the cycle lane*)
- Taxi drop-off bay on Avenue Road would result in highway conflict (*Officer's response: this has been omitted from the proposal*)
- Further discussions are required on tree locations on the footway
- A Delivery and Servicing Plan should be secured
- A Construction management Plan should be secured
- A final Travel Plan should be secured
- Further discussions with TfL are necessary to explore options for Swiss Cottage Underground Station

#### 4.3 London Underground Lines (LUL)

There are a number of potential infrastructure constraints on the redevelopment of the site situated close to underground tunnels and infrastructure. It will need to be demonstrated to the satisfaction of LUL engineers that:

- the development will not have any detrimental effect on our tunnels and structures either in the short or long term
- the design must be such that the loading imposed on our tunnels or structures is not increased or removed
- ventilation of the station is not negatively affected
- we offer no right of support to the development

Therefore we request that the grant of planning permission be subject to a condition on detailed design and assessment reports and outline method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level.

#### 4.4 English Heritage

Consider that the impact of the proposals on the historic environment is not so significant as to warrant English Heritage's involvement. English Heritage are therefore content for the Council to determine.

#### 4.5 Design Council

- Public realm and strategy; applaud the boundary treatment on to open space and Avenue Road, satisfied that overshadowing on to open space has been resolved as much as possible
- Design of tower; elevations are well-ordered and work well, the top finish to the tower is successful, onus on Council to ensure quality of construction is achieved.

- Lower building; successful elevations on to open space and Avenue Road, community space is positive, would have liked to see more details of plant treatment on lower block, particularly impressed with decision to incorporate community use.

#### **4.6 HS2**

As the line of route will be in a bored tunnel at this location, the main interaction of this planning application with HS2 will be in the design and construction of foundations for the buildings. Whilst proposed HS2 tunnels are almost at their deepest point in this location, (with the crown around 30m beneath the existing pile toes), HS2 engineers are confident that there is no chance of a clash between the proposed development and the railway works. However, as the building lies partly within the 1 and 10mm settlement contours, HS2 Ltd needs to ensure that the proposed construction works will accommodate any anticipated settlement.

No objection subject to conditions and an informative.

#### **4.7 Thames Water**

No objection subject to informatives.

#### **4.8 Environment Agency**

- Recommend good practice for surface water management , in accordance with London Plan
- Suggest an informative regarding piling methods

#### **4.9 Westminster City Council – No response to date.**

#### **Local groups**

#### **4.10 Belsize Residents Association - OBJECT**

- Local context; strong concerns regarding design and the approach to the site, redevelopment for housing acceptable in principle, lack of detail and context regarding impact on local services
- Height and bulk; footprint, other towers in the area should not provide context as were mistakes
- Sunlight and visual amenity; impact on open space, impact on public realm
- Lack of consideration of context, visual impact, impact on conservation areas
- Increased noise and wind
- Disruption from building works
- Quality of architecture
- Limited benefits of the scheme
- Lack of affordable housing, question benefits of PRS

#### **4.11 CRASH (Combined Residents Associations of South Hampstead) - OBJECT**

- Designation of site within Swiss Cottage Town Centre and affect on its potential development
- Impact on skyline, Belsize Conservation Area, listed library
- Excessive height and bulk
- Microclimate
- Noise from commercial units
- Traffic, servicing, parking, impact on public transport capacity
- Lack of affordable housing
- Proposals have not been amended after public consultation

#### **4.12 Elsworthy Residents Association - OBJECT**

- Impact on transport hub, access to community facilities, leisure centre, library, theatre, market
- Servicing/deliveries – inadequate provision, inadequate information, issue regarding refuse collection
- Danger to pedestrians from construction traffic
- Impact on open space from retail units
- Noise disturbance to residents from retail units
- Visual impact from tower
- Microclimatic impact – wind tunnels

#### **4.13 Netherhall Neighbourhood Association - OBJECT**

- Excessive scale, bulk and massing of building, visual impact
- Poor design
- Impact on area and Frogal and Fitzjohn's Conservation Area
- Netherhall Neighbourhood Association not directly approached by developer

#### **4.14 Save Swiss Cottage - OBJECT**

- Concerns regarding letters of support from the Winch, Winch is in partnership with the developer
- The £4.5M cost to refurbish the existing Winch premises (claimed in a representation) have not been substantiated
- The proposed tower block would be damaging for the area, visual impact

#### **4.15 Swiss Cottage Action Group - OBJECT**

- No changes have been made to scheme despite local objections
- Proposal out of scale, too bulky and high
- Impact on adjoining library, Belsize Conservation Area
- Impact on open space, overshadowing
- Security implications for children using open space
- Noise from retail uses
- Lack of parking
- Lack of affordable housing



- Application is premature as no successful example of PRS in London/Camden
- Disruption from building works

#### 4.16 **Swiss Cottage Residents' Association – OBJECT**

- Loss of sun to Swiss Cottage Open Space and will reduce enjoyment for the public, especially children
- Proposals will be an eyesore that is out of character with the area
- Insufficient affordable housing
- Foreign investors may buy flats and they will then be left empty
- No parking proposed
- Disruption from building works, including cumulative impact from recent building projects in the area and the proposed HS2 works
- Loss of privacy to neighbouring residents (especially Cresta House)
- Existing building is not ugly enough to warrant demolition

#### 4.17 **Statement of Objections**

A document entitled 'Statement of Objections' produced by Philip Davies Planning Heritage Design has been received. This was prepared on behalf of:

- Swiss Cottage Action Group
- Save Swiss Cottage
- Belsize Residents Association
- Combined Residents' Association of South Hampstead.

The representatives of the above groups asked that this document be treated as an expert report (such as those submitted by the applicant as part of the application) and should not be summarised in this report. Given the above, this document has been uploaded on to the Council's website, where the application documents and objection letters are also uploaded.

#### **Other Groups**

#### 4.18 **Camden Cycling Campaign Committee**

- Existing cycle route should be protected (*the application does not propose to remove the cycle route*)

#### 4.19 **Save Britain's Heritage**

- Height, proposal is taller than other buildings in the area
- Loss of current building

#### 4.20 Mr Tom Simon raised the following issues:

- Excessive height and bulk, significantly higher than buildings in area, building is of a different design to all buildings in areas and is out of character, visual impact, impact on conservation areas
- Impact on Swiss Cottage Open Space, overshadowing, changing character with commercial uses adjacent,
- Microclimate

- Lack of affordable housing, only 36 units
- Parking
- Precedence
- Construction problems including air quality, streets unsuitable for construction traffic, safety issues, potential clash with HS2 works
- Impact on market, especially from construction works
- Impact on access to Swiss Cottage Station

### **Councillors**

**4.21** Councillor Claire-Louise Leyland raised the following issues:

- Height, bulk and massing, impact on area, no justification for scale, tower is higher than other buildings in area, impact on area
- Design, impact on open space, impact on grade II listed library, impact on Belsize Conservation Area
- Lack of affordable housing
- Impact on amenity, impact on open space – overshadowing and loss of light, loss of feeling of openness, noise nuisance from retail uses
- Transport, lack of parking and other services, impact on public transport
- Cumulative impact of construction in the area, including HS2

**4.22** Councillor Lindsey Hall raised the following issue:

- Resident's in Westminster were not consulted (Officer's response: *Westminster City Council was consulted and the duty lies with that authority to consult their own residents if they so wish*).

### **Parliamentary Candidate for Hampstead and Kilburn (Tulip Siddiq)**

**4.23** Objections as follows:

- Wind and micro-climate, impact particularly on Eton Avenue and market, path beside Hampstead Theatre, the new path
- Sunlight; loss of light to open space and Eton Avenue pedestrianised area which are well-used
- Air quality; proposed residential units would be above very polluted junction, pollution from demolition and construction works, impact on community space and affordable housing units, CO2 reduction of 29% is below policy level of 40%
- Noise
- Housing provision; lack of affordable housing, PRS will not be permanent housing, affordable housing has separate entrances and amenity areas
- Access and traffic; inadequate access during construction and when built, danger to pedestrians and school children, parking

### **Adjoining Occupiers**

<i>Number of letters sent</i>	1591
<i>Total number of responses received</i>	897

<i>Number in support</i>	5
<i>Number of objections</i>	892

**4.24** A site notice was displayed from 24 March to 14 April 2014 and a press advert was placed in the Ham & High on 27 March 2014.

### **Objection summary**

**4.25** Objections were raised on the issues outlined below. These issues raised are considered in the relevant section of this report.

#### Residential amenity

- Proposed height and mass will materially reduce the amount of light to neighbouring residential properties, especially late afternoon and evening, overshadowing to gardens
- Noise from retail/commercial uses, especially those facing the open space, especially from 24 hours opening times
- Loss of privacy to dwellings in the area, loss of privacy to gardens
- Overbearing nature of proposal, loss of aspect
- Noise from pedestrians using proposed new pedestrian through route to the open space
- Noise from increased traffic in the area
- Light pollution from proposed new pedestrian through route
- Noise, disruption, dirt from building works, cumulative impact with proposed HS2 works and other building projects, length of construction period, dust
- Rubbish and waste
- Air quality is already poor, will be exacerbated, impact on air quality during construction works, impact on public health, increase in NO<sub>2</sub>, PM<sub>10</sub> and CO<sub>2</sub> particles, impact on air quality from CHP, health of people in area – especially children
- Poor air quality would particularly affect the lower block and the community (less than the PRS flats higher in the tower) and would therefore worsen health of poorer people

#### Urban design

- Proposed 24 storey tower is too high, too bulky, out of scale and character with area, not human scale, will detract from skyline and townscape, is taller than the existing tallest buildings in the area, contravenes CPG1, too dense, overdevelopment, too many people would be introduced into the area, not appropriate location for a tall building, insufficient space to provide setting for tall building
- Any development should be in line with existing heights in the area (3/4 storeys referred to, also height of Visage Apartments, library, Odeon Cinema)
- Proposed tower should be iconic, designed by famous architect, height alone does not make an iconic building, tower is undistinguished and therefore does not provide a landmark as claimed
- Proposals out of place with Victorian and Edwardian architecture in the area

- Proposed colour of tower is out of keeping with area, elevational design is too fussy
- Lower block also too high, higher than existing building
- Proposal expands footprint of existing building
- Overdevelopment in general area (Visage Apartments, Central School for Speech and Drama, UCL Academy)
- Impact on views, unsightly, trees will not cover views of building
- Tower blocks on Adelaide Road were a mistake, should not set a precedent
- Proposed tower is not sufficiently attractive to warrant a tower, architecture not up to standard, flat roof is uninteresting
- Poor architectural quality, design is too fussy, unimaginative
- Proposed scale of the development will set a precedent in the area
- Proposal would not improve area
- Impact on area, village character, area is suburban
- Proposal will undo all improvements in the area in recent years (leisure centre, open space)
- Proposal not in character with leafy residential areas to east, area is becoming too urban
- Too many high-rise blocks in area
- Proposal will age badly
- Proposal is against the principles of placemaking
- Council should commission own independent visual impact statement
- Not all views in Townscape Assessment have a winter view provided

#### Landscape/public realm

- Trees should be planted along the Avenue Road frontage
- More trees needed

#### Conservation

- Impact on adjacent conservation areas (Belsize Park Conservation Area mentioned specifically numerous times) in terms of character, setting, views, appearance, will be visible from conservation areas, impact on St John's Church in Belsize Park Conservation Area
- Impact on cityscapes painted by Bevan
- Impact on grade II listed Swiss Cottage Library
- Impact on listed buildings in the area

#### Loss of existing office building

- Current building in less than 30 years old, does not need replacing
- Could be refurbished, converted to residential
- Existing building has greater quality, has architectural merit, clad in quality and sustainable materials
- Assertions made of poor architecture of existing building are untrue
- Existing building was designed to fit in with the area, including the listed library
- Blends in with scale of library
- Where will occupier (local newspaper, the Hampstead and Highgate Express) move to?

- Loss of employment in the area

#### Impact on Swiss Cottage Open Space

- Impact on enjoyment of space, loss of amenity to users of space, especially children and elderly people
- Overlooking and security implications for children
- Overdominance, enclosure of open space, proposal out of scale with open space, intimidating
- Loss of light/overshadowing, especially during afternoon/evening, impact on health of grass
- Microclimatic impact
- Enclosure
- Overuse of park from number of new residents
- Any new development should be screened from open space
- Retail will spill on to green space, change character of green space
- New development should be sited away from the open space
- Damage to open space
- Proposal has no design coherence with the open space

#### Proposed uses - residential

- Insufficient affordable housing, proposed housing is for richer people, proposal will increase social exclusion
- Affordable housing is linked to market prices and therefore not proper social housing
- Separation of affordable and private elements ('poor door' principle)
- Proposed housing will not meet local need
- Will be unaffordable for professionals like teachers and nurses
- PRS use is more akin to a hotel use, not desirable tenure, is aimed at transient populations
- Doubts raised regarding economic viability argument for PRS
- There has been no examples of successful PRS schemes in London/Camden
- PRS will change the mixture of well-established family homes in area
- Internal layout of PRS flats is impractical
- Flats will not have natural ventilation due to poor air quality; not an appropriate site for residential use
- Affordable housing would appear to have different heating/cooling facilities to private housing
- Proposed density is too high
- Impractical layout of proposed flats
- Nobody wants to live in a tower, social and psychological impact of tower living
- There is a surplus of luxury flats in the area, no need for more flats, numerous flats are to let in the area
- Proposed rents are not public (due to viability report being confidential)

#### Proposed uses – commercial

- Proposed amount of commercial/retail floorspace too great for the area

- No need for new retail uses in area, already vacant retail units on Finchley Road
- Retail will not serve local need but will be over-priced shops
- Proposed retail space is too small, need for supermarket in area
- Office space should be proposed that benefits residents

#### Proposed uses – community centre

- This size of community centre unnecessary
- New home for Winch should be secured

#### Access

- Disabled persons' access

#### Community Benefits

- Insufficient public benefits
- No cultural benefits
- Should be CIL benefits for local community

#### Highways and transport

- Local roads will be overwhelmed, impact on Swiss Cottage inter-section
- Cumulative impact of traffic associated with proposal with the new academy (UCL), Hampstead Theatre
- Increased likelihood of accidents, especially to children given proximity of the academy
- Local transport already overcrowded (tube and buses), especially during rush hour, system cannot cope with extra residents
- Pedestrianised area on Eton Avenue to north of site and pedestrian route to east already suffer from usage by servicing vehicles
- Insufficient disabled parking (11 spaces) proposed
- No parking proposed, residents will park on local streets – parking stress and congestion, more parking should be provided underground
- Drop-off and pick-up of residents not taken into account, should be provided
- Proposals are vague regarding plans for new tube station entrance, insufficient information
- Disruption from construction vehicles, insufficient information provided on numbers of construction vehicles, impact on Eton Avenue from construction vehicles and works
- Disruption from servicing vehicles, where will commercial units be serviced
- Noise and disruption for nearby care home
- Entrance to underground road too small to accommodate servicing vehicles
- Impact on access to Swiss Cottage Underground Station during building works
- Better pedestrian facilities should be provided
- GLA and TfL responses say that further discussion must take place around transport issues
- A large area will be shut off during building works

#### Impact on local services and uses

- Loss of light to market, impact on use of market, market may have to move
- Area already too dense
- Local GP's, schools, leisure centres, library already under pressure
- Insufficient facilities to cope
- Open space already too busy
- Impact on operations of School of Speech and Drama, noise

#### Microclimate

- North-west corner of site already windy and will be exacerbated
- Microclimatic impact on open space, market

#### Sustainability

- BREEAM Very Good and Code for Sustainable Homes Level 4 aren't good enough, are the bare minimum
- Giving occupants a building user guide will not reduce energy consumption
- Contribution to climate change
- Pollution from building works

#### Security

- New walkway looks like potential area for crime
- Increase in crime
- Danger of fires in high-rise buildings

#### Process/Procedure

- No real changes have been made to scheme despite significant objections, feedback from consultation has been ignored
- Proposals are against wishes of local residents
- Local briefings occurred during work hours
- Insufficient consultation
- Complaints regarding planning website not functioning
- Not proper time for locals to analyse submitted documents
- The Mayor has already indicated that he would overrule a refusal, the Mayor gives strong support to the proposal before it is referred back to them; contradictory and misleading
- Senior managers should have been more involved in the process
- Objections not being uploaded in a timely manner
- Change of planning officer midway through
- Insufficient consideration of local views
- Insufficient scrutiny of all submitted documents, independent advisers should be hired to assess
- Planning history of the site was not made available

#### Comments relating to GLA stage I response

- GLA support the architecture and design but also state that the design requires development, this is a contradiction
- Large number of objections have been submitted, including from architects and design professionals, and GLA still supporting

- GLA and TfL responses say that further discussion must take place around transport issues
- Incorrect description of location of site on corner of Finchley Road
- Absurd to say that this part of Swiss Cottage requires revitalisation, area is vibrant and successful
- Support of PRS model; the applicant could keep flats empty, PRS is cynical ploy to appeal to the Mayor
- Impact on transport would not be 'insignificant', Council's Transport section should assess
- Mayor is too supportive

#### Section 106 Agreement

- Section 106 contributions should be spent in locality
- Negotiations between the Council and the developer should not be secret
- Objectors find out about agreed contributions too late to respond to before committee

#### Others

- Impact on property prices

#### Positive responses

- The proposal will be good for business
- The proposal will provide more tax for the council
- Value and benefit of significant provision of facilities for The Winch, significant benefit for the community and in particular young people
- Site is outside conservation areas and therefore acceptable for such development
- Swiss Cottage Town Centre needs development and investment
- There is a severe housing crisis and proposal will provide housing, including affordable housing

## **5 POLICIES**

### **5.1 National Planning Policy Framework 2012**

### **5.2 The London Plan (July 2011)**

Revised Early Minor Alterations (REMA) 2013

The Draft Further Alterations to the London Plan January 2014 is also a material consideration.

