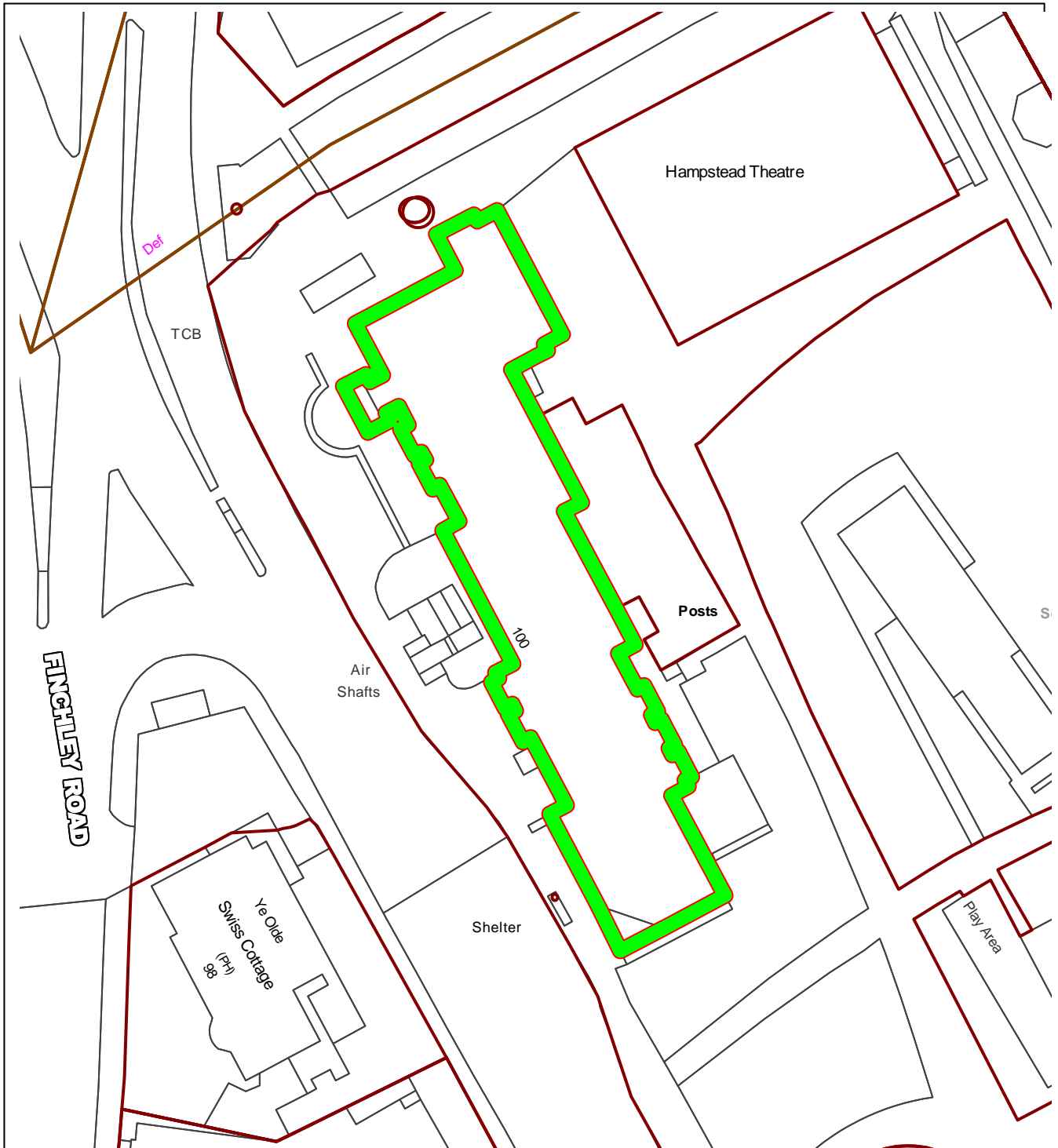


# 2016/2048/P 100 Avenue Road



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<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>09/05/2016</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	N/A
<b>Officer</b>			<b>Application Number(s)</b>	
Zenab Haji-Ismail			2016/2048/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
100 Avenue Road London NW3 3HF			See draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Amendment of condition 27 (u-values and thermal bridging) to require details before the relevant part of the work commences under planning permission 2014/1617/P dated 18/02/16.				
<b>Recommendation:</b>	<b>Grant Non Material Amendment</b>			
<b>Application Type:</b>	<b>Non Material Amendments</b>			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00*</b>	No. of responses	<b>170</b>	No. of objections	<b>170</b>
<b>Summary of consultation responses:</b>	<p>*As per the Town and Country Planning (Development Management Procedure) (England) Order 2015, statutory consultation and publicity is typically required for full applications, however there is no requirement for statutory consultation and publicity for non-material amendment applications.</p> <p>Camden's 'email alerts' have however notified subscribers of this non-material amendment application.</p> <p>As a result, 170 objections were raised by residents on the following grounds:</p> <ul style="list-style-type: none"> <li>• Objection the early demolition of the building</li> <li>• The proposal would constitute a material amendment as specified by the Inspector</li> <li>• The proposal would put lives at risk and result in disruption to the local residents</li> <li>• The proposal would have an impact on the nearby Regent's Park Zoo</li> <li>• The proposal is in the middle of the largest number of schools</li> <li>• The proposal is above the busiest London Underground stations and TfL's busiest bus routes</li> <li>• The demolition would constitute a material amendment as some time could elapse prior to construction before full detailed plans for the foundation works are approved</li> <li>• Swiss Cottage Green and the community would be exposed to pollution from the gyratory without the protection of the current building for too long and for an unnecessary period</li> <li>• Camden has been a Labour Council and it would be too bad if it changed due to the housing policies that seem to be in place at the moment</li> <li>• I think it is essential for the matters within Conditions 27 and 31 to be dealt with as per the requirements of the Conditions as they now stand</li> <li>• The situation could arise where, following such early demolition, the Applicant fails for whatever reason to satisfy the requirements of Conditions 27 and 31. Under those circumstances this would leave the site empty, and it would mean Swiss Cottage Green and the community would be open to pollution and noise from the gyratory system, without the protection of the current building, for an unknown period</li> <li>• This latest application appears to show up the developers' cynical disregard of the planning process we have undergone, and the democracy that should underpin it</li> <li>• The paved open areas between and in front of the new tall glass buildings along Euston Road, west of Tottenham Court Road. Their heights, albeit far more nicely designed buildings than what has been proposed here, have created wind tunnels causing gales to constantly blow through.</li> </ul>					