### **5.3 Mayor's Supplementary Planning Guidance**

### **5.4 LDF Core Strategy and Development Policies 2010**

#### LDF Core Strategy

CS1 Distribution of growth

CS3 Other highly accessible areas

CS5 Managing the impact of growth and development



CS6 Providing quality homes  
CS7 Promoting Camden's centres and shops  
CS8 Promoting a successful and inclusive Camden economy  
CS10 Supporting community facilities and services  
CS11 Promoting Sustainable and efficient travel  
CS13 Tackling climate change through promoting higher environmental standards  
CS14 Promoting high quality places and conserving our heritage  
CS15 Protecting and Improving our Parks and Open Spaces & encouraging biodiversity  
CS16 Improving Camden's health and wellbeing  
CS17 Making Camden a safer place  
CS18 Dealing with our waste and encouraging recycling  
CS19 Delivering and monitoring the Core Strategy

LDF Development Policies (adopted November 2010)

DP1 Mixed use development  
DP2 Making full use of Camden's capacity for housing  
DP3 Contributions to the supply of affordable housing  
DP5 Homes of different sizes  
DP6 Lifetimes homes and wheelchair housing  
DP10 Helping and promoting small and independent shops  
DP11 Markets  
DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses  
DP13 Employment premises and sites  
DP15 Community and leisure uses  
DP16 The transport implications of development  
DP17 Walking, cycling and public transport  
DP18 Parking standards and limiting the availability of car parking  
DP19 Managing the impact of parking  
DP20 Movement of goods and materials  
DP21 Development connecting to the highway network  
DP22 Promoting sustainable design and construction  
DP23 Water  
DP24 Securing high quality design  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP27 Basements and lightwells  
DP28 Noise and vibration  
DP29 Improving access  
DP30 Shopfronts  
DP31 Provision of, and improvements to, open space and outdoor sport and recreation facilities  
DP32 Air quality and Camden's Clear Zone

Camden Site Allocations (9<sup>th</sup> September 2013)

Site 30: 100 Avenue Road, Swiss Cottage

## **5.5 Supplementary Planning Policies**

Camden Planning Guidance (2013)  
 CPG 1 Design  
 CPG 2 Housing  
 CPG 3 Sustainability  
 CPG 4 Basements and lightwells  
 CPG 5 Town centres, retail and employment  
 CPG 6 Amenity  
 CPG 7 Transport  
 CPG 8 Planning obligations

## 5.6 Other documents

Employment Land Review 2008  
 Business Premises Study 2012

## ASSESSMENT

The principal considerations material to the determination of this application are considered in the following sections of this report:

6	<b>Land use principles</b>
7	<b>Town Centre designation</b>
8	<b>Tenure and unit size mix of the proposed housing</b>
9	<b>Amenity of the proposed housing</b>
10	<b>Density</b>
11	<b>Conservation and design</b>
12	<b>Impact on Swiss Cottage Open Space</b>
13	<b>Landscaping, public realm and trees</b>
14	<b>Impact on neighbouring amenity</b>
15	<b>Land Contamination</b>
16	<b>Air quality</b>
17	<b>Archaeology</b>
18	<b>Microclimate</b>
19	<b>Sustainable design and construction</b>
20	<b>Flood risk and drainage</b>
21	<b>Transport</b>
22	<b>London Underground station access</b>
23	<b>Accessibility</b>
24	<b>Basement</b>
25	<b>Security</b>
26	<b>Refuse and recycling</b>
27	<b>Planning obligations</b>
28	<b>Mayor of London's Crossrail CIL</b>
29	<b>Conclusion</b>

## 6 Land use principles

- 6.1 The existing floor space is apportioned as 5,000m<sup>2</sup> offices and 500m<sup>2</sup> of retail and restaurant space (GIA).

6.2 The land use principle considerations are as follows;

- Loss of existing office space
- Principle of housing
- Proposed community centre
- Proposed Class A retail floorspace
- Conclusion; land use principles

#### Loss of existing office space

6.3 Policy CS8 seeks to ensure that the borough retains a strong economy. It seeks to do this by, amongst other things, safeguarding existing employment sites that meet the needs of modern industry and employers. Policy DP13 provides more detailed information as to how the aims of CS8 will be implemented. Paragraph 8.8 of the Core Strategy which supports Policy CS8 states that 'the Council will consider proposals for other uses of older office premises if they involve provision of permanent housing (in particular affordable housing) and community uses'. The application proposes a significant quantum of residential floorspace (21,089sqm) and a significant quantum, of community use (1,350sqm), in accordance with this policy.

6.4 Camden Site Allocations Plan states as that '*Development will be expected to:*

- *'Optimise the potential of the site to provide new housing (including affordable housing) while minimising potential conflicts between residential and other uses*
- *Include retail use or food and drink use or other appropriate town centre uses (particularly to create active frontages at ground floor level).'*

These land uses are prioritised in the Site Allocations Plan. However, this document does on to say that '*Any reduction in B1 office space must be justified and demonstrate that it would not unduly impair the general provisions of office space in the area.'*

6.5 The Council's Employment Land Review (ELR) (2008) states 'There is no evidence of a shortage of space around Finchley Road/Swiss Cottage and the stock of purpose-built, multi-let office buildings in the south of the area provides a healthy reservoir of space to accommodate fluctuating demand.' Swiss Cottage town centre is not expected to experience an increase in demand for office space. Camden ELR found there to be an oversupply of office stock in the borough.

6.6 The Camden Business Premises Study 2012 also found an oversupply of Class B1 office use in Camden.

6.7 Under the proposals there would be a significant increase in Class A uses at ground floor level (from 500sqm to 974sqm or 1,101sqm if the station entrance does not come forward). Whilst Class A uses are not considered employment uses as such, it is acknowledged that they do provide employment.

6.8 The Winch, who are envisaged to move into the proposed community centre floorspace aim to support young people by developing their skills. The services provided by the Winch give education, training and experience to young people.

- 6.9 A Head of Term is included in the Section 106 Agreement for an employment contribution of £271,342 towards employment needs in the borough.
- 6.10 Heads of Terms are also included regarding the use of local employment and the provision of apprenticeships during construction.
- 6.11 The GLA have no objection to the loss of offices.
- 6.12 To conclude, the loss of the office floorspace is considered acceptable given:
- The proposal is for a housing-led land use mix which accords with the site allocation
  - The lack of demand for offices in the Swiss Cottage area
  - Some employment will be provided in the Class A uses and the community centre
  - The community centre will provide training and experience for young people
  - The employment contribution of £271,342.

#### Principle of housing

- 6.13 The proposal involves the provision of 184 new residential units. The principle of additional residential floor space is strongly supported as a priority land use under policies CS6 and DP2. Camden Site Allocations requires that proposals optimise housing potential on the site. The principle of housing on the site therefore fully complies with policy.

#### Proposed community centre

- 6.14 Policies CS10 and DP15 seek to provide a range of community facilities, especially for local groups. These facilities should be easily accessible.
- 6.15 Under the proposals, 1594sqm (GEA) (1350sqm - GIA) community centre would be provided in the southern end of the lower block over basement, ground and 6 upper storeys. The community use would also have a roof terrace at rear fifth floor level (232sqm). It is envisaged that the community use would be for 'The Winch' which is a local community group currently located at 21 Winchester Road nearby, which works with children, young people, families and members of the local community. A head of term in the section 106 is included on this point.
- 6.16 The Winch are currently finalising the terms of their lease with the agent. The community centre will be provided to 'shell and core', however the applicant would also provide glazing, doors, lift, finished floors, decking and windows. The lease being negotiated between the Winch and the developer is for 125 years.
- 6.17 The provision of a large, purpose-built, new community centre on this site is welcomed in policy terms, especially given the site's high accessibility and Town Centre location. Should the community facility in the future remain vacant for a significant period of time then the Owner may apply to the Council to vary the terms of the Section 106 Agreement so that the Community Facility Space may be used for the provision of affordable housing but for no other purpose.

6.18 It is considered that the Winch carries out work which is very beneficial to the local community and the borough in general through support to children, young people and families and training and skills development. The provision of large purpose-built premises as a community centre is welcomed in policy terms.

Proposed Class A retail floorspace (Classes A1, A2, A3)

6.19 The site is located in Swiss Cottage Town Centre. Policy CS7 promotes the provision of retail use, focusing such use in Town Centres (as well as Central London Frontages and King's Cross Opportunity Area). Policy DP12 supports Town Centres. A key aim of the Site Allocations Plan is the provision of retail use or food and drink use or other appropriate town centre uses (particularly to create active frontages at ground floor level). Camden Planning Guidance 5 (Town centres, retail and employment is also relevant).

6.20 There is currently around 500sqm Class A retail use on the site. Under the proposals 974sqm would be provided at ground floor level covering all of the ground floor of the lower block excluding the potential LUL station entrance/retail which is 127sqm, the community use and communal/service areas, and the north-eastern side of the tower block at ground floor level. No Class A4 (public house) or Class A5 (hot food takeaway) uses would be provided.

6.21 The proposed Class A uses will complement the viability and vitality of Swiss Cottage/Finchley Road Town Centre and their provision complies with the above policies and the Site Allocations. The provision of active frontages will make a positive contribution to the Town Centre.

6.22 Objections have been received on the grounds of noise and disturbance from the proposed retail uses and impact on the open space. These issues will be addressed later in this report.

Conclusion; land use principles

6.23 Given the oversupply of offices in Camden and in Swiss Cottage particularly, and that the proposed land use mix is suitable for this Town Centre location and complies with the above policies and site allocations, the proposed land use mix is considered acceptable in land use terms.

## **7 Town Centre designation**

History of designation

7.1 The site is located within the Finchley Road/Swiss Cottage Town Centre, 1 of 7 town centres in Camden. A Town Centre is defined in the NPPF as an area defined on the local authority's proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area.

7.2 Concerns have been raised by residents regarding the extension to the Town Centre to include the application site, the process which was undertaken for this inclusion and the subsequent effect on the decision-making process for the current application.

- 7.3 Finchley Road/Swiss Cottage has been identified as a Town Centre for many years. The Council identified it as a major shopping centre in 1979, and the GLC identified it as a town centre in 1984. The only recent change to the status of the centre is that the distinction between the major centres and district centres was dropped in 2006.
- 7.4 Most recently, the Council adopted the Camden Core Strategy 2010-2025 as part of its local development framework in 2010. This continued to designate Finchley Road/Swiss Cottage shopping as a Town Centres (page 63).

Boundary changes – inclusion of application site

- 7.5 From October to November 2008 the Council consulted on a draft LDF Core Strategy and Proposals Map, known as the 'Preferred Approach'. This included 2 proposed extensions to the Finchley Road/Swiss Cottage Town Centre boundary; 1 to take in the O2 Centre car park and Homebase, the other to take in buildings around the Swiss Cottage Library, the Leisure Centre, Hampstead Theatre, Central School of Speech and Drama and 100 Avenue Road offices which is the application site.
- 7.6 A further consultation took place on a more advanced draft from 15 October to 26 November 2009, known as the Proposed Submission version. This retained the proposed extensions to the boundaries.
- 7.7 Following on from public consultation, a Public Examination was held into the soundness and legal compliance of the LDF documents as required by the Government's regulations. The Government-appointed Inspector who examined the documents found that the Council had complied with all legal requirements relating to consultation, and that (subject to a number of changes that the Council subsequently incorporated) the documents were sound.

Effect of inclusion of the application site in the town centre

- 7.8 The main effect of including a site in a town centre is that the Council is indicating that the site is suitable for town centre uses.
- 7.9 The Government current guidance on town centres is in the National Planning Policy Framework (NPPF). The glossary defines 'Main town centre uses' as follows: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).
- 7.10 On the basis of the NPPF definition the 2 areas covered by the extension to the Finchley Road/Swiss Cottage boundary already contained town centre uses. These areas were included due to their existing land uses and their high accessibility. Given the application site's high accessibility and the number of services in the locality in the Town Centre, larger-scale development may be considered suitable in this location, in accordance with policy CS3, subject to other planning issues which are dealt with in the report below. The inclusion of the site in the Town Centre alone

would not necessarily change the quantum of development that could be achieved on the site.

## 8 Tenure and unit size mix of the proposed housing

8.1 The considerations with regards to Tenure and units size mix are as follows:

- Policy review
- Tenure mix – summary
- Affordable rent levels
- PRS
- Viability and affordable housing
- Mix of units
- Unit sizes
- Access/separation of private and affordable elements

### Policy review

8.2 Policies CS6, DP2, DP3, DP5, DP6 and CPG2 (Housing) are relevant with regards to new housing. The considerations with regards to tenure and unit size.

### Tenure mix – summary

8.3 Under London Plan policies 3.10, 3.11 and 3.12, Camden policies CS6 and DP3 and CPG2 (Housing), 50% of housing provision should be affordable. The split of the affordable housing provided should be 60% social rented and 40% intermediate.

8.4 A number of objections have been received on the grounds of insufficient affordable housing, that the PRS units will not meet housing need in the area and will be occupied on a very short-term basis, and regarding the separation of the PRS and affordable elements in the scheme.

8.5 184 units are proposed in total. 148 of these would be private rented sector (PRS) which calculates as 75% in terms of gross external area. 36 units would be affordable (25% GEA), of which 28 would be social rent (78%) and 8 would be intermediate (22% by units). Following officer negotiations with the agent, it has been agreed that the 18 PRS units in the lower block would be set at a discounted market rent (DMR) for 15 years. These 18 units consist of 9 x one bedroom and 9 x two bedroom flats. The two bedroom DMR units would be rented at a value not to exceed 65% of open market rent and the one bedroom DMR units would be rented at a value not to exceed 70% of open market rent, commensurate to the same floor level in the tower. All of the DMR units would therefore be ‘affordable’ within the GLA’s intermediate housing thresholds. The provision of the DMR units is included as a Head of Term in the section 106 agreement.

8.6 The overall provision of residential accommodation proposed in terms of tenure is therefore as follows:

Tenure	% floorspace (GEA)	Units
Total	100	184
Affordable housing (AH)	25	36
• AH – social rented	78 of AH	28

• AH – intermediate	22 of AH	8
PRS (in tower, not including DMR)	65.6	130
Discounted Market Rent (DMR)	9.4	18
AH + DMR	34.4	54

8.7 130 units are proposed in the tower, all of which would be PRS. 54 units are proposed in the lower block, which would comprise; 18 PRS units (DMR as detailed above) and all of the 36 affordable units. In summary, the tower accommodate the private residential tenure and the lower block would comprise affordable tenures.

#### Affordable rent levels

8.8 The applicant has agreed to the Council's affordable rent level targets (50% of market for one and two bedroom flats, target rents for three bedroom flats). Target rents are set by the Government and the rent which the Government considers to be correct rent for that property. The government calculates the target rent by using a formula. The affordable rent levels are included as a Head of term in the Section 106 Agreement. The proposed affordable rent levels meet the Council's requirements as per affordability and the Council's Affordable Housing Development Co-ordinators are satisfied.

8.9 The agent has confirmed that Service Charges are inclusive of the above rents, which is welcomed. This is also included as a Head of Term in the Section 106 Agreement.

8.10 With regards to the 8 intermediate units (3x1beds, 3x2beds, 2x3beds), the sale of these would be 25% of market value, and the rent on the remaining equity would be no more than 2%, in line with Council requirements. This is included as a Head of Term in the section 106 agreement.

8.11 The applicant has approached 10 Registered Providers of affordable housing and 4 have responded with bids. The applicant will progress discussions if planning permission is received.

#### PRS

8.12 The Council is generally supportive of PRS as it is a model that can provide for an established housing need, and also has the benefit of being regulated to meet certain standards in terms of quality of the residential provided and more certainty on length of occupation. The Camden Equality Taskforce has also recommended that one potential way to provide homes at a lower cost is to encourage institutional investors to provide cost efficient management of homes and longer tenancies that provide greater security. PRS can also provide accommodation for middle-income people who cannot afford to buy but do not qualify for affordable housing. An undesirable alternative to PRS is market housing for sale that could be bought by investors and left empty and therefore not meet housing need, or a buy-to-let arrangement whereby leases are short and may be poorly managed, which would detract from a community spirit in the building. PRS with longer leases and quality management is desirable, particularly for families and therefore encourages stable communities.



- 8.13 Under the proposals Essential Living, who are the applicant, will manage the premises. 5 year leases are proposed.
- 8.14 The Draft Further Alterations to the London Plan January 2014 is currently emerging and is a material consideration. Policy 3.8 of this document promotes housing choice for Londoners in terms of types of dwelling. This policy states that “the planning system provides positive and practical support to sustain the contribution of the Private Rented Sector (PRS) in addressing housing needs and increasing housing delivery”. The written statement for this policy states that PRS “is set to play an increasingly important role in meeting Londoners’ diverse housing requirements”.
- 8.15 The GLA are supportive of the development of PRS. The GLA support the proposed tenure mix.
- 8.16 A Head of Term is included in the section 106 for a review mechanism at 1 year after completion or upon full occupation months (whichever is earliest) of the PRS flats to assess whether further affordable housing contributions should be made as a payment in lieu.
- 8.17 A Head of Term is also included in the section 106 for a review mechanism at breakup, with breakup being private sale exceeding 20% of the floor area of the PRS element of the scheme. In the event that the actual sales values after allowing for costs exceed the private sales proxy values 75% of the surplus would be paid to the Council as a payment in lieu subject to a maximum contribution equivalent to the 50% affordable housing as calculated by the Council.
- 8.18 A Head of Term is also included for a review and the provision of affordable housing contributions should the top floor amenity space in the tower be converted to flats. It should be noted that the conversion of this area to flats at a future date would require planning permission.

#### Viability and affordable provision

- 8.19 The proposed 25% affordable housing provision falls short of the 50% policy requirement. The agent has submitted a viability report (by GVA) to justify the 25% provision. This report has been independently assessed by a viability expert (BPS) for the Council. The independent assessment indicates that the proposed contribution towards affordable housing and other obligations represents the maximum consistent with the viability of the proposal. Nevertheless, the provision of the 18 DMR units for 15 years has been negotiated to increase affordable housing provision to 34.4% based on GEA. It should also be noted that 7.8% of the overall floor area is proposed for the community centre, and should this not be proposed, then further affordable housing would be secured.
- 8.20 Given the findings of the Council’s viability assessor and the proposed tenure package, as well as the proposed community centre, the level of affordable housing provided is considered acceptable subject to the following Section 106 Heads of Terms on the housing element of the scheme:
- Review of PRS units 1 year after completion/ upon full occupation
  - Review at substantial break up of PRS units

- Provision of 18 DMR PRS units for 15 years
- Review should the top floor of the tower (proposed amenity space) be converted to residential, with affordable housing contributions sought
- Securing rent levels for affordable housing, including service charges
- Securing community centre/securing affordable housing should proposal to change use of community centre be proposed

Mix of units

8.21 The 184 unit proposal includes a mix of flat sizes (73 x one-bed, 69 x two-bed and 42 x three-bed). This generally accords with the Dwelling Size Priorities Table under policy DP5. 50% of the affordable units are family sized accommodation (3beds) which meets Camden’s policy and is particularly welcomed.

Unit sizes

8.22 Camden Planning Guidance 2 (CPG2) states that new self-contained dwellings should satisfy the following minimum areas for overall floorspace (excluding communal lobbies and staircases):

Number of persons	1	2	3	4	5	6
Minimum floorspace (m <sup>2</sup> )	32	48	61	75	84	93

8.23 All of the proposed units meet and exceed Camden’s floorspace standards both in terms of overall size and bedroom size in all instances.

Access/separation of private and affordable elements

8.24 2 entrances are proposed to an entrance lobby on the ground floor of the tower, on its western side (facing Avenue Road), which will serve the PRS units in the tower. The entrance to the PRS units (DMR) in the lower block would be at the northern end of this block. The affordable element in the lower block would have 2 entrances; 1 from Avenue Road and 1 to the rear. Separate areas and entrances for the private and affordable elements is a general requirement for registered providers of affordable housing as they are easier to manage and keep service charges down. Given the above, the separation of private and affordable entrances and circulation areas is considered acceptable.

8.25 It should be noted that the proposal is ‘tenure blind’ with the affordable element not being obvious from the external design of the building.

**9 Amenity of proposed units**

Daylight, sunlight and aspect

9.1 A Daylight and Overshadowing Report has been submitted as part of this application which assesses the daylight and sunlight within the proposed flats. The report finds that all of the habitable rooms within the development would achieve the BRE target values with regards to daylight. This report was independently assessed and no material issues were raised with regards to the conclusions on light received by the proposed flats.

9.2 A number of flats are single-aspect facing north-east (16 in the lower block and 11 in the tower) or on to Avenue Road (24 in the lower block and 19 in the tower). Whilst

dual aspect would be preferable for such flats, none of the flats are single-aspect north-facing. It is accepted that the provision of dual aspect units would significantly reduce the number of flats that could be provided and therefore reduce the number of affordable units. The majority of units would have balconies, including all the single-aspect units facing on to Avenue Road and all those north-east facing, which would increase their aspect. The units in the lower block would also have the benefit of the use of roof terraces at 5<sup>th</sup> floor level, which face on to the open space at the rear. The units in the tower would benefit from the use of communal terraces (and a communal indoor area) on the 23<sup>rd</sup> storey. Given the above, the proposed flats are considered acceptable in terms of outlook. The proposed external amenity space in itself is considered below.

#### Noise and vibration

- 9.3 With regards to noise and vibration, the dominant source would be from the traffic on Avenue Road and the Swiss Cottage gyratory. Underground trains would also cause some noise and vibration.
- 9.4 A Noise and Vibration Assessment has been submitted as part of the application which assesses the impact upon prospective occupiers of the flats. This report provides predicted noise levels to the north and west facades – the highest being 72 decibels at 1<sup>st</sup> and 2<sup>nd</sup> floor levels on the western side of the lower block (facing Avenue Road). The assessment found that vibration levels within the existing building are below the level requiring mitigation. The assessment found that with regards to noise, the required attenuation can be achieved with acoustic glazing and windows remaining closed. Some units would therefore require mechanical ventilation from plant. Conditions are suggested requiring noise reports with regards to plant.

#### Amenity space

- 9.5 All of the proposed units in the lower block, and therefore all of the affordable units, would benefit from balconies. Further external amenity space is provided in the form of roof terraces:
- Affordable roof terrace at fifth floor level (243sqm)
  - PRS (DMR) roof terrace at fifth floor level (53sqm)
  - PRS (DMR) roof terrace at seventh floor plan (178sqm)
- 9.6 Following officer negotiations, the applicant has agreed to increase the size of the terrace for the affordable element at the expense of the PRS (DMR) terrace, given the greater number of affordable units proposed. A condition is suggested requiring this.
- 9.7 The majority of the PRS units in the tower would have balconies. 20 flats out of the 130 would not have balconies (12 x one bedroom and 8 x three bedroom flats). This represents 10.8% of the overall scheme. All of these three bedroom units would be very spacious (107sqm) and would benefit from very good aspect and outlook, each being on a corner of the tower at 21<sup>st</sup> or 22<sup>nd</sup> floor level. These units would also be the closest to the proposed indoor residential amenity space at 23<sup>rd</sup> floor level where there would also be 4 roof terraces; 1 on each face of the tower.

- 9.8 Should an application to convert the communal residential amenity to flats in the future, a viability review would have to be undertaken, with a view to provide affordable housing contributions. This is secured via a Section 106 Head of Term. It should also be noted that planning permission would be required for the conversion of this space.
- 9.9 Given the scale of the development, a Head of Term is included in the Section 106 agreement to enable investment in local parks and open space to address increased demand. This contribution would be £246,931, which is the maximum contribution allowed by the guidance. It is envisaged that this would be spent on Swiss Cottage Open Space, including improving play facilities.

## 10 Density

- 10.1 The site is located in a 'Central' setting and has a PTAL of 6b (Excellent). The London Plan Density Matrix prescribes a density of 650-1100 habitable rooms per hectare for this location. The proposal has a density exceeding the Density Matrix at 1272 habitable rooms per hectare. However, it is considered that design and amenity considerations will inform the design and the density Matrix is just a guide. The density matrix's density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play. Given the site's excellent PTAL rating (and its location immediately on top of an underground station), Town Centre location and the services in the vicinity, it is considered that the proposed density is acceptable.

## 11 Conservation and design

- 11.1 The conservation and design considerations are follows:

- Policy review
- Designations
- Existing building and site
- Appropriateness of the site for a tall building
- Local and wider townscape character
- Proposed site layout, height and massing
- Detailed architectural design – The tower; form and articulation
- Detailed architectural design – southern block; form and articulation
- Detailed architectural design – detailed design and materials
- Visual impacts
- Design conclusions

### Policy overview

- 11.2 London Plan policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7, policies CS14, DP24, DP25 and CPG1 (Design) are relevant with regards to conservation and design.

### Designations

- 11.3 Immediately to the south east of the site is the Grade II Listed Swiss Cottage Library, and Grade II Listed "The Hampstead Figure" sculpture opposite the library on the junction of Avenue Road and Adelaide Road is the Grade II listed Regency Lodge.

There are a number of listed buildings within conservation areas surrounding the site.

- 11.4 There are a number of conservation areas within 500m of the site; Belsize Park, Fitzjohn's Netherhall, Redington Frogna, South Hampstead, Elsworthy Road, Alexandra Road and St John's Wood.

#### Existing building and site

- 11.5 The existing building comprises of 4 linked pavilion buildings stepping down from 6 storeys adjacent to Eton Ave to 3 storeys adjacent to Swiss Cottage Library. The building is clad in travertine with cream trimmings (originally red) and exhibits some of the characteristics of the postmodern style with bay window projections and occasional pyramidal roofs.
- 11.6 The existing building dates from the mid-1980's and was built on the site of a car park. The development of this site marked the next iteration of the development of this area as a civic centre begun with plans by Sir Basil Spence for the Library and an adjacent swimming pool in 1963. The 1980's building at 100 Avenue Road was intended to enclose an area of public open space behind the building and to form a "gateway" from suburban north London to Central London.
- 11.7 Within these new developments 100 Avenue Rd relates poorly to the park itself, particularly at ground level which is hidden behind the planting. This planting whether intentionally or not acts to screen the building. The building also relates poorly to the public realm along Avenue Road where the frontage is constrained by and contributes to cluttered and awkward spaces along Avenue Road.
- 11.8 Architecturally and in terms of the buildings contribution to the public realm its value and role is considered to have been overtaken by recent developments in the area.
- 11.9 Given the above, there is no objection to the demolition of the existing building

#### Appropriateness of the site for a tall building

- 11.10 The strategic context for considerations around the appropriateness of the site for a tall building are set out in the London Plan 2011.
- 11.11 Policy 6.1 aims to encourage patterns and nodes of development that reduce the need to travel, especially by car (6.1a)
- 11.12 Policy 7.7 on the 'Location and Design of Tall Buildings' states in para.7.7C Tall and large buildings should 9(a) be generally limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport and (d) individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London.
- 11.13 Paragraph 2.15 of CGP1 (Design) on considerations relating to tall buildings states "Where a proposal includes development that creates a landmark or visual statement, particular care must be taken to ensure that the location is appropriate (such as a particular destination within a townscape, or a particular functional node)

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 (including protected views).

- 11.14 The Site Allocations Document acknowledges the potential of the site for a taller building on the site (Site Allocations 2013 Site 30).
- 11.15 The site is situated on a major node within the transport network with high transport accessibility.
- 11.16 The site is situated at the confluence of several routes: Finchley Road, Avenue Road, Fitzjohn's Avenue and Eton Avenue. This intersection marks a point of transition between suburban North London and the larger grain development of Central London. The site also occupies a centre of civic importance adjacent to a designated open space, library, sports facilities, theatre, school of drama and schools along with 2 entrances of Swiss Cottage tube station. The site forms part of a major node in the townscape and transport network. However the existing gyratory lacks a coherent sense of place.
- 11.17 Given the above, the principle of a tall building on this site is considered acceptable in design terms.

#### Local and wider townscape character

- 11.18 The immediate townscape comprises of buildings of varying scales and character. Most closely adjacent are the Grade II listed library at the equivalent of 3 storeys to the south and the 2 storey equivalent Hampstead Theatre to the east. Immediately to the north is the 6 storey equivalent School of Speech and Drama building. To the south east at the junction of Winchester Road and Adelaide Road, the Visage building steps up to 13 storeys with an additional 3 storey roof projection i.e. 16 storeys at its highest.
- 11.19 Beyond the immediate context of the site along the western most edge of Finchley Road the 10 storey Cresta/Overground House and 12 storey Centre Heights provide definition and enclosure of the wide spaces created by the road network at Swiss Cottage gyratory. Further south diagonally opposite Swiss Cottage Library, on the southern side of Adelaide Road, Boydell Court rises to 11 storeys.
- 11.20 To the east and north of the site in the closest conservation areas, Belsize Park and Fitzjohn's Netherhall, buildings are of a more domestic scale.
- 11.21 In the local and wider townscape to the south west of the site running along Adelaide Road and Fellows Road are a series of 23 storey towers: Dorney, Bray, Burnham and Taplow. However, it is acknowledged that these towers are built on lower land levels. Taplow Tower is the closest to the site opposite the Visage building on Winchester Road. Further west of the site at the junction of Abbey Road and Belsize Road are the 18 storey towers: Snowman and Castlebridge which form part of the Abbey Road estate and which also provides the site for the recently approved 14 storey tower block to the south west of the Belsize Rd and Abbey Rd junction. Therefore, within the local and wider townscape to the east and west of the site, a number of taller buildings already exist and the currently proposed taller

building is not considered to be out of context in terms of the surrounding townscape character.

#### Proposed site layout, height and massing

- 11.22 The taller element of the building, at 24 storeys, is sited to the north of the plot where it is most prominent in sightlines from the converging roads. The building is orientated with its widest dimension to the north and south sides and narrower dimension to the east and west. The narrower dimension to the east is designed to reduce the visual impact on views along Eton Avenue along with impacts of shading. The tower does however remain very prominent in views west along Eton Avenue which is considered to be consistent with its role as a visual marker/landmark signifying Swiss Cottage as a civic centre and one's experience of moving out of the conservation area towards the town centre.
- 11.23 A part 7/part 5 storey building forms the southern portion of the proposals. This lower building is set back from the tower to form a new route and visual link to the park from Avenue Road. Along Avenue Road the building is 7 storeys and steps down on the park side to 5 storeys.
- 11.24 At the ground floor the building is activated by residential entrances to the northern and southern building on the Avenue Road frontage along with entrances to the commercial units and the community centre. The park side building frontage would be active frontage as a result of a Class A use on the northern building facing Hampstead Theatre and entrances to the commercial units from a terraced walk way which runs along the park side edge of the southern building.
- 11.25 Providing active frontage on to the Avenue Road and park side frontages is considered to provide a significant improvement in the relation of the building to Avenue Road and the open space, within this Town Centre location.

#### Detailed architectural design - The tower – form and articulation

- 11.26 The design of the building facades is formed by a rectilinear lines creating a framed façade with a clear rhythm and ordering system of elements. There is a clear horizontal division of base, middle and top to the building.
- 11.27 The base is defined by a double height entrance to the residential units on Avenue Road. The middle forms the main body of the building.
- 11.28 The middle section of the northern and southern elevations is formed by horizontal bars between grouped numbers of floors with a rhythm bottom to top of 2-2-3-3-3-3-2. This horizontal expression acts to balance the vertical expression formed by the series of vertical bars of the frame, on the northern and southern elevations which divide windows and infill panels.
- 11.29 The middle portion of the elevation on the eastern and western facades expresses the main rooms of the flats by reference to the balconies and winter gardens providing a strong horizontal expression. The vertical expression is less pronounced on these elevations.

11.30 There is a change of expression at the top three floors which are defined by larger openings with a reduction in the number of the main framing elements and omitting the panels on the northern and southern elevations and using larger panels on the eastern and western elevations. The central section on each elevation is recessed to create a distinct profile in the roof line and corners.

Detailed architectural design - southern block - form and articulation

11.31 The elevation facing Avenue Road is formed by a double height ground floor to emphasise the base of the building with an additional 6 storeys above. The articulation of the façade follows a similar language to that of the northern building with the frame providing the horizontal and vertical expression of the façade and a clear rhythm and ordering system. A series of inset balconies provide added depth to the façade.

11.32 The southern end of the building, which accommodates the community centre, takes on a different expression with a more solid façade. The corner is emphasised by larger recessed glazed areas. The corner top 2 storeys have a deeper recess with a glazed corner adding emphasis and visual interest to the corner.

11.33 The vertical emphasis across the façade provides a correspondence to the vertical fin expression of Swiss Cottage Library. The park side elevation reduces to 5 storeys with the same double height storey at the base as the Avenue Road elevation providing commercial uses along the park edge.

11.34 The expression of the upper storeys is similar to that of the Avenue Road frontage except where the residential use replaces what is the area allocated to the community centre on the Avenue Road frontage.

Detailed architectural design - Detailed design and materials

11.35 The proposed material for the frame is proposed as a stone or artificial stone assembly for both buildings. On the tower, on the northern and southern elevations the vertical members are canted adding a layer of texture to the façade. The infill panels were originally proposed as a red shade of terracotta, however most recent discussions with the applicants have moved towards brick panels with a profiled brick in stretcher bond being favoured by officers, which would add an additional layer of fine grained texture to these façades.

11.36 The precise colour palette would be subject to a condition for design details however in order to ensure the proposed building design has a strong resonance with the local context an appropriate shade of red for the panels and a white frame are considered to provide a positive basis for detailed design development.

11.37 For the tower the balustrades to the balconies are proposed as glass. Glass balconies have advantages in terms of facilitating day light and providing environmental protection. However glass balustrades have become ubiquitous in contemporary developments and can be lacking in character. A study has been compiled by the applicants to provide more interest in the glass balustrade design. A fritted pattern providing a subtle and fine grained level of visual interest across the balustrade is the favoured solution by officers.



- 11.38 The balustrade detail for the southern block is proposed as a metal railing providing variation in the texture of these facades.
- 11.39 The inner walls of the inset balconies are proposed as the same material as the panels within the frame.
- 11.40 Other prominent details in the materials palette include aluminium windows and metal panels within the façade design the precise nature of which will be included in the submission of design details by condition.

#### Visual impacts

- 11.41 The Townscape and Visual Impact Assessment sets out a series of 27 views in order to assess the impact of the proposals, and in particular the tower, on the surrounding townscape;

##### *View 1*

- 11.42 This viewpoint is taken from the junction of Elsworthy Road and Wadham Gardens looking in a north westerly direction towards the site. The view point and the foreground are within the Elsworthy Conservation Area. In the existing view two existing taller buildings, the Visage to the left and Burnham tower on the Chalcots estate to the right are clearly visible in the winter view when trees within the view are not in leaf. These trees largely screen this view in the summer with a portion of the Burnham tower remaining visible. The proposed view in the summer demonstrate that the top of the proposed tower would be visible to the left of the Visage building however the tower is not considered to be prominent in this view being further back than the view and is consistent with the established character of the backdrop formed by the existing taller buildings.

##### *View 2*

- 11.43 This view point looks north-west along Harley Road from its junction with Wadham Gardens. The viewpoint is within the Elsworthy Conservation Area. The Visage building is particularly prominent in the winter view at the edge of the conservation area and provides a visual termination to this view. Trees partially obscure this view in summer. In the proposed view the proposed tower will be visible, in the winter, in the background to the Visage building and is considered to be consistent with the established character including the Visage building. Trees will partially obscure this view in summer.

##### *View 3*

- 11.44 This view is taken from the junction of Elsworthy Rise and King Henry's Road and the edge of the Elsworthy Conservation Area. The view looks across the existing Chalcot estate. In this view the existing towers, Bray and Burnham are prominent, with the Visage being visible in the background. There is little difference in winter or summer. In the proposed view the tower would be seen as part of the background in a visual grouping with the Visage building and Burnham Tower.

##### *View 4*

- 11.45 This view looks south-westwards towards the site along Eton Avenue from the vantage point of a traffic island at the eastern end of Eton Avenue. The building to the immediate left, 31 Eton Avenue is Grade II listed. The building to the immediate

right, Belsize Fire Station is Grade II\* listed. There are a number of other buildings along the length of Eton Avenue that are also listed. The view is taken from inside the Belsize Conservation Area

- 11.46 An existing taller building Centre Heights on Finchley Road, outside the conservation area is partially visible in the background in the centre of the image.. In the summer the view is dominated by tree canopies.
- 11.47 The proposed tower will be relatively prominent in the background forming distant views to the town centre along with the view to Centre Heights, in this view in the winter. The proposed tower will be less prominent and partially obscured by trees in the summer.
- 11.48 The Heritage and Conservation Officer has identified a degree of harm in this view as a long distance, background impact. English Heritage have raised no objection to the impact of the view on the setting of Belsize Fire Station.

*View 5*

- 11.49 This view is looks south west along Adamson Road at its junction with Crossfield Road, from within the Belsize Conservation Area. In the centre of the image the taller building, 125 Finchley Road (Overground House /Cresta House is visible outside the conservation area.. This building is substantially screened by trees in the summer.
- 11.50 The proposed tower will be prominent in this view terminating the view along the street alongside 125 Finchley Road. The role of the tower as a landmark signifying the civic and town centres is particularly apparent here along with the contrasting scales of development between the domestic scale of the conservation area and the larger scale town centre built form and road network.
- 11.51 The Heritage and Conservation Officer has identified a fairly pronounced, but less than substantial degree of harm, on the basis of the change in character to existing street scene caused.

*View 6*

- 11.52 This view looks south west along Belsize Park towards the site within the Belsize Conservation Area. This view is identified as a key view in the Conservation Area. Appraisal and Management Plan.
- 11.53 The proposed tower will be visible in the winter and partially obscured by existing trees in the summer.
- 11.54 The role of the tower as a landmark signifying the civic and town centres is particularly apparent here along with the contrasting scales of development between the domestic scale of the conservation area and the larger scale town centre built form and road network.
- 11.55 The Heritage and Conservation Officer has identified some harm resulting from the long distance view but considers that this is mitigated to a degree by the foreground buildings.

*View 7*

11.56 This view looks south along Daleham Gardens from its junction with Arkenside Road within the Fitzjohns and Netherhall Conservation Area. This view is partially obscured by trees in the summer. The proposed tower will be most prominent in the winter and partially obscured by trees in the summer. The role of the tower as a landmark signifying the civic and town centres is apparent here.

11.57 The Heritage and Conservation Officer has identified a fairly pronounced, but less than substantial degree of harm resulting from the termination of a long vista and a subsequent change in the historic character of the street.

*View 8*

11.58 This view looks southwards along Fitzjohn's Avenue from a position towards the centre of the road just north of Shepherd's Path. The view is from within Fitzjohns and Netherhall Conservation Area. Trees dominate the view in winter and summer. The proposed tower will not be visible in the summer and barely perceptible in the winter.

*View 9*

11.59 This view looks southwards along Fitzjohn's Ave from within the Fitzjohn's and Netherhall Conservation Area. The proposed tower will be prominent in this view. This view is close enough to begin to appreciate the architectural quality of the building and also demonstrates its relation in terms of colour tones and materials to existing buildings which form part of the town centre. The role of the tower as a landmark signifying the civic and town centres is also apparent here.

11.60 The Heritage and Conservation Officer has identified a fairly pronounced impact however this end of Fitzjohns Avenue is on the cusp of the commercial heart of Swiss Cottage/Finchley Road.

*View 10*

11.61 This view looks east/north east towards the site from Goldhurst Terrace from within the South Hampstead Conservation Area. Taller buildings on Finchley Road (Centre Heights and Cresta House terminate the view along the street. The proposed tower will be visible beyond these taller buildings.

11.62 The Heritage and Conservation Officer has identified a limited degree of harm in this view mitigated by the foreground buildings.

*View 11*

11.63 This view looks west towards the site along Fellows Road from just outside the Belsize Park Conservation Area 19th century terrace on the right hand side of the road is within the conservation area. To the left of the image the existing tower on the Chalcot estate is prominent.

11.64 In the proposed view tower is visible above the roof tops of the 19th century terrace towards the western end of Fellows Road. The lower building is also visible above the roofs of properties on Winchester Road. The proposed tower provides the same contrast in scale to the 19th century terrace as the existing tower on the

Chalcot estate. However the colour tones, materials and architectural quality of the proposed tower will provide a closer relation to its context.

*View 12*

11.65 This view looks northwards along Avenue Road alongside the UCL Academy.. The view is dominated by tree canopies. The proposed tower will be partially visible during the winter through the dormant tree canopy however will be obscured by the tree canopy in the summer.

*View 13*

11.66 This view is taken on Avenue Road back from its junction with Adelaide Road. To the right the Grade II listed Swiss Cottage library is visible. To the left the Grade II Regency Lodge is also visible. Regency Lodge is obscured by trees in the summer, Swiss Cottage Library is partially screened. The townscape beyond these listed buildings including the existing 100 Avenue Road buildings lacks any distinct quality or contribution to the setting of the listed buildings.

11.67 In the proposed view the tower is very prominent with the lower building forming an end stop to the long horizontality of Swiss Cottage Library. The architectural quality of the tower is apparent along with its relationship in terms of the strong vertical component of the frame and the vertical rhythms and proportions of the Library building and the colour tones of the tower and their correspondence with the colour tones of Regency Lodge.

11.68 The role of the tower as a landmark signifying the civic centre is particularly apparent here.

*View 14*

11.69 This view looks along Finchley Road in the direction of the site. Finchley Road is a 6 lane carriage way along this length leading to the town centre. Boydell Court at 11 storeys is prominent in the mid ground juxtaposed with the 2 storey townhouses to the right of the image in the foreground. The Grade II Listed Regency Lodge is also visible further north.

11.70 The proposed tower will be prominent in this view. The role of the tower as a landmark signifying the civic and town centres is apparent here.

*View 15*

11.71 This view looks from the junction of Finchley Road with Adelaide Road towards the site. The Grade II listed Regency Lodge is prominent on the junction to the right of the image. The Odeon Cinema is visible further north. Despite the architectural qualities of Regency Lodge and to some extent the Odeon Cinema the townscape is considered to be lacking in a distinctive sense of place particularly in relation to the closely adjacent civic and town centres.

11.72 In the proposed view the proposed tower will be prominent, signifying the civic and town centre location.

*View 16*

11.73 This view looks southwards along Finchley Road alongside the Harben Road Estate and shopping parade.

11.74 The proposed tower will be prominent in this view which is consistent with its role signifying the civic and town centres. The architectural quality of the building will be apparent in this view along with the correspondence of the building with its context in terms of materials, colour tones.

*View 17*

11.75 The view is taken from close to the summit of Primrose Hill looking north-west in the direction of the site. Primrose Hill is a Registered Park and Garden of Special Historic Interest. In this view the three towers of the Chalcot Estate are prominent on the skyline along with the Visage to the left of the image.

11.76 In the proposed view the tower is largely obscured by Burnham Tower on the Chalcot Estate with the top being visible beyond the top of Burnham Tower.

11.77 Clearly the proposed tower will be more visible from other vantage points on Primrose Hill and will be seen in the background to the 3 existing towers and in relation to the Visage building. In this sense views of the tower are not considered to be harmful in relation to views from this Registered Park and Garden.

*View 18*

11.78 This view demonstrates that the proposed tower will not be visible from Pond St.

*View 19*

11.79 This view looks towards the site from just outside the south eastern corner of South Hampstead Conservation Area. None of the view is within a conservation area. In summer the view is dominated by tree canopies.

11.80 In the proposed view the tower and the roof line of the lower building will be visible in the winter. The proposed buildings will be less visible in the summer

11.81 The role of the tower as a landmark signifying the civic and town centres is apparent in this view.

*View 20*

11.82 This view looks south eastwards along Finchley Road close to the junction with Broadhurst Gardens. The impact of the view is similar to that of View 16.

11.83 The proposed tower will be prominent in this view which is consistent with its role signifying the civic and town centres. The architectural quality of the building will be apparent in this view along with the correspondence of the building with its context in terms of materials, colour tones.

*View 21*

11.84 This view looks towards the site in a south westerly direction from Glenloch Road and a higher vantage point within Belsize Park Conservation Area. Two existing towers are visible on the Chalcots Estate, which are partially obscured by tree

canopy during the summer. This view demonstrates that the proposed development would not be visible from this point being obscured by buildings in the foreground.

*View 22*

11.85 This view looks south along Daleham Gardens from the western most footway from within the Fitzjohn's Netherhall Conservation Area. It is further south and to the right of View 7 along Daleham Gardens. This view identifies the fact that the top of one of the Chalcot Towers is visible to the left of the image. The proposed tower will be more prominent than this along partially obscured by tree canopy in winter and summer from view point. From other points along the street it will be more visible.

*View 23*

11.86 This view looks south east towards the site along College Gardens at the junction with Belsize Park. The stuccoed Italianate style 19th century terrace on the left of the image is within the Fitzjohn's Netherhall Conservation Area.

11.87 The proposed tower will be very prominent in this view which is consistent with its role signifying the civic and town centres. The architectural quality of the building will be apparent in this view along with the correspondence of the building with its context in terms of materials, colour tones.

*View 24*

11.88 This view looks westwards from Buckland Crescent in the general direction of the site. The view point is within the Belsize Conservation Area. The tower will be visible in this view in the background above the roof tops of the semi-detached properties along Buckland Crescent. Centre Heights on Finchley Road is also visible in the background in this view.

11.89 The Heritage and Conservation Officer has identified a degree of harm in this view as the development rises above the mid-19th century villas and causes some harm to an appreciation of their roof profile.

*View 25*

11.90 This view looks south westwards along Eton Avenue from the northern most footway adjacent to the traffic island which formed the vantage point for View 4. The view remains within the Belsize Conservation Area. There are a number of listed buildings along the length of Eton Avenue. This view demonstrates the difference between the apparent visibility of the proposed tower when viewed from the traffic island. In this view the proposed tower is less visible both in winter and summer due to the tree canopy, than in View 4. However the degree of visibility is enough for the Heritage and Conservation Officer to identify this view as having some impact over a relatively long distance.

*View 26*

11.91 This view looks towards the site from the northern most footway of Adamson Road as one moves towards Finchley Road, out of the Belsize Conservation Area. In the summer trees dominate the view obscuring views to the Hampstead Theatre and beyond. In the proposed view the tower is prominent in the view above the tree line. In the winter the building would be more visible as the base would be more apparent.

11.92 This view which is consistent with its role signifying the civic and town centres. The architectural quality of the building will be apparent in this view along with the correspondence of the building with its context in terms of materials, colour tones.

#### *View 27*

11.93 This view is taken from the south eastern corner of the Swiss Cottage Open Space looking towards the Finchley Road/Swiss Cottage Town Centre. The view is taken with a wide angle lens to include the entire length of the site frontage onto the park.

11.94 This view is consistent with its role signifying the civic and town centres. The architectural quality of the building will be apparent in this view. In the winter the base and associated active frontages to the open space will be more apparent.

#### *Summary*

11.95 These views provided are considered to be of sufficient scope to provide a full and proper appraisal of the scheme.

11.96 The views demonstrate that in a number of cases (View 1, 2, 3, 11, 17, 21) the proposed tower is seen in the context of other towers within the surrounding townscape. Therefore the proposed tower would not be an unusual feature in the local townscape.

11.97 The views also demonstrate the relative prominence of the tower which is consistent with its role signifying the civic and town centres.

11.98 Also demonstrated is the architectural quality of the design of the buildings and the positive response the detailed architectural design makes to the local context in terms of materials and colour tones.

11.99 Of the 27 views, the Heritage and Conservation Officer has identified 8 (Views 4, 5, 6, 7, 9, 10, 24, 25) which are considered to demonstrate varying degrees of harm to adjacent conservation areas. However the Heritage and Conservation Officer has concluded that the degree of harm does not amount to substantial harm. Therefore following the prescription of para 134 of the NPPF the Local Authority is required to balance the harm with the degree of public benefits provided by the scheme.

11.100 The Heritage and Conservation Officer has not identified any harmful impacts on the setting of Swiss Cottage Library.

#### Design conclusions

11.101 The proposals are considered to provide a high quality architectural design which makes a positive response to local context.

11.102 The GLA and the Design Council are supportive of the proposal on design grounds and English Heritage raised no concerns.

11.103 The proposed development is considered to provide a number of benefits to the site and its surroundings from an urban design perspective; greater legibility to the civic and town centres at Swiss Cottage, improved public realm, an improved

relationship of the building to the park, an active edge to the open space and Avenue Road and a new and more legible route to the open space from Avenue Road.

11.104 The Heritage and Conservation Officer has identified a number of views which are deemed to involve varying degrees of harm to views within adjacent conservation areas. However the harm identified is not considered to amount to substantial harm.

11.105 Within the terms of the NPPF the acceptability of the tower and degree of harm to views within conservation areas should be balanced against the public benefits that are brought forward by the development. It is acknowledged that the tower will be visible from a number of views within the conservation area. However, it is considered that the proposal is acceptable in design terms given the quality of the architecture, the public realm contributions, that the proposal will provide an edge to the open space and active frontage and will mark the Town Centre.

## 12 Impact on Swiss Cottage Open Space

### Policy review

12.1 Swiss Cottage Open Space is located to the east of the site which is designated open space (113). Policies CS15 and DP31 seek to protect and improve open space. The impact has been assessed against the BRE Tests (BRE Report 209) and passes.

### Report findings

12.2 A Sunlight and Overshadowing Report has been submitted as part of the application and covers the impact on Swiss Cottage Open Space, which includes transient shadow analyses for the spring equinox, the summer and winter solstices and 25 August (late Summer Bank Holiday). These show that there will be no change in overshadowing to the open space during the morning and middle of the day, given the orientation of the site, to the west of the open space. The impact with regards to the rest of the day is outlined below for the different scenarios tested.

### 21 March

12.3 The transient shadow analyses for 21 March show some additional overshadowing at 14.00 hours on the north-western corner of the open space which increases across much of the open space at 15.00 hours. At 16.00 hours the difference in the overshadowing reduces and the open space is completely overshadowed by 17.00 hours under both scenarios.

### 21 June

12.4 The transient shadow analyses for 21 June show that from 17.00 hours the northern part of the open space and the area to the west of the water feature would fall under shadow caused by the additional height/bulk of the proposal. At 18.00 there would be a substantial overshadowing in comparison to the existing situation. At 19.00 hours almost all of the open space would be overshadowed; however the majority is overshadowed by the existing building at this time.

### 25 August



12.5 The transient shadow analyses for 25 August show the western edge of the open space experiencing an increase in overshadowing at 15.00 hours, which extends into the middle of the open space at 16.00 hours. At 17.00 hours the difference would be more noticeable with the difference reducing at 18.00 hours.

#### 21 December

12.6 The transient shadow analyses for 21 December show a marginal difference between the existing and proposed buildings at 13.00 and 14.00 hours. After that time the whole open space is overshadowed in the existing and proposed situations. The additional overshadowing is unlikely to be noticeable in winter given that it is very moderate.

12.7 The Design Council is satisfied that their initial concerns regarding the impact to the open space have been resolved and that the open space would receive a sufficient quality of light.

#### Conclusion

12.8 It should be noted that the overshadowing impact is mainly from the lower block, rather than the tower. This is due to the location of the tower, further away from the open space, and also its orientation, to the north. The lower block would consist of 7 storeys on Avenue Road and drop down to 5 storeys on the side of the open space. The overshadowing impact would therefore be as a result of a 5 storey building. It is considered common to have a building of 5 storeys bordering open space in an urban location in London. The bulk of the lower block on the open space would not be overly-dominant given just 5 storeys are proposed adjacent to it.

12.9 It should also be noted that the proposed route between the 2 new buildings would allow a shaft of light to filter through to the northern part of the open space, at sometimes of the day/year.

12.10 The additional overshadowing of the open space is unlikely to be noticeable during wintertime. In summer late afternoons (25 August) there would be a significant difference, however only for about 1 hour and during the spring equinox again for around 1 hour in mid-afternoon. Given that there would only be a significant increase in overshadowing for about 1 hour during spring and summertime, and that for the majority of the day the open space would be unaffected or the additional impact would be unnoticeable, it is not considered that the proposed building would have a significant material impact in terms of overshadowing of the open space. The proposal would bring some benefits to the open space in terms of active frontage and financial contributions. On balance, the proposal is considered acceptable with regards to the impact on the open space.

### **13 Landscaping, public realm and trees**

#### Introduction

13.1 Under the proposals, the landscape design on site would be closely integrated with existing surrounding spaces. A new walkway would be created through the site, between the tower and the lower block. The applicant has provided indicative plans for areas outside the site. A significant contribution towards public realm improvements (£1,000,000) is included in the section 106 agreement, which will

include these areas. However, it should be noted that no alterations to these areas are proposed as part of this planning application given these areas are outside the site.

- 13.2 Granite flag surfacing will be used for the hardstanding areas on the site.
- 13.3 The open space within the site will remain within the ownership and management of the applicant.
- 13.4 The Council's Landscaping and Parks Section and Trees Officer have been consulted and their comments are incorporated below.

Landscaping and public realm

- 13.5 The new corridor between Avenue Road and the open space is welcomed, but some concerns exist about the impact on the character of the existing open space by opening up to Avenue Road. Increased tree planting in this area, and greening of what is currently a predominantly hard landscape solution would help mitigate this, as well as benefiting the amenity of the space, providing associated environmental benefits and aiding legibility by indicating the nature of the open space beyond.
- 13.6 The provision of active frontages is considered beneficial. The detailing of the raised planters will be important in how separate this area feels to casual users of the open space, and also in preventing potential anti-social problems which could be caused by the creation of overly secluded areas which are not overlooked at night. The terrace areas are more closely associated to the building use than the public open space and their maintenance needs are likely to be heavily influenced by the commercial or retail activities which front on to them.
- 13.7 The owner will be responsible for the planting in raised beds (which will need to be specified carefully to allow for the shady location and proposed trees). Maintenance liabilities resulting from the development would be met by the developer. A landscaping condition is suggested to cover the above.
- 13.8 Desire lines across the existing space are likely to be created by the new active frontages, which are likely to have a damaging effect on the north-south structural hedge planting (an important element of the original design), and this may require strengthening or reviewing as a result. Section 106 monies towards open space could be used to mitigate any potential damage here.
- 13.9 The proposals include improvements to the public realm within the site. This would include hard and soft landscaping works. It would also include the introduction of a new pedestrian route through the site from Avenue Road to Swiss Cottage Open Space. All pedestrian routes within the site would provide step free access which is welcomed.
- 13.10 Details of material specifications and detailed layout arrangements require further development and discussion. A condition is therefore suggested requiring full details for hard and soft landscaping materials.

13.11 The Council would also seek to secure a public realm management and maintenance strategy as a Section 106 planning obligation. This would describe arrangements for management and maintenance of all areas of public realm within the site boundary.

13.12 Heads of Term are included in the section 106 agreement for contributions towards public open space (£246,931) and public realm and highways (£1,000,000) which will substantially benefit the open space and the public realm in the town centre. Subject to the condition and Heads of Terms outlined above, the proposals are acceptable in terms of landscaping and public realm.

### Trees

13.13 It is proposed to remove 23 trees as part of the development; comprising 7 x Class B trees and 16 x Class C trees. No Class A trees would be removed; the 7 Class A trees in the area would be retained. Conditions are suggested regarding protecting trees during building works.

13.14 The proposed tree removals are considered not to be detrimental to the character of the area. The majority of the trees to be removed as part of the development are considered to either have a limited useful life expectancy due to their condition or to be of a small enough size that they can be replaced without adversely affecting the visual amenity that the trees currently provide to the area. The proposed replacement tree planting is considered to be of a suitable size, species and range of species to enhance the area and provide long term diverse tree cover. The large size of the proposed replacement tree plantings will give instant impact to the development which would mitigate against the loss of the trees to be removed. The proposal is considered acceptable in terms of trees subject to suggested conditions on the following:

- The submission of a landscaping plan.
- The proposed locations of replacement trees should be investigated to ensure tree planting is viable, particularly those nearest the highway as services may prohibit planting. If a proposed tree pit is not viable, another location as near as possible that is viable for tree planting should be sort.
- Replacement trees that do not survive for five years after they are planted should be replaced.
- All planting should take place in the following planting season with an aftercare plan to ensure longevity.
- An arboricultural method statement shall be submitted demonstrating how the trees to be retained will be protected during the development.

## **14 Impact on neighbouring amenity**

14.1 The considerations on the impact on the amenity of neighbouring properties are as follows:

- Policy review
- Daylight and sunlight
- Overlooking
- Noise and disturbance

#### Policy review

- 14.2 Policies CS5, DP26 and CPG6 (Amenity) are relevant with regards to the impact on the amenity of residential properties in the area. Any impact from construction works is dealt with in the transport section.

#### Daylight and sunlight

- 14.3 There are no residential properties directly adjacent to the site. The greatest impact from the proposal in terms of loss of light would be from the tower, given its height at 81m (as opposed to 21m at the tallest part of the lower block).

- 14.4 The nearest residential properties to the tower are as follows (measuring nearest points):

- 115-121 Finchley Road - 68m
- Overground House, 125 Finchley Road – 75m
- Winchester Road, rear gardens - 70m, rear elevation - 77m

- 14.5 None of the above neighbouring residential properties are located to the north of the proposed tower, where the impact on sunlight would be greatest due to orientation. None of the properties are located in close proximity to the proposed tower (68m being the closest).

- 14.6 A Daylight, Sunlight and Overshadowing Report (prepared by GVA) has been submitted as part of the application which assesses the impact on windows serving residential properties at the above addresses. This report follows the BRE (Building Research Establishment) guidelines and looks at the Vertical Sky Component (VSC), Average Daylight Factors (ADF) and the no-sky line. This report concludes that there would be very little material impact to the daylight/sunlight of neighbouring properties. The report states that only properties in Overground House on Finchley Road, out of all the properties assessed would experience a loss of Vertical Sky Component (VSC) greater than the guideline of 20%. The report states that the loss of light would not be noticeable in these properties or the other properties assessed.

- 14.7 The Council appointed an independent assessor (Hoare Lea) to assess the findings of the GVA report. Hoare Lea considered that the testing and methodologies were appropriate to the scale of the proposals and the nature of the site. Hoare Lea raised some issues with GVA practices, which GVA has since responded to. Officers are satisfied with the methodology of the report. Hoare Lea did not raise any issues with regards to the impact on any properties in terms of loss of light being unacceptable. Given the findings of the above reports, it is considered that there would not be a material impact in terms of loss of light.

#### Overlooking

- 14.8 There are no residential properties within 18m of the proposed buildings (see distances above), which is considered the necessary separation distance between windows serving habitable rooms. Given the distances involved there would be no material impact in terms of overlooking to residential properties.

#### Noise and disturbance

14.9 Class A retail uses are proposed on the majority of the ground floor of the proposed development. A condition is suggested to limit the hours of use of these premises to between 08:00hrs to 23:00hrs Sunday to Thursday and Bank Holidays and 08:00hrs to 00:00hrs on Friday and Saturday and to limit outdoor seating areas associated with the Class A uses to between 22:00 and 08:00 hours, 7 days a week.

## 15 Land contamination

15.1 A Phase 1 Environmental Report has been submitted as part of the application. This report identifies potential land contamination from when the site was used as a hospital from the 1930's. Whilst the study concludes that the site is unlikely to be contaminated, it recommends that a condition is attached suggesting that an intrusive investigation be carried out. A condition is suggested on this accordingly.

## 16 Air quality

16.1 Policies CS16 and DP32 are relevant with regards to air quality.

16.2 An Air Quality Assessment has been submitted as part of this application.

16.3 The significance of impacts of dust emissions was found to be 'slight adverse' during the construction phase, assuming the effective application of mitigation measures. The air quality impact once the proposed development is complete and occupied is likely to be from exposure to existing air quality levels, which is mostly contributed to by road traffic emissions. The pollutants assessed in the report were NO<sub>2</sub>, PM<sub>10</sub> and CO. The predicted long-term PM<sub>10</sub> and short-term NO<sub>2</sub>, PM<sub>10</sub> and CO concentrations, at all the assessed receptors and under all assessed scenarios, would not exceed the relevant air quality objectives. In the case of long-term NO<sub>2</sub>, due to proximity of the busy Swiss Cottage gyratory, some receptors up to and including floor three of the development were predicted to exceed relevant air quality objectives.

16.4 Mechanical ventilation intake of air from levels four or above, where air pollutant concentrations have been predicted to be at acceptable levels, to supply air to levels 3 and below (which would be the worst affected) is required to avoid the potential exposure to poor air quality. Windows on the lower levels would be sealed. The site also incorporates landscaping, and trees which will provide some mitigation. Consequently, prospective inhabitants of the lower floors would not suffer any adverse air quality within their homes.

16.5 The proposed CHP will cause some air pollution, however this is necessary for the proposal to make sufficient energy savings to be acceptable and increases the sustainability merits of the scheme. A condition is suggested requiring details of the proposed CHP engine and any required mitigation measures to be approved by the Council.

16.6 With regards to air pollution during construction, a condition is suggested requiring 2 real time particulate monitors to be installed prior to the commencement of construction and be retained for the duration of the construction.

**16.7** With the recommended mitigation measures in place, it is considered that the proposal is acceptable in terms of air quality.

## **17 Archaeology**

17.1 The site is not located within an Archaeological Priority Area.

17.2 An Archaeological Desk-based Assessment has been submitted as part of the application. This assessment concludes that there are no designated archaeological heritage assets in the area and the proposal will therefore not have any impact.

17.3 Given that the site is not within an Archaeological Priority Area and the findings of the assessment, no further investigation is required with regards to archaeology.

## **18 Microclimate**

18.1 London Plan policies 7.6 and 7.7 and Camden policies CS5, DP26 are relevant with regards to microclimatic impacts.

18.2 Under the proposals a 24 storey tower would be erected on the northern part of the site and a part 7/part 5 storey block on the southern part. A pedestrian walkway would be created between these blocks, providing a direct link between Avenue Road and Swiss Cottage Open Space.

18.3 A microclimate assessment has been submitted as part of this application. This assessment studies wind tunnel models in the existing situation, and the situation with the new buildings, during the windiest season (normally winter) and summer.

18.4 The assessment states that under the proposals strong winds exceeding Beaufort Force 7 (Near Gale) would occur for up to 1.2 hours per year at 1 location (receptor 7 – between the proposed tower and Hampstead Theatre) and that 2 locations would exceed Beaufort Force 6 (Strong Breeze) (receptor 2, north of the proposed tower and receptor 12 in the proposed pedestrian walkway between the proposed buildings). The worst affected areas detailed above are pedestrian through routes, as opposed to places where people are likely to sit, or gather (unless outside the proposed Class A retail uses). 71 locations were assessed against the Lawson Criteria which looks at the level of comfort of using an area. The assessment found that of these locations 64 would be suitable for sitting and 7 for standing/entrance use in the windiest season at ground floor level. Given the above, the microclimatic impact of the proposals is not considered significant.

18.5 Following on from the recommendations in the report, the following conditions are suggested to mitigate wind impact:

- the raising of the proposed the balustrade on the west-facing penthouse to 1.8m in height;
- mitigation along the west side of Hampstead Theatre with landscaping, including full details of materials.

18.6 Given that the strongest winds are expected to be 'near gale' force (only during strong wind conditions) and would only happen 1.2 hours a year in 1 location, it is considered that the proposal will not have a material impact in terms of microclimatic affect compared to the existing situation.

## 19 Sustainable design and construction

### Policy review

19.1 Pursuant to London Plan policies 5.2, 5.3, 5.6m, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15 and 5.17, Core Strategy policy CS13 and Development Policies DP22 and DP23 all developments in Camden are required to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

19.2 Policy DP22 encourages non-domestic developments in excess of 500sqm to achieve "very good" (58%). The minimum scores in the following categories must also be achieved: Energy 60%; Water 60%; and Materials 40%. New build housing must meet CfSH Level 4.

### The site and the proposal

19.3 The proposal is a high density scheme utilising a brownfield site in very close proximity to excellent public transport links (PTAL6). The scheme is mixed use and mixed tenure. The principle of the scheme is therefore highly sustainable.

### Energy

19.4 An Energy Strategy has been submitted as part of this application. This demonstrates that a reduction of at least 29% in carbon dioxide emissions is achievable (compared to Building Regulations, Part L), which is short of the London Plan target of 40%. The Energy Strategy concludes that due to the nature of the proposed development and site constraints, additional savings are not feasible. CO2 emissions will be reduced by:

- An energy efficient design
- Combined heat and power (CHP)
- Photovoltaic panels

19.5 The GLA Report acknowledges that the development has followed the energy hierarchy and that the approach is 'generally acceptable'

19.6 A range of passive design features would be employed to reduce energy consumption, including solar control glazing and mechanical ventilation with heat recovery. These measures would reduce CO2 emissions by 6%.

19.7 A combined heat and power (CHP) plant is proposed, which is welcomed in energy policy grounds. Photo-voltaic panels are proposed on the roof of the tower, which are welcomed in energy policy grounds. The combined CO2 savings from the CHP plant and the PV panels is 23%, taking the total savings to 29%.

19.8 To meet the shortfall created by the 40% requirement an offset payment is to be necessary. A requirement for a post-construction assessment with regards to CO2 savings is included as a Head of Term in the section 106 agreement. £2,700 would

be required per ton over 30 years (90 per year) and commuted payments would be sought depending on the findings of this assessment.

19.9 A condition is attached requiring details of the proposed u-values and what the approach to thermal bridging is, as details of these have not been provided.

#### Code for Sustainable Homes (CfSH) and BREEAM

19.10 A Sustainability Statement has been submitted as part of this application.

19.11 Under the proposals, code level 4 for all residential units would be achieved. For the retail, retail/LUL and community buildings a BREEAM very good rating is proposed with a score of 60.59% which is welcomed in policy terms.

19.12 Conditions are suggested to secure code level 4 (CfSH) and a minimum of 60% BREEAM score for the retail, retail/LUL and community buildings.

#### Brown roof

19.13 A brown roof is proposed on the tower, which is welcomed in sustainability policy terms. A condition is suggested to secure full details, including the area of this.

## **20 Flood risk and drainage**

20.1 Policies CS13 and DP23 are relevant with regards to flood risk and drainage.

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

20.3 A Flood Risk and Drainage Assessment has been submitted as part of this application. This document states that there is a low/moderate risk of flooding with the main risk being from surface flooding. However, with the use of SUDS would reduce flood risk.

20.4 Thames Water has been consulted and has no objections to the proposal subject to a condition and informatives. The Environment Agency has been consulted and has no objections subject to an informative.

20.5 The basement has a number of uses which may dictate a number of different methods of waterproofing. It is proposed that at least some of the basement will be tanked (containing the basement through waterproof insulation).

20.6 Given the low flood risk and the proposed use of SUDS, there are no concerns with regards to flood risk and drainage.

20.7 Policy CS15 also seeks to ensure that new development conserves and enhances wildlife habitats by greening the environment. The proposals include soft landscaping around the building and on the proposed roof terraces. This additional green space is welcomed for reducing water run-off rates. The proposal is compliant with policy CS15.

## **21 Transport**



21.1 The following transport considerations are covered below:

- Policy review
- The site
- Car parking
- Cycle parking
- Cycle link
- Servicing
- Refuse and recycling
- Works affecting the highway
- Travel planning
- Other issues

Policy review

21.2 Policies CS11, DP16, DP17, DP18, DP19, DP20, DP21 and CPG7 (Transport) are relevant with regards to transport issues.

The site

21.3 The site is located in the Belsize controlled parking zone (CPZ). The Belsize CPZ (CAB) operates on Monday to Friday between 0900 and 1830 hours and on Saturday between 0930 and 1330 hours. Parking stress is a significant issue in the CPZ with the number of on-street parking permits issued being in excess of the number of on-street parking spaces (ratio of permits to parking spaces of 1.10). The site is also located on the boundary of the Swiss Cottage CPZ which suffers from the same level of parking stress. The Council needs to ensure that development proposals do not add to these levels of parking stress. This makes the site ideal for a car free development.

21.4 The site has the highest possible PTAL rating of 6B (excellent). This means that the site is easily accessible by public transport. Indeed Swiss Cottage underground station is located directly adjacent to the site and various bus routes can be accessed from Avenue Road, Adelaide Road, College Crescent and Finchley Road. This makes the site ideal for a car free development. The applicant has developed such a proposal and is willing to enter into a section 106 agreement in this regard (with the exception of some disabled parking and operational parking for servicing purposes only).

21.5 The site is located directly adjacent to Avenue Road which forms part of the Transport for London Road Network. Transport for London is therefore the highway authority for this section of Avenue Road. Avenue Road forms part of Route 50 on the London Cycle Network. It also forms part of Route 11 on the Cycle Superhighway Network; proposals are currently being developed by TfL. In addition to this, Eton Avenue is located on an east/west route across the Borough. The site is therefore well served by cycle routes in the local area. The proposal does not affect any of these cycle routes.

21.6 The site is located near the western periphery of the Belsize Park Conservation Area which is predominantly residential, and construction vehicles would need to travel through this area on the way to and from the site during the demolition and construction periods. The impacts of the proposed works and construction vehicle

routes would need to be considered carefully prior to any works commencing on site. Problems are generally mitigated by a construction management plan and it is noted that the applicant is willing to enter into a section 106 agreement in this regard.

#### Car parking

- 21.7 The site currently has 49 basement car parking spaces which serve the offices. Under the proposals the number would be reduced to 13 parking spaces, all of which would be disabled parking spaces and the proposal is therefore considered car-free.
- 21.8 In accordance with Chapter 6 of the London Plan electric vehicle charging should be provided. Policy 6.13 (Parking) of the London Plan requires that 1 in 5 parking spaces (both active and passive) include access to an electrical charging point to encourage the uptake of electric vehicles. A condition is suggested requiring the provision of electric vehicle charging points.
- 21.9 A parking management plan is included as a Section 106 planning obligation given the scale of the development. This would explain how disabled parking, operational parking, electric vehicle charging points, and cycle parking would be managed.
- 21.10 TfL support the car-free proposal.

#### Cycle parking

- 21.11 TfL cycle parking standards require 1 space (or storage space) per 1 or 2 bedroom unit and 2 spaces for larger units.
- 21.12 240 cycle parking spaces are proposed in total for the dwellings, which meets and exceeds the above guidance. The spaces for the dwellings would be located at basement floor level in 3 separate enclosures; 66 spaces for the affordable element, 144 for the PRS and 30 also for the PRS. 48 additional spaces for visitor's cycle parking would be provided at ground floor level.
- 21.13 1 cycle parking space per 250sqm for retail is required, in accordance with policy. A condition is suggested to secure the provision of the cycle parking. No space has been earmarked for cycle parking for the Class A retail uses or the community centre and a condition is suggested requiring details of this.

#### Servicing

- 21.14 A Draft Delivery and Servicing Plan (DSP) has been submitted as part of this application.
- 21.15 Under the proposals, servicing would continue to operate off-street from within the basement car park for smaller vehicles as per the existing situation. A service bay is proposed at basement level, beside the car parking spaces. Due to height restrictions (approximately 3m) of the basement entry, larger vehicles would continue to enter the site from Eton Avenue, where there would be retractable bollards. These vehicles would then use the pedestrian area between the proposed tower and Hampstead Theatre (all of which is on the site) to load and unload. The draft DSP states that most deliveries will be undertaken by smaller vehicles. However, the Council would need to be sure that the proposed movements could be done safely

without risk to pedestrians and cyclists. The full DSP would need to fully cover this issue to be considered acceptable.

- 21.16 Swept path analyses have been carried out in order to assess the implications of refuse and larger vehicles entering the site. These show that larger vehicles (including refuse vehicles) can turn on site without affecting existing trees or the open space.
- 21.17 Servicing and refuse vehicles would approach from the east of the site via Eton Avenue and Winchester Road. The western end of Eton Avenue is closed off and so no vehicles would be able to access the site directly off Avenue Road and the Swiss Cottage gyratory.
- 21.18 TfL has no objections regarding the proposed servicing arrangements subject to securing a delivery and servicing plan.
- 21.19 Given the nature of the uses proposed, it is not considered that there would be significantly more servicing than at present.
- 21.20 A submission of a final Delivery and Servicing Plan is included in the section 106. This document will deal with the timings of deliveries and provide further details on likely vehicle operations.

#### Refuse and recycling

- 21.21 Refuse collection would take place from the rear of the building via Eton Road at ground level. Bin stores would be located in the basement and brought up to ground level on the appropriate day. For the PRS units, this would be managed as part of Essential Livings general management regime.
- 21.22 At all times, refuse would be stored within the dedicated bin areas.
- 21.23 Swept path analyses have shown that a refuse vehicle can enter and exit the site in forward gear.

#### Works affecting the highway (CMP)

- 21.24 A draft Construction Management Plan (CMP) has been submitted as part of this application. However, a full Construction Management Plan is required given the scale of the development and is included as a head of term in the Section 106 Agreement. The full CMP will set out the measures that the applicant will adopt in undertaking the demolition of the existing buildings and the construction of the development using good site practices in accordance with the Council's Considerate Contractor Manual to ensure the Construction Phase of the development can be carried out safely and with minimal possible impact on and disturbance to the surrounding environment and highway network. The CMP would need to cover any potential conflict with HS2 works. However, it should be noted that the construction works for the proposed application, if permitted, would be likely to be finished well-before the start of HS2 works. Details included in the CMP are outlined below. These would all need to be agreed in the final CMP.

- 21.25 Due to the location of the building with respect to adjacent properties bounding the site a traditional small machine de-construction method progressing floor by floor and assisted by hand tool de-construction on more sensitive and constricted parts of the site is proposed.
- 21.26 It is proposed to construct both blocks concurrently, with the works commencing on the lower block as soon as the basement is sufficiently advanced.
- 21.27 Access for vehicles will be via Eton Avenue. Due to the layout of the surrounding road network, construction delivery vehicles will approach from the east of the site via Eton Avenue and Winchester Road. Winchester Road connects with the B509 Adelaide Road to the south of the site. This route has been identified in order to protect residential amenity surrounding the site, in particular to the east and south of the site. It is proposed that all servicing vehicles make use of this route so as to minimise any disturbance.
- 21.28 A full time delivery marshal/material co-ordinator will be employed to ensure that deliveries for the project are pre-booked, 24 hours in advance of their intended delivery to site. A programme of deliveries will be completed to ensure that adequate time is allowed for each delivery to permit vehicles to be off-loaded before the arrival of the next delivery vehicle and avoid congestion outside the site is created.
- 21.29 A detailed programme of works will be issued by the Main Contractor once appointed. A construction period of approximately 22- 24 months, including demolition is currently envisaged.
- 21.30 The proposed general working hours on site are:
- Monday to Friday 8.00 am – 6.00 pm
  - Saturday 8.00 am – 1.00 pm
  - No working on Sunday's or Bank Holidays
- 21.31 Prior to commencement of the works, the developer and their team would liaise directly with the neighbouring property owners and occupiers and will formally present a detailed construction method statement and programme to the any formal focus groups.
- 21.32 Noise and dust control measures would be implemented during construction including, noise attenuation (mufflers, silencers, acoustic screens), dust screens, dampening, enclosed chutes, encapsulation scaffolding.
- 21.33 TfL would need to be included in further discussions on the CMP. The Council would require the applicant and/or contractor to undertake a significant level of pre-construction consultation with the local community for a development of this scale. The applicant and/or contractor would also need to form a Construction Working Group prior to any works commencing on site. Such a group would consist of interested parties from the local community and may include local Ward Councillors.
- 21.34 The CMP shows that there would be a negative impact on the use of Swiss Cottage Open Space during the construction period, including the temporary removal of

landscaped areas that are outside the ownership of the applicant. Any agreement for this access, and necessary mitigation for the impact on the wider space and this would need to be addressed in the CMP.

21.35 The Council needs to ensure that any damage caused to the public highway in the vicinity of the site as a direct result of the development will be rectified at the applicant's expense. In addition, there may be areas of public highway which are currently in poor condition which would need to be improved in order to provide fit for purpose routes to and from the site for residents, employees and visitors. Landscaping plans have been submitted which show indicative layouts outside of the site. However, such highway works would be designed by the Council's Transport Design Team and Highways Implementation Team. Any such highway works would be implemented by the Council's Highways Term Contractor.

#### Travel planning

21.36 The applicant has provided a draft Framework Travel Plan (TP) which provides a useful starting point. A more detailed TP would need to be secured as a Section 106 planning obligation and is included as a head of term.

21.37 A contribution is included as a head of term requiring £5729 to cover the Council's ongoing review and monitoring costs of the travel plan.

21.38 Transport for London encourages developers to use the TRICS (Trip Rate Information Computer System) database for trip generation predictions. The Council would require the applicant to undertake a TRICS after study and provide TfL and Camden with the results on completion of the development. TfL would then be able to update the TRICS database with the trip generation results for the various use categories associated with this development. The Council would seek to secure the necessary after surveys and results by Section 106 agreement as part of the Travel Plan review and monitoring process.

#### Other issues

21.39 The existing cycle lanes would not be removed, as per TfL's comments which are erroneous.

21.40 There is no taxi drop off proposed. This was part of earlier proposals and has been removed from the existing proposal.

## **22 London Underground station access**

22.1 The proposals include a potential future Swiss Cottage Underground Station entrance (116sqm) which is proposed as flexible retail use/station access.

22.2 It is noted that both the GLA and TfL view the new station access as a priority. TfL have investigated the potential new entrance and consider that a new step-free access to the ticket hall would cost in the realm of £12-17 million. The Council has had conversations with TfL who have stated that they currently have insufficient funding for the new station access and that a significant contribution would therefore be required from the applicant to deliver this.

- 22.3 Whilst the Council also views the new underground entrance and step-free access to the ticket hall positively, it is considered that this cannot be secured without impacting on affordable housing provision. It would be unreasonable of the Council to refuse the application on the grounds of failure to provide the new entrance and step-free access as these would not be required to mitigate the impact of the development.
- 22.4 There are already 2 entrances to the underground station via stairs on Avenue Road. Furthermore the new entrance would provide step-free access only to the ticket hall and not to platform level. The provision of the new entrance would impact on the provision of affordable housing. Given the above, the provision of affordable housing is considered a higher priority than the station access. Nevertheless, the proposed flexible use would allow the potential for the station access to be built at a later date should funding become available and a head of term is included in the section 106 that the station entrance would be future proofed for use for 2 years from occupation.

## 23 **Accessibility**

### Policy review

- 23.1 London Plan policy 3.5 and Camden policies CS6 and DP6 requires all new homes to comply with Lifetime Homes criteria as far as practically possible. London Plan policy 3.8 and Camden policies CS14 and DP29 seek to promote inclusive access.

### Residential element

- 23.2 The applicant has submitted details of the dwellings in respect of Lifetime homes. All of the proposed dwellings meet the space standards laid out in the London Plan in terms of entrance and circulation and conform to 'Lifetime Home' standards. A condition is suggested to secure the Lifetime Homes as detailed in the Design and Access Statement.
- 23.3 The proposals include 6 private wheelchair adaptable units and 13 affordable, fully fitted out units. 10% of the total number of units (19 out of 184) would be designed to be wheelchair accessible in accordance with the above policies. 12 of these would be affordable units and the 6 would be PRS (in the tower).
- 23.4 Under the proposals 13 parking spaces would be provided, all of which would be disabled parking spaces. A Head of Term is included within the section 106 to ensure that these bays are allocated to and for use only by the residents within the affordable wheelchair accessible units. The car park is located within the basement which is largely existing (with an extension proposed), and the location of the accessible car parking bays and their connections to the cores is therefore limited by the existing constraints. Ramped access has been provided between the parking spaces and the cores. The maximum travel distance is approximately 60m, which affects 4 of the accessible bays. The remaining bays are located within a travel distance of 50m, as per guidance. Given the constraints involved with using the existing basement, this arrangement is considered acceptable.

### Retail element

- 23.5 All of the proposed retail units would have level access.

## **24 Basement**

- 24.1** The original basement plan size is approximately 2,435sqm and the proposed basement would be is 2,940sqm, hence the increase is approximately 505sqm. The depth would not be extended. The applicant has submitted a basement impact assessment to assess the potential impact on land stability and groundwater flow.
- 24.2** Policy DP27 and Guidance CPG4 set out how planning applications that include proposals for new or extensions to basements will be assessed. The BIA has been prepared following the Guidance of CPG4.
- 24.3** The Basement Impact Assessment states that there will be a marginal increase in hardstanding area of approximately 15-20%. Any increase in peak flow will be mitigated by on-site SUDS.
- 24.4** The BIA states that the site does not overlay an aquifer and is not within 100m of a watercourse.
- 24.5** There is an aspiration to use some of the existing piles however this will be subject to a further technical appraisal and on site testing. There will likely be underpinning to the existing London Underground Limited (LUL) stairs. The applicant is currently engaged with an LUL representative regarding all interface matters including this one. The applicant proposes to use 'appropriately designed temporary works' during the construction phase and the permanent works would fully support the surrounding ground when complete. However, it must be ensured that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations. The applicant would need to submit an 'Approval In Principle' (AIP) to the Council and a condition is suggested accordingly. This would include structural details and calculations to demonstrate that the proposed development would not affect the stability of the adjacent public highway adjacent to the site. This would also include an explanation of any mitigation measures which might be required. The condition would only be discharged once an AIP had been approved by the Council (Highways Management Team). A condition is suggested requiring an AIP.
- 24.6** The above construction issues are addressed by the suggested conditions requiring a construction method statement and an AIP. A Basement Construction Plan is included as a head of term in the section 106 agreement.
- 24.7** The site lies close to Swiss Cottage LUL Station, which is served by the Jubilee Line. The BIA states that extensive consultation has been undertaken with LUL pre-planning. London Underground Limited and TfL have been consulted on the application and have raised no issues with regards to the proposed extension to the basement.

## **25 Security**

- 25.1** Policy CS17 and CPG1 (Design) are relevant with regards to secure by design.

- 25.2 The Council's Designing Out Crime officer was consulted prior to the application being submitted and was involved in the design process.
- 25.3 The proposal features active frontages at ground floor level on all elevations except the southern elevation of the lower block, which will be an improvement on the existing situation in terms of security. Overlooking of the public realm around the proposed buildings and the open space will discourage crime and anti-social behaviour. Full details of landscaping are required via condition and it would be ensured that the landscaping did not encourage crime or fear of crime. There are no recesses in the façade that would allow for anti-social/criminal behaviour.
- 25.4 A concierge will be provided 24 hours a day service in the lobby of the tower. Entrance into the lower block and into the tower from the car park will be fob controlled.
- 25.5 Vehicular access to the basement car park would be activated by infra-red. Access would be given only to residents who are allocated parking spaces. The car park will be covered by CCTV which would be monitored by the concierge. A condition is suggested requiring details of lighting.
- 25.6 The above arrangements are considered to meet the requirements of Secured by Design and are therefore acceptable.

## **26 Refuse and recycling**

- 26.1 Policies CS18, DP26 and Camden Planning Guidance 1 (Design) are relevant with regards to waste and recycling storage and seek to ensure that appropriate storage for waste and recyclables is provided in all developments.
- 26.2 Each flat would have generously sized internal storage areas for waste and recyclables. The waste would be left at kerbside on collection days, which is the preferred method of collection for development of this size as outlined in CPG1.
- 26.3 Refuse and recycling storage is proposed in the basement. This would be split into 5 different areas as follows:
- 26 bins and bulk waste storage for PRS in the tower
  - 7 bins for PRS in the lower block
  - 9 bins and bulk waste storage for affordable flats
  - 3 bins for community use
- 26.4 The PRS units in the tower would have a refuse/recycling chute on each floor. The PRS units in the lower block would have a refuse/recycling chute at ground floor level. The residents in the affordable element would take their own waste to the basement. The PRS management company would take the waste and recycling out for collection. Collection would be from the area to the north of the site which is the current arrangement.
- 26.5 The Council's Environmental Services Officer has been consulted and has no objections to the proposal. Given the above, the proposed quantity, location and strategy of the refuse and recycling storage are considered acceptable.



## 27 Planning obligations

27.1 Based upon the formulae outlined in CPG8 (Planning obligations), the following contributions are required to mitigate the impact of the development upon the local area, including on local services.

<b>Contribution</b>	<b>Amount (£)</b>
Education	280,082
Employment	271,342
Public Art	100,000
Public Open Space	246,931
Public Realm and Highways	1,000,000
Cycle Link	150,000
Travel Plan Monitoring	5,729
<b>TOTAL</b>	<b>2,054,084</b>

## 28 Mayor of London's Crossrail CIL

28.1 The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as it included the addition of residential units. Based on the Mayor's CIL charging schedule and the information provided as part of the application, the charge for this scheme, should it be approved would likely be £732,690 (proposed floorspace 23,480sqm – existing floorspace 8,826.2 = 14,653.8sqm uplift,  $14,653.8 \times 50 = 732,690$ ). This would be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

## 29 CONCLUSION

29.1 Para 134 of the NPPF states that the Local Authority is required to balance the harm with the degree of public benefits provided by the scheme.

29.2 With regards to land use, there would be a loss of office use on the site. This is considered acceptable given the lack of demand for office use in Camden and Swiss Cottage in particular, the proposed land use mix (which accords with the Site Allocations Plan) and the employment and training benefits that would come forward from the Winch and the employment contribution. The application would bring significant benefits with the provision of housing, and especially affordable housing. The tower would be private market housing and the lower block would be fully affordable for 15 years (then 18 units would be private market) and community centre. The provision of affordable housing is supported by the submitted viability information which has been accepted by the Council's independent verifier. The PRS tenure is supported by the Council and the GLA as an alternative to normal market housing which could be bought by investment buyers and rented out on a more short-term basis. The proposed flats are considered acceptable in amenity terms. The provision of a large, purpose built community centre, envisaged for the Winch, would bring substantial benefits to the local community.

- 29.3 It is acknowledged that given the height of the proposed tower, there would be some impact on the Belsize Conservation Area, as it would be visible from a number of locations. However, the location above the underground station, within the Town Centre with services close by is an acceptable location for a tall building. The high-quality architecture, public realm contributions and active frontage would bring benefits to the area and would help mark the Town Centre.
- 29.4 The impact in terms of overshadowing to the open space is not considered sufficient to refuse the application, given that there would only be an impact during specific times for short periods. The proposal would bring benefits to this space in terms of providing an improved edge to it and the contributions to open space and public realm.
- 29.5 Given the distance to the nearest residential properties, it is not considered there would be a material amenity impact in terms of light, privacy or noise.
- 29.6 The proposal is car-free (with just disabled spaces proposed in the basement). Servicing is not expected to exceed the existing requirements and servicing will take place off-street for smaller vehicles and to the rear of the site on Eton Avenue for larger vehicles, as is the existing situation. The proposal will therefore not impact on the public highway. A draft CMP has been submitted and is broadly considered acceptable. A final CMP is included as a head of term.
- 29.7 Given the benefits from the proposed land use mix, the quality of the architecture proposed and the section 106 contributions, on balance, it is considered the application is acceptable.
- 29.8 The development would be appropriate and in accordance with relevant National and Regional Guidance, Core Strategy and Development policies and Camden Planning Guidance for the reasons noted above.

## 30 **RECOMMENDATION**

### 30.1 **Planning Permission is recommended subject to conditions and a S106 Legal Agreement covering the following Heads of Terms:-**

- 1 An education contribution of **£280,082**
- 2 An employment contribution of **£271,342**
- 3 A public art contribution of **£100,000**
- 4 A public realm and highways contribution of **£1,000,000**
- 5 A cycle link contribution of **£150,000**
- 6 A Travel Plan monitoring contribution of **£5,729**
- 7 Use of local employment and provision of apprenticeships
- 8 Securing community centre/securing affordable housing should proposal to change use of community centre be proposed
- 9 Review of PRS units 1 year after completion/ upon full occupation
- 10 Review at substantial break up of PRS units
- 11 Provision of 18 DMR PRS units for 15 years

- 12 Review should the top floor of the tower (proposed amenity space) be converted to residential, with affordable housing contributions sought
- 13 Securing rent levels for affordable housing, including service charges
- 14 Car-free housing.
- 15 Delivery Servicing Plan
- 16 Construction Management Plan
- 17 Full Travel Plan
- 18 Future proofing use of proposed station entrance for 2 years
- 19 Basement Construction Plan
- 20 Sustainability and energy

## **31 LEGAL COMMENTS**

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

APPENDIX 1

Redacted Independent Review of Viability (BPS)  
12 August 2014

**100 Avenue Road, NW3 3HF**  
**2014/1617/P**  
**Independent Review of Viability**  
**12 August 2014**



**Introduction**

- 1.1 BPS Chartered Surveyors is appointed by the London Borough of Camden (LBC) to review a viability submission produced by Strutt & Parker (S&P) on behalf of Essential Living (the applicant). The application is in respect of the demolition of two existing office blocks and ground floor restaurants and redevelopment for a 24 storey building and a part 7 part 5 storey building comprising a total of 184 residential units (Class C3) and up to 1,041 sq m (11,206 sq ft) of flexible retail/financial or professional or café/restaurant floorspace (Classes A1/A2/A3) inclusive of part sui generis floorspace for a potential new London Underground station access and up to 1,350 sq m (14,532 sq ft) for community use (Class D1). The applicant, Essential Living, proposes to deliver residential units for the private rental sector.
- 1.2 We received a viability submission, dated March 2014. Based on the conclusions of this submission the applicant proposed to provide 25% affordable housing. This percentage is based on Gross Internal Area (GIA) excluding the shared amenity area located on Level 23. It equates to 20% affordable housing on a per unit basis (36 units). The submission argued, however, that the scheme generated a residual land value of                      and when assessed against its benchmark land value of                      the scheme appeared to generate a deficit of approximately - £2,570,000. S&P argued that proceeding with a scheme with this deficit would leave its client reliant on future growth in values to bridge this deficit and recommended that their client should only offer 25% affordable housing on the basis that no further review of viability be required by the Council.
- 1.3 We produced an initial report for the Council for internal purposes, dated 12 May 2014. BPS subsequently produced an interim report, dated 29 March 2014, which was shared with S&P and its client. The interim report outlined areas of concerns and welcomed further discussions regarding the viability of the proposed scheme in addition to Section 106 strategies that could be appropriate for both the Council and the applicant.
- 1.4 Since the issue of our interim report, we have received an updated report produced by S&P on behalf of the applicant, dated 19 June 2014. This report addressed the points raised in our interim report as well as points raised in a meeting<sup>1</sup> between S&P, the applicant and ourselves.

**Summary of approach to viability**

- 1.5 The institutional form of private rented property is a relatively new phenomenon and as such there is little or no relevant market evidence available from which to determine its

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<sup>1</sup>Meeting held 11 June 2014 at Essential Living

value with any accuracy regarding viability and Section 106 agreements. It is generally accepted though that rented property is generally worth below private sales reflecting differences in management costs and income security. For this reason, during the pre-application stage, it was agreed between parties that viability would be assessed using a proxy valuation. The proxy being that the appraisal would assume the rented units were all sold as private units. This would then show maximise viability and with it the scheme's potential to deliver affordable housing.

- 1.6 It is, however, recognised that we need to understand the applicant's PRS model in order to fully appreciate the potential difference in value between private sale and PRS based assumptions. This would not only underpin our review of the scheme's viability but also provide a foundation for reviewing viability on an outturn basis in accordance with Council policy.

### **The PRS product and use of a private sales proxy**

- 1.7 The development at 100 Avenue Road is one of several PRS schemes being progressed by the applicant. To our knowledge, all are due to come forward for occupation within the next few years. PRS is not seen as providing an affordable housing product however its introduction have been welcomed and encourage by the government and GLA as bringing institutional investment into the general housing market and broadening supply, choice and quality for renting households. The HCA has supported the applicant with a build to rent funding. We understand from the applicant this scheme provides funding on commercial terms for PRS which might otherwise not be available from the wider funding market or on terms which might otherwise render schemes non-deliverable. This amounts to a commercial borrowing capability rather than grant or other forms of gap funding.
- 1.8 Whilst there are no completed comparable schemes that have been delivered by the applicant, we are aware of two high rise residential towers aimed at the PRS market. Stratford Halo developed in summer 2013 by Genesis Housing Association comprises 43 storeys. Rental tenancies are offered for up for five years. According to the website, one bed units can be rented from £1,300 pcm, two bed units from £1,700 pcm and penthouses from £3,700 pcm. Elsewhere, Empire Property Group delivered 33 storey Pioneer Point in Ilford during summer 2011.
- 1.9 We have reviewed viability using a proxy based on private residential sales value rather than a rental model. It can be seen from our report that we are satisfied with the applicant's proposed total private residential sales of £                      . In respect of development costs, the applicant now accepts that they originally underestimated Section 106 contributions by £1,810,079. This has had a significant impact on the viability of the proposed scheme. Our development appraisal assuming increased retail rental values and Section 106 contributions generates a residual land value of £                      . This suggests that the proposed scheme using the proxy model generates a deficit of -£3,722,922.

- 1.10 In order to test the validity of the private sales proxy we have examined the basis of the rent model with the applicant. This can be summarised as follows:
- 1.11 Units are let on standard protect shorthold tenancies. Essential Living estimate that they will achieve rental values in the upper third of current market rents. This reflects an assumption that their product is at this stage unproven. It also reflects the quantum of product that they will bring to the market through this development.
- 1.12 Essential Living will provide large amenity areas in the top of the two blocks in an area which would otherwise be used for Penthouse's in a market sale scheme. These areas will provide rest and recreation areas for residents. Essential Living do not anticipate that there be a premium for their product as they anticipate end users will be drive as much by cost as quality and constrained by budget therefore they cannot afford to peg their product out of step with the prevailing market. They do however anticipate % occupancy which is high for traditional rented property and on a par with affordable rented property.
- 1.13 To assist in reducing voids Essential Living will be capping rents to CPI increases to existing tenants for the life of their lease agreement. They are seeking through these means to encourage tenants to take longer leases of 3 to 5 years. Essential Living do not anticipate a significant rent gradient with storey height as would be expected through private sale, for the same reason that the rented market is very much driven by budget.
- 1.14 The model assumes high levels of management with an expectation of ongoing costs associated with lettings and renewals. The PRS product is backed by a sale of the net income stream to an institution. We have experience of other PRS models and we are aware that there are significant deductions between gross and net rents to account for these factors. After allowing for capitalisation of net rents would expect to see a typical 20-40% discount in total values compared to a private sale sales model. This validates the use of the proxy as a basis for determining the level of planning obligations as it exceeds that which would otherwise be sustainable by using a PRS based appraisal.
- 1.15 In our experience, operational costs can range between 20% -40% of gross rents to derive net rents receivable. Knight Frank<sup>2</sup> adopts an average gross to net of 25% to cover costs in its PRS index. It is expected that the applicant will incur a range of costs associated with the delivery of PRS. Costs include maintenance, lettings management, void periods, repairs, cleaning and insurance, all of which would be re-cooped through a service charge. It should also be noted that the upper floor amenity space would incur additional management costs. Management costs will be more significant than if the units were to be sold. There will be regular re-letting and maintenance of individual units compared to units if sold on a common 150 year leasehold.

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<sup>2</sup> Knight Frank (2014) The Rental Revolution: Examining the Private Rented Sector.

1.16 Gross rents have been assumed to be capitalised at % . Swiss Cottage is situated within London's Zone 2. CBRE's latest research reports that gross yields for properties in Zone 1 is 4.00% whereas properties within Zones 2 – 4 is 5.50%. Given the location of Swiss Cottage and the prime location of the subject property, we would expect it to achieve a yield between Zone 1 and Zones 2 - 4. Rental growth will be factored within these yields. On balance % appears realistic.

### **Recommendations and Conclusions**

1.17 We have undertaken our own revised appraisal adopting our increased retail rental values (£ sq ft / £ sq m) and £2,546,079 of Section 106 contributions. Based on these amendments we show the development appraisal to generate a residual land value of £ . When compared to the proposed benchmark land value of £ , the scheme shows an apparent deficit of -£3,722,922.

1.18 We acknowledge that the proxy has assumed the top floor amenity areas of the proposed development have a nil value reflecting their amenity purpose under the PRS model. They point out that any change of use for the amenity areas would require a separate planning application and its viability would be a matter for separate consideration at that point.

1.19 Essential Living has intimated that they would accept a restriction to use the property for PRS for a period of circa 5-7 years. In the event of break up and sale there would be an opportunity to call for a review of viability.

1.20 In recognition of the Council's requirement for an outturn review of viability the applicant has proposed that in respect of the gross value of the scheme the figure generated by the proxy of £ should form the target sum to exceed. Essential Living propose that to form a comparator gross rents capitalised at % would be used. For the value to exceed the proxy, gross rents would need to total £ per annum.

### ***Benchmark Land Value***

1.21 We have been provided with a copy of a tenancy schedule for the existing office property, albeit it was undated. S&P had previously capitalised the income of £ at a yield of % to generate a net of costs value of £ m. This yield did not appear to be unreasonable when compared to both S&Ps' and our own research. We therefore accepted the proposed existing valuation.

1.22 S&P then applied a 30% landowner premium, generating a benchmark land value of £ (say £ ). Whilst we accepted that a landowner premium can reasonably be sought in instances where the landowner requires incentivising to release the site, it was our understanding that the site was commercially marketed and subsequently sold to the applicant in December 2012 for the sum of £ . It could possibly be argued that it was the previous not the current owner who should be entitled to seek a premium on releasing the land for development. However, it could also be argued that the proposed benchmark



figure reflects EUV and premium as the price Essential Living had to pay to acquire the site and paying a premium to the original owner.

- 1.23 Our interim report questioned the adoption of a 30% landowner premium. We considered local evidence supported the adoption of a 20% landowner premium and a premium at this level would generate a lower benchmark value of £ . We stressed that premiums should reflect site specific circumstances and that no argument have been proposed as to why this site should fall into the upper end of the premium range particularly as the original owner had already sold the site. Our local evidence, in addition to the information we hold from other similar commissions comprised the Council's 'CIL Economic Viability Report' produced by GVA in July 2013 whereby a landowner premium of 20% was considered reasonable. This study would have referenced local evidence and would support a deduction from S&P's original request for a 30% landowner premium.
- 1.24 S&P, to underpin their original assessment has sought to provide an open market valuation without a premium. This approach is reflective of RICS Guidance 'Financial Viability in Planning (2012) which advocates adoption of "Market Value" but having regard to development plan policies compared to an existing use value plus premium approach as discussed by the GLA. As the Council is aware, there is considerable debate regarding appropriate measures to establishing a viability benchmark. A significant area of debate being the degree to which the Market Value proposed reflects planning policy.
- 1.25 S&P's revised approach values the current income generated from the property of £ and assumes an anticipated reversionary income of a further £ . It is unclear how the reversionary income has been derived as the proposed reversionary income is presented as a lump sum. It is possible that the property is let on rents below market value to reflect the short terms and lack of security of tenure necessary in managing a property which is anticipated to be developed, although this reasoning has not been argued by S&P.
- 1.26 S&P have assumed a 10% allowance for a perpetual void thereby reducing the net reversionary income to £ . The current term and reversionary term have been capitalised at yields of % and % respectively. This hardened yield is presumably based on an assumption of longer lease terms and more secure income than offered by the current tenancies which are of necessity short term to facilitate redevelopment. It is unclear what evidence S&P consider relevant to justify an increase in rental values in June 2015, other than possibly a revision to a longer term strategy to manage the property in its current use without the prospect of redevelopment. S&P state in its latest report that its revised net value of £ is based on specific evidence, albeit this appears to not have been submitted. No landowner premium has been added to this sum.
- 1.27 According to S&P, this revised valuation further supports the adoption of a £ benchmark land value. In order to form a balanced view as to whether a benchmark land value in the region of £ is appropriate, we have undertaken our own valuations.

1.28 We have based our valuation on an EUV plus approach, which is consistent with Council policy and GLA recommendations. We have adopted a reduced premium of 20%. We have assumed the property is rack rented though for the reasons described above this view may be open to challenge. After allowing the same 10% structural void and capitalising the net resultant rent of £ at a yield of 5.8% we generate a value of £26m. The adoption of the harder yield is viewed as appropriate reflecting the enhanced income security proposed by the structural void allowance. Applying a 20% premium adds a further £5.2m to this figure generating a combined value of just over £31m. Our analysis therefore broadly supports the proposed benchmark figure albeit derived from differing assumptions.

### ***Private Residential Sales Values***

1.29 A total 148 private units are to be delivered. S&P had originally adopted a blended value of £ sq ft (£ sq m) on a NIA basis, generating a total value of £ . Generally, values tend to be calculated on a GIA (of the flat excluding common parts) otherwise known as net sales area (NSA) basis and our calculations showed that this value equated on this basis to a rate of £ sq ft (£ sq m).

1.30 Our interim report questioned the proposed values as they appeared to under represent the higher values that would be likely to be achieved once apartments had reached a level which provided significant views above surrounding developments.

1.31 Following our interim report, S&P has produced an updated schedule of values now generating a total £ , representing a slight deduction of £ from their original assumptions. We calculate the proposed blended value of £ sq ft (£ sq m) on a NIA basis equates to a value of £ sq ft (£ sq m) on a GIA basis.

1.32 S&P's updated schedule of values now differentiates between floor levels and sees uplifts between 0.0% and 3.3% per level. We have compiled the table below to identify the difference between S&P's original and revised assumptions, and it can be seen that average values have decreased slightly with the exception of studio and one bed units within Block A. When we originally reported to the Council, we questioned as to whether S&P's originally proposed value of £ sq ft ( sq m) on a GIA basis had sought to reflect high value levels by overvaluing the lower levels to bring an overall average. It appears that this may be the case as we are of the view that studio and one bed units now appear optimistic.

Table redacted

1.33 The Council will be aware that the proposed units are larger than typical units in the locality. As previously reported to the Council, there is a point where increased size does not add significantly to overall value and has the effect of watering down the overall sales




rate. In effect, the additional floor area has been ascribed little or no additional value which is below our expectations but broadly accords with the principle that purchasers generally will not pay high rates for larger properties unless these are much larger penthouses. Due to relatively larger units at the proposed site, we have placed more weight on unit price rather than on a blended rate per sq ft (sq m) basis.

1.34 We have generated our own schedule of values based on research by CBRE<sup>3</sup>, and have assumed a price differential between floors of 1.3%. This appears to be the minimum uplift that can be achieved. Please see Appendix 1.

1.35 By adopting this method, we have applied S&P's base unit values for one, two and three bed units. Whilst the revised average value for one bed units appears slightly high in our opinion, it should be noted that the base value is now lower at £ compared to £ . This is the reason why we have not adjusted the base value for one bed units. Our analysis generates a total £ equating to a value of £ sq ft (£ sq m) on a NIA basis and £ sq ft (£ sq m) on a GIA basis. Our approach thereby generates an additional £1,900,000 of residential sales.

1.36 According to the applicant, it is unlikely all units will achieve price differentials because of increasing floor level. We agree to a degree that the outlook of units will be the primary influencing factor when determining price differential between floors. It is therefore probable that our approach, generating a total £ , is likely to have some element of overstatement in it in respect to some units with limited or interrupted views. An allowance for this factor would reduce the apparent gap of £1,900,000 in residential sales between S&P and ourselves.

1.37 Furthermore, S&P's revised proposed value of £ sq ft (£ sq m) on a GIA basis does not appear unreasonable when assessed against comparable evidence in respect of residential towers. We have compiled the below figure based on research conducted and published by CBRE<sup>4</sup> in May 2014. The figure above demonstrates that S&P's proposed value of £ sq ft (£ sq m) is within the identified value levels.

	Property	Location	Developer	Completion	Storeys	Average Value
	Pan Peninsula	Isle of Dogs	Ballymore Group	Autumn 2008	48	£900 sq ft (£9,688 sq m)
	The Landmark	Canary Wharf	Chalegrove Properties Ltd	Summer 2010	44	£700 sq ft (£7,535 sq m)
	Strata	Elephant and Castle	Brookfield Multiplex	Summer 2010	43	£830 sq ft (£8,934 sq m)

<sup>3</sup> CBRE (Q1 2012) UK Residential ViewPoint: Towers and the height premium in London

<sup>4</sup> CBRE (May 2014) Towers of London; A rising contribution to housing



- 1.43 S&P's latest report does not provide a response to our proposals for increased values. S&P do state, however, that their earlier report remains justified and valid, which suggests that S&P dismiss our proposed values. Our appraisal indicates that the adoption of higher rental values does not bridge the apparent deficit generated by the proposed scheme appraisal.

#### ***Construction Costs***

- 1.44 Our retained Quantity Surveyor has benchmarked costs against BCIS cost indices. He is of the view that estimated costs appear broadly reasonable. Please see Appendix 3.
- 1.45 As a separate issue, the cost plan totals £        whereas the appraisal adopts a total £        . It is unclear where the difference of approximately £145,670 derives from and we therefore assume that this is a discrepancy within the appraisal.

#### ***Finance Costs***

- 1.46 S&P are correct to state that our previously reported finance rate of 6.75% is incorrect. The development appraisal assumes a debit rate of 6.75% and a credit rate of 0.5% on credits. This amounts to an overall rate of less than 6.75%. A total cost of £        was identified within S&P's original appraisal.
- 1.47 An additional finance fee of 1.50% on costs was also assumed within the submitted appraisal, amounting to a further cost of £1,531,453. We regarded this allowance as un-evidenced and sought further clarification. S&P inform us that this fee can be justified and we are aware that it is not un-typical of finance arrangements to provide for arrangement fees, draw down fees and exit fees. However, for simplicity most scheme appraisals do not identify these separately but wash them through the interest rate. S&P questions whether these charges plus the debit and credit rate will generate a combined finance rate of 7.25%. Taking a more typical approach to the eventual rate sees a figure in excess of 7% as consistent with general finance cost assumptions.

#### ***Planning Obligations***

- 1.48 S&P had originally made an allowance of £736,000 for Section 106 obligations and £525,000 for Mayoral CIL. According to the Council, Section 106 obligations should total £2,546,079. Both S&P and the applicant accept the Section 106 obligation. This sum has a significant effect on viability.

#### ***Developer's Profit***

- 1.49 An allowance of 22.5% on cost / 18.33% on GDV was adopted within the original appraisal, generating a figure of £        . As this represented a blended profit margin on GDV, it was difficult to assess what the profit assumptions were for the various components of the proposed scheme.
- 1.50 As with all developments, required profit margins vary between projects to reflect the size and risk profile of the developer and the scheme itself. There are varieties of sources that

support varying profit margins between private and affordable housing. The HCA<sup>5</sup> states that affordable housing returns should be moderate to reflect the low risk of affordable housing. The latest 2014 version of the HCA's Development Appraisal Toolkit automatically assumes a developer profit of 5% on build costs in respect of affordable housing. Elsewhere, the GLA's Affordable Housing Development Toolkit (previously known as the 3 Dragon's Toolkit) adopts a developer return of 6% of build costs regarding affordable housing, as a standard toolkit assumption.

1.51 In order to understand the underlying profit assumptions S&P had originally made, we had assumed allowances in line with our experience of similar schemes:

- Private residential and ground rental revenue: 20% on GDV
- Commercial: 15% on GDV
- Affordable housing: 6% on GDV

1.52 These assumptions generated a total £ equating to 18.96% on GDV. This is more than S&P's current assumption of 18.33% on GDV. We are therefore of the view that an increase in profits margin could be justified by S&P, however, we would disagree with a proposal which would exceed 18.96% on GDV.

1.53 For viability purposes, however, it is not in the Council's interest to raise an increase in profit assumptions.

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<sup>5</sup> HCA (2014) Development Appraisal Tool

## Appendix 1: High rise residential research

- 1.54 According to CBRE<sup>6</sup>'s most recent research, 15 current and recent towers between 26 and 54 storeys showed an average price differential of 2.3% between floors. Uplifts in values reportedly ranged between 1.3% and 3.25%.
- 1.55 Furthermore, uplifts of 1.5% can generally be expected up to the 20th floor, with uplifts inflating to 3.5% above the 20th floor. Another study comprising eight current residential towers showed that there was an average price uplift over local values by 36%. Reasons attributed to this increase include view, privacy and exclusivity.
- 1.56 As stated by CBRE<sup>7</sup>, the average uplift between floors varies between view and location. Data from 2012 showed the following:

REF	SCHEME NAME	BUILDER	HIGHEST STOREY	UPLIFT PER FLOOR
1	Strata	Brookfield	43	2.0%
2	Pan Peninsula	Ballymore	48	1.9%
3	The Landmark	Chalegrove	44	1.3%
4	West India Quay	HOK International	34	1.8%
5	Altitude 25	Plumdean	25	2.2%
6	Discovery Dock	Capital & Provident	24	1.3%
			Average	1.5%

<sup>6</sup> CBRE (May 2014) Towers of London; A rising contribution to housing

<sup>7</sup> CBRE (Q1 2012) UK Residential ViewPoint: Towers and the height premium in London

## Appendix 2: BPS Commercial Comparable Evidence

Address	Postcode	Date	Type	Sq M	Sq Ft	£ Sq M	£ Sq Ft
24 Northway s Parade, London, NW3 5DN	NW3 5DN	15/02/2014	Retail	233	2,506	£112	£10.38
2-3 Northway s Parade, London, Outer London, NW3 5EN	NW3 5EN	06/02/2014	Retail	100	1,073	£431	£40.07
Ground & Basement, 175 Finchley Road, London, NW3 6LB	NW3 6LB	06/12/2013	Retail	174	1,874	£184	£17.08
24 Northway s Parade, London, NW3 5DN	NW3 5DN	21/08/2013	Retail	61	660	£394	£36.59
64 Belsize Lane, London, NW3 5BJ	NW3 5BJ	15/02/2013	Retail	84	902	£418	£38.80
12a Northway s Parade, London, Outer London, NW3 5EN	NW3 5EN	14/02/2013	Retail	25	272	£455	£42.28
Ground, 16 New College Parade, London, NW3 5EP	NW3 5EP	01/01/2013	Retail	38	411	£458	£42.58
117-119 Finchley Road, Swiss Cottage, London, Inner London, NW3 6HY	NW3 6HY	01/01/2013	Retail	283	3,045	£210	£19.54



## Appendix 3: BPS Cost Review

### 1 SUMMARY

1.1 There are inconsistencies between the construction costs in the Appraisal and the EC Harris estimate. There are also inconsistencies in the areas used in each. It may be that these discrepancies arise because the cost plan has not distinguished between the different functional areas in each block – if so it makes benchmarking more difficult.

1.2 Our benchmarking has been based on the whole area of each block as residential; on this basis but subject to paragraph 1.3 below we are satisfied that the estimated costs are broadly reasonable compared to adjusted benchmark figures.

1.3 The rates used for precast concrete panel system are very high – refer to paragraphs 3.6 & 3.7 below. We have included the cost plan figures at the same rates in our adjusted benchmarking but are seeking confirmation of the specifications that justify these rates.

1.4 The information on the MEPH services has not been provided in detail. If there is more detail that has been used in the preparation of the estimate, then it would be helpful to provide it; preferably in BCIS format.

### 2 METHODOLOGY

2.1 The objective of the review of the construction cost element of the assessment of economic viability is to benchmark the applicant costs against RICS Building Cost Information Service (BCIS) average costs. We use BCIS costs for benchmarking because it is a national and independent database. Many companies prefer to benchmark against their own data which they often treat as confidential. Whilst this is understandable as an internal exercise, in our view it is insufficiently robust as a tool for assessing viability compared to benchmarking against BCIS.

2.2 BCIS average costs are provided at mean, median and upper quartile rates (as well as lowest, lower quartile and highest rates). We generally use mean or upper quartile for benchmarking depending on the quality of the scheme. BCIS also provide a location factor compared to a UK mean of 100; our benchmarking exercise adjusts for the location of the scheme. BCIS Average cost information is available on a default basis which includes all historic data with a weighting for the most recent, or for a selected maximum period ranging from 5 to 40 years. We generally consider both default and maximum 5 year average prices; the latter are more likely to reflect current regulations, specification, technology and market requirements.

2.3 BCIS average prices are also available on an overall £ per sqm and on an elemental £ per sqm basis. We generally consider both. A comparison of the applicants elemental costing compared to BCIS elemental benchmark costs provides a useful insight into any differences in cost. For example: planning and site location requirements may result in a higher than normal cost of external wall and window elements.

2.4 BCIS costs are available on a quarterly basis – the most recent quarters use forecast figures, the older quarters are firm. If any estimates require adjustment on a time basis we use the BCIS all-in Tender Price Index (TPI).

BCIS average costs are available for different categories of buildings such as flats, houses, offices, shops, hotels, schools etc. The Applicant's cost plan should keep the estimates for different categories separate to assist more accurate benchmarking.

2.5 To undertake the benchmarking we require a cost plan prepared by the applicant; for preference in reasonable detail. Ideally the cost plan should be prepared in BCIS elements. We usually have to undertake some degree of analysis and rearrangement before the applicant's elemental costs can be compared to BCIS elemental benchmark figures.

2.6 To assist in reviewing the estimate we require drawings and (if available) specifications. Also any other reports that may have a bearing on the costs. These are often listed as having been used in the preparation of the estimate. If not provided we frequently download additional material from the documents made available on the planning website.

2.7 BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs do not include these. Nor do elemental costs include for external services and external works costs. Demolitions and site preparation are excluded from all BCIS costs. We consider the Applicants detailed cost plan to determine what, if any, abnormal and other costs can properly be considered as reasonable. We prepare an adjusted benchmark figure allowing for any costs which we consider can reasonably be taken into account before reaching a conclusion on the applicant's cost estimate.

### 3 GENERAL REVIEW

3.1 We have been provided with a copy of the Viability Report dated March 2014 prepared by Strutt & Parker. This includes at Appendix 5 a cost Plan prepared by EC Harris noted as Revision 4.

3.2 The Cost plan has been structured to estimate the cost of Tower Block A in the total amount of £ ( £ /m<sup>2</sup>) based on a GIA of 14,199m<sup>2</sup> (152,836ft<sup>2</sup>) rounded to £ ; and Block B in the total amount of £ ( £ /m<sup>2</sup>) based on a GIA of 9,512m<sup>2</sup> (102,386ft<sup>2</sup>) rounded to £ . The estimate includes the shell and core in a mainly BCIS elemental format with a detailed build-up of the elemental costs. The fit out has been calculated on the Financial Summaries by multiplying the number of the particular size of unit by a cost. We have undertaken our own analysis of the information given to provide a summary for both Tower A and Block B in elemental format for the whole cost of works that is essential for meaningful benchmarking. Our pdf for each of these two summaries is attached.

3.3 In our view this exercise to provide the costs in a form suitable for benchmarking should be undertaken by the Applicant's consultants.

3.4 The Cost Plan includes a single figure for MEPH Services in the cost plan, with no elemental split and a limited build up to provide any information on the extent of works included. On Tower A there is a difference between the Applicants figures and benchmark of £456,810. Block B is a negative difference of £-537,755. This suggests that the specifications allowed are broadly above benchmark for the private flats in Tower A and below benchmark in the largely Affordable Block B.

3.5 We have downloaded current BCIS information that has been used in our benchmarking. We have adjusted all information for the current Camden Location Factor of 120 compared to a UK mean of 100.

3.6 We have adjusted the benchmark figures for several items and calculated a revised benchmark figure for Tower A of £2,471/m<sup>2</sup>. This is very slightly more than the ECH figure of £ . We have included the Applicants figures for enabling works, demolitions,

fittings and external works. We have noted a difference between benchmark and the combined elements of external walls and windows of £3,353,395. This difference results from the substantial rates used for double glazed windows of £450/m<sup>2</sup> and for solid façade pre cast concrete panel system of £750/m<sup>2</sup> the rate for the cladding is at the very top end of the range of rates we would expect – the rate would imply a marble or granite faced panel and would have to be secured by planning condition if this is the figure used in the appraisal cost. For the purposes of benchmarking we have assumed this level of specification is intended – if not, there would be a significant difference between the Applicant’s estimate and our adjusted benchmark level.

3.7 We have adjusted the benchmark figures for several items and calculated a revised benchmark figure for Block B of £2,409/m<sup>2</sup>. This equates to a small difference (reduction) of £147,715 on the Applicants figure of £ based on an elemental comparison, but this difference is reversed using the mean average figures with the same adjustments. We have included the Applicants figures for enabling works, demolitions, fittings and external works. We have noted a difference between benchmark and the combined elements of external walls and windows of £2,802,778. This difference results from the substantial rates used for double glazed windows and for solid façade pre cast concrete panel system as above. For the purposes of benchmarking we have assumed this level of specification is intended – if not, there would be a significant difference between the Applicant’s estimate and our adjusted benchmark level.

We have reviewed the Construction Costs included in the Appraisal to check against the costs in the cost plan. The 4 items listed below are all included, but no supporting cost information appears in the cost plan. It may be that the costs have been estimated in the respective blocks, but not shown separately.

3.8 The rates used are £/ft<sup>2</sup> (/m<sup>2</sup>). This rate would be appropriate for the community area (depending on the specification); we consider it far too high for retail unless the intention is to fully fit out the shops. We also consider it too high for the plant area assuming the plant itself is excluded from the cost.

3.9

	£/ft <sup>2</sup>	£/m <sup>2</sup>	ft <sup>2</sup>	m <sup>2</sup>	Tot Cost
Retail			9,957	925	
Plant			678	63	
Flex retail			1,249	116	
Community			13,089	1,216	

3.10 The Viability Report includes at clause 10.2 a schedule of areas that is consistent with the areas in the table above. It also includes 4,252ft<sup>2</sup> of shared amenity at level 23 that is not separately included in the Appraisal. There are allowances for sub floor and finishes to level 23 in the cost plan estimate for Tower A so it seems the level 23 area is costed in this section.

3.11 The cost plan GIA areas are 14,199m<sup>2</sup> Tower A and 9,512m<sup>2</sup> Block B – these total 23,711m<sup>2</sup> (255,223ft<sup>2</sup>). The Appraisal areas for Block A and Block B for both private and affordable residential total 197,778ft<sup>2</sup>. It may be that this discrepancy is caused by the inclusion of retail and community areas in the cost plan, but we cannot verify this.

3.12 The rate in the cost plan for Tower A is £ /ft<sup>2</sup> and Block B £ /ft<sup>2</sup> (both figures include 5% contingency). The rates used in the Appraisal are £ /ft<sup>2</sup> for private residential, £

/ft<sup>2</sup> for affordable rent and £ /ft<sup>2</sup> for intermediate. It is not immediately apparent how these different areas are reconciled. However, we note that the overall construction cost in the Appraisal is £ which is close to the cost plan total for the two blocks of £.

Condition(s) and Reason(s):

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Approved plans:

PL\_099 P3, PL\_100 P2, PL\_101 P1, PL\_102 P1, PL\_105 P3, PL\_106 P1, PL\_107 P2, PL\_108 P1, PL\_113 P1, PL\_119 P1, PL\_121 P1, PL\_123 P1, PL\_124 P1, PL\_161 P1, PL\_162 P1, PL\_163 P1, PL\_164 P1, PL\_170 P1, PL\_171 P1, PL\_172 P1, PL\_173 P1, PL\_200 P1, PL\_201 P2, PL\_202 P1, PL\_203 P1, PL\_204 P1, PL\_205 P1, PL\_206 P1, PL\_207 P1, PL\_210 P1, PL\_211 P1, PL\_401 P1, PL\_402 P1, PL\_403 P1, PL\_404 P1, PL\_405 P1, PL\_406 P1, LL443-100-001 P1, LL443-100-002 P2, LL443-100-003 P1, LL443-100-001 P1, LL443-100-004 P1, LL443-100-005 P2, LL443-100-006 P1, LL443-100-007 P1, LL443-100-100, LL443-200-101.

Approved documents:

Planning Statement prepared by Turley Associates (February 2014), Design and Access Statement prepared by GRID Architects (February 2014), Landscape Strategy (within Design and Access Statement) prepared by Camlins, Arboricultural Report (855028) prepared by RSK (January 2014), Townscape and Visual Impact Assessment prepared by Peter Stewart Consultancy (February 2014), Heritage Statement prepared by CGMS (February 2014), Energy Strategy (47066761) prepared by URS (February 2014), Sustainability Report (including CfSH / BREEAM Pre Assessments) prepared by Bluesky Unlimited (21 February 2014), Transport Assessment (& Travel Plan) prepared by Vectos (February 2014), Justification for the Loss of Offices Report (27787/002 Rev AA) prepared by Peter Brett Associates (February 2014), Daylight, Sunlight and Overshadowing Assessment prepared by GVA (February 2014), Flood Risk Assessment (132017-R1(4)-FRA) prepared by RSK (February 2014), Phase 1 Environmental Survey (Ground Conditions) (26427-01(01)) prepared by RSK (May 2013), Noise & Vibration Assessment (121044-02(01)) prepared by RSK (December 2013), Air Quality Assessment (121044-AQ(03)) prepared by RSK (February 2014), Archaeology Assessment (121044) prepared by RSK (June 2013), Pedestrian and Terrace Level Wind Microclimate Assessment (1300492E-PLW) prepared by RWDI (27 February 2014), Statement of Community Involvement prepared by Polity (February 2014), Basement Impact Assessment (47066169) prepared by URS (February 2014), LUL Demise Interface Report (47066169) prepared by URS (February 2014), Viability Toolkit Assessment prepared by Strutt & Parker (March 2014) (due to commercial sensitivity this report is

confidential).

Reason:

For the avoidance of doubt and in the interest of proper planning.

### 3 Quantum of housing

The development constructed and used pursuant to this permission shall provide when completed:

(a) no more than 148 residential units (including the DMR) within a maximum of 15,547sqm gross external area of market housing floorspace;

b) no less than 28 affordable rent residential units within a minimum floorspace of 3794sqm;

c) no less than 8 intermediate residential units within a minimum floorspace of 1148sqm.

Reason: To secure sufficient provision of affordable and other tenures of housing in a balanced and sustainable manner across the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies D3 and DP4 of the London Borough of Camden Local Development Framework Development Policies.

### 4 Refuse and recycling

Prior to commencement of development details of the arrangements for storage and collection of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority in respect of all residential units within the phase.

The development shall not be implemented other than in accordance with such measures as approved. All such measures shall be in place prior to the first occupation of any residential units in the relevant phase and shall be retained thereafter.

Reason: To safeguard the amenities of the future occupiers and adjoining neighbours in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

### 5 Prior to occupation, full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of

## Camden Local Development Framework Development Policies.

### 6 Provision of community centre

Prior to occupation of the residential units, the terrace for the community centre shall be made available for occupation and use and retained for the benefit of this use.

Reason: To ensure the satisfactory re-provision of existing community facilities in accordance with Policy CS10 of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 of the London Borough of Camden Local Development Framework Development Policies.

### 7 The development shall not be occupied until the whole of the car parking provision shown on the approved drawings is provided. Thereafter the whole of the car parking provision shall be retained and used for no purpose other than for disabled parking for the occupiers of the development.

Reason: To ensure that the use of the premises does not add to parking pressures in surrounding streets which would be contrary to policy CS5 [and CS11 if residential] of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

### 8 Car capping

Prior to first occupation of the residential units hereby approved, the landowner shall ensure through agreement that each occupier of the premises is informed of the Council's policy that they shall not be entitled (unless they are the holder of a disabled person's badge issued pursuant to s. 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit to park a vehicle in a residents parking bay, shall not be able to buy a contract permanently to park within any car park owned, controlled or licensed by the Council (with the exception of the car park hereby approved) and nor shall they be entitled to be granted a Business Parking Permit.

Reason: In order to ensure that there is no additional parking pressure within the vicinity, in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 and DP19 of the London Borough of Camden Local Development Framework Development Policies.

9 Servicing Management Plan

Prior to the occupation of the Class A uses a Servicing Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the frequency and proposed hours of servicing and the mechanisms that will be used to ensure loading and unloading takes place in accordance with the plan.

Reason: To avoid obstruction of the surrounding streets and ensure the safety of pedestrians, cyclist and other road users, in accordance with the requirements of policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16, DP17 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

10 Before the occupation of the residential units, the approved cycle parking facility shall be provided in its entirety and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

11 Level plans

No development commence until such time as the Council has confirmed in writing that it has received plans demonstrating the levels at the interface of the relevant phase of Development with the boundary of the Property and the Public Highway.

Reason: To ensure that the scheme promotes the use of sustainable transport means in accordance with policy CS11 of the London Borough of Camden Local Development Framework Core Strategy.

12 Plant areas

No plant or machinery shall be installed on the external parts of the building other than in the areas indicated as plant areas on the plans hereby approved.

Reason: To ensure that the appearance of any external plant is compatible with the appearance of the building and the area and to ensure that residential amenities are protected, in accordance with the requirements of policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

13 Prior to the installation of any mechanical plant an acoustic report, demonstrating how any mechanical plant to be installed will accord with the noise and vibration standards as set out in the Local Development Framework and CPG. The report shall include such manufacturer's specifications and details of noise and vibration mitigation measures as necessary.

The plant shall not be operated other than in complete accordance with such measures as may be approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 14 At 1 metre outside the windows of any neighbouring habitable room the level of noise from all plant and machinery shall be at all times at least 5 decibels below the existing background noise levels, expressed in dB(A) at such locations. Where the noise from the plant and machinery is tonal in character the differences in these levels shall be at least 10 dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 15 Use Classes

Notwithstanding the provisions of Class A of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, permission is hereby granted for the following Class A uses to take place within buildings constructed:

No more than 1100sqm GEA of floorspace shall be provided within use classes A1-A3.

Reason: To ensure that the future occupation of the premises does not undermine the vitality and viability of the Finchley Road/Swiss Cottage Town Centre, in accordance with policy CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP10 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 16 Ducting and ventilation

Prior to the installation of any ducting and ventilation associated with the proposed Class A retail uses, in respect of any floorspace within use class A3, details of extract ventilating system shall be submitted to and approved in writing by the Local Planning Authority. Such details to include routing of ducts and discharge points and associated acoustic isolation and sound and vibration attenuation measures and an Acoustic Impact report prepared by a suitably qualified and experienced acoustic engineer which sets out how the equipment would meet the council's published noise and vibration standards.

The acoustic isolation shall thereafter be maintained in effective order to the reasonable satisfaction of the Council. In the event of no satisfactory ventilation being provided, no primary cooking shall take place on the premises.



Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

17 Hours of use

Any Class A use hereby permitted shall not be carried out outside the following times: 08:00hrs to 23:00hrs Sunday to Thursday and Bank Holidays and 08:00hrs to 00:00hrs on Friday and Saturday.

Outdoor seating areas associated with the Class A uses shall be cleared of customers between 22:00 and 08:00 hours, 7 days a week.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

18 Active frontages

The shop front windows to the retail and food drink units shall be used for display purposes and the window glass must not be painted or obscured.

Reason: To safeguard the appearance of the premises and the character of the immediate area and to prevent the introduction of dead frontages within the development in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

19 Site Investigation and Submission of a Remediation Scheme.

Prior to commencing works below ground level, an intrusive land contamination survey shall be undertaken and the written results provided to the planning authority for their approval. Laboratory results must be provided as numeric values in a formatted electronic spread sheet. Before development commences a remediation scheme shall be agreed in writing with the Local Planning Authority and the scheme as approved shall be implemented before any part of the development hereby permitted is occupied.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

20 Local wind environment

Prior to commencement of development the following details of micro climate mitigation measures necessary to provide an appropriate wind environment throughout and surrounding the development shall be submitted to and approved in writing by the Local Planning Authority:

- the raising of the proposed the balustrade on the west-facing penthouse to 1.8m in height;
- mitigation along the west side of Hampstead Theatre, including full details of materials.

Development shall not be carried out other than in accordance with the approved measures.

Reason: To ensure that suitable measures are incorporated within the design to mitigate potential adverse wind environments arising from the development and to safeguard the amenities of the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

21 1 in 5 parking spaces (both active and passive) shall include access to an electrical charging point.

Reason: In the interests of sustainable transport in accordance with policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP16 of the London Borough of Camden Local Development Framework Development Policies.

22 HS2

(i) Prior to commencing works below ground level a detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any structures below ground level, including piling (temporary and permanent) have been submitted to and approved in writing by the Local Planning Authority which:

- Accommodate the proposed location of the HS2 structures and tunnels.
- Accommodate ground movement and associated effects arising from the construction thereof, and;
- Mitigate the effects of noise and vibration arising from the operation of the HS2 railway within the tunnels, ventilation shaft and associated below & above ground structures.

(ii) The design and construction method statements to be submitted under part (i) shall include arrangements to secure that, during any period when concurrent construction is taking place of both the development hereby permitted and of the HS2 structures and tunnels in or adjacent to the site of that development, the construction of the HS2 structures and tunnels is not impeded. The development shall be carried out in all respects in accordance

with the approved design and method statement, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in part (i) shall be completed, in their entirety, before any part of the building(s) hereby permitted is/are occupied.

(iii) No works below ground level comprised within the development hereby permitted shall be carried out at any time when a tunnel boring machine used for the purposes of boring tunnels for the HS2 Ltd railway is within 100 metres of the land on which the development hereby permitted is situated.

Reason: To manage the structural impact of the development upon the HS2 proposals, in accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP26 and DP27 of the London Borough of Camden Local Development Framework Development Policies.

- 23 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 24 The 6 private wheelchair adaptable units and 13 affordable, fully fitted out units shall be ready for occupation at the same time as the other residential units in the same block.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 25 The details of the following shall be submitted to, and approved in writing by, the Local Planning Authority before any work is commenced on the relevant part of the development.

- a) Shopfronts; including sections, elevations and materials
- b) Facing materials of all buildings
- c) Details including sections at 1:10 of all windows and door frames.
- d) Details including materials of all balconies and roof terraces.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the site and the character of the immediate

area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 26 Samples of all facing materials shall be submitted to or provided on site as bay studies of one storey height and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 [and DP25 if in CA] of the London Borough of Camden Local Development Framework Development Policies.

- 27 The proposed locations of replacement trees shall be investigated to ensure tree planting is viable.

(i) details of the proposed tree-pit locations shall be submitted to and approved in writing by the Council.

(ii) Should the Council determine that the proposed tree pit location(s) is (are) not viable, then details of another location as near as possible shall be submitted to and approved by the local planning authority in writing.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 28 Replacement trees that do not survive for five years after they are planted shall be replaced.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 29 All planting should take place in the following planting season with an aftercare plan to ensure longevity.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 30 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 31 Details of external lighting shall be submitted to and approved by the Local Planning Authority prior to first occupation of the development.

Reason: In the interests of security in accordance with policies CS17 and CPG1 (Design).

- 32 Before the occupation of the

- (i) community centre
- (ii) Class A retail uses,

full details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority.

The approved cycle parking facility shall be provided in its entirety and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 33 Two real time particulate monitors shall be installed prior to the commencement of construction and be retained for the duration of the construction. No development shall take place until full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they have been installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance. The monitors shall be installed 1 month prior to the development taking place and must be retained and maintained on site for the duration of the

development in accordance with the details thus approved. Real time data from the monitors should be available online, an council officers provided access to this data. In addition, quarterly reports should be sent to the Air Quality officer for the duration of the works. These should detail any exceedences of the trigger action level (which is 250 µg/m<sup>3</sup>), and the action that was taken to remedy this.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 34 Prior to installation of the plant, details of the proposed CHP engine and any required mitigation measures (e.g. SCR) to demonstrate that the Mayor's 'Band B' NO<sub>x</sub> emissions standards will be adhered to must be submitted to the Local Authority and approved in writing. The measures shall be installed in accordance with the approved details.

Prior to occupation, details (installation contracts, photographs) of the approved CHP engine and required mitigation measures to demonstrate that the Mayors 'Band B' NO<sub>x</sub> emissions standards will be adhered to must be submitted to the Local Planning Authority and approved in writing.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 35 The development shall achieve Level 4 of the Code for Sustainable Homes. The development shall not be occupied until evidence of a final Code Certificate (or any such equivalent national measure of sustainability for home design which replaces that scheme) certifying that Code Level 4 has been achieved, has been issued.

Reason: To ensure a sustainable and resource efficient development in accordance with the requirements of policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 36 Details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works:

- (i) proposed u-values
- (ii) what the approach to thermal bridging is.

Reason: To ensure a sustainable and resource efficient development in accordance with the requirements of policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development

Policies.

- 37 The development shall achieve 60% BREEAM score for the retail, retail/LUL and community buildings.

Reason: To ensure a sustainable and resource efficient development in accordance with the requirements of policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 38 Full details in respect of the brown roof in the area indicated on the approved roof plan of the tower element shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 39 Prior to the first occupation of the residential units, the mechanical ventilation shall be installed and be in full working order in accordance with the approved scheme. All such measures shall thereafter be retained and maintained.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 40 The development shall not be commenced until detailed design and assessment reports and outline method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by Camden which:

- provide details on all structures over and adjacent to LU assets
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels and mitigate against any EMC (Electromagnetic

Compatibility) issues arising from the construction of the new plant.

The development shall thereafter be carried out in all respects in accordance with the approved design and assessment report, method statements and subject to an agreed monitoring strategy, and all structures and works comprised within the development which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

41 The proposed Class A uses will operate within use classes A1, A2, and A3 only.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise and disturbance in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies and to protect the viability of Swiss Cottage Town Centre in accordance with policies CS7, DP12 and CPG5.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Environmental Health Service, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 2090 or by email [env.health@camden.gov.uk](mailto:env.health@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.



The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 4 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 5 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 6 A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality,  
Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

- 7 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 8 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
- 9 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 10 There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.
- 11 Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can also result in physical disturbance of aquifers.
- 12 In seeking to address conditions relating to foundation design and interaction with the proposed route of HS2, HS2 Ltd would recommend early engagement. Contact details can be found at [www.hs2.org.uk](http://www.hs2.org.uk).
- 13 The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement. (Thames Water)
- 14 The applicant would have to bear the full cost of any relocation of the bus stop on Avenue Road, should this be required during construction, via a section 278 agreement.
- 15 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 16 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of design, assessment, monitoring strategy and associated method statements, in particular with regard to: demolition; excavation; piling and construction methods.
- 17 The submission of an 'Approval In Principle' (AIP) should be discussed with Shane Greig in the Council's Highways Management Team. This should include structural details and calculations to demonstrate that the proposed development would not affect the stability of the adjacent public highway adjacent to the site and

should also include an explanation of any mitigation measures which might be required.