- It affects only a transient working population and does not afflict a residential area. Move away from the buildings, and there is often only a slight breeze. This is very likely to happen around the proposed Tower Block at Swiss Cottage and what is a pleasant amenity area for all residents will become just a back garden to the new residents of the Tower.
- Very unhappy that development of 100 Avenue is going ahead and that this valuable community space is going to be so severely altered and damaged.
- Seriously concerned with the lack of daylight over the small remaining communal area. It is a huge mistake to develop this area.
- Such early demolition would, if allowed, lead to the presence next to the Swiss Cottage green space of an intrusive empty and ugly building site, which could remain undeveloped for an indefinite period of time while consultation on proposed plans for foundation works is carried out. The current building acts as an important screen, protecting the open space, Hampstead Theatre, market and children's playground area from noise and pollution of heavy traffic on the Finchley Road. The loss of this protection for an indefinite length of time would seriously detract from the amenities of this public space, which are enjoyed on a daily basis by residents and visitors to the Swiss Cottage area.
- This is a material amendment being put forward to circumnavigate serious objections to a towering building. The site would become a health pollution hazard with unsightly disruption and unacceptable destruction of a very visible site. It is an inappropriate development and not viable in my opinion.
- Disappointed and surprised at the developer's evident interest in profit rather than enhancing anyone's living conditions, to learn that he is now trying to secure amendments to conditions no.27 and no.31 which would "allow demolition of the existing building to take place." Permission to go ahead with the demolition of the existing buildings without first having to secure approval of plans for dealing with problems arising from having to lay satisfactory foundations in such a sensitive location clearly constitutes a material amendment. Who knows how much time might elapse between demolition and the approval of full detailed plans for the foundation works? We could be left for an indefinite period with an unsightly and inactive construction site, ruining the local amenities of the Green and library and sports facilities, not to mention the theatre and its café and drama school, all left wide open to the pollution (noise and fumes) of the gyratory and unprotected by the barrier of the current building.
- The inspector overrode the objections of the council and of the public, to allow development to go forward. The minimum we can expect is that the inspector's conditions, that he imposed, should be carried out to the letter. We do not want the area to be blighted by a premature demolition, long before building works proper start.
- Allowing the amendments of the inspector's conditions, in particular the part which will not permit demolition until these conditions are satisfied will render the 'planning permissions' implemented as soon as demolition takes place. This means that the three year time limit in which the construction needs to commence will become void. This in turn will mean that changes of the scheme will be possible without a new planning application.
- This monstrosity should never have been approved, but as it has been , you must now ensure that the greedy and unscrupulous developers st

	<p>ick to all the necessary agreements and conditions.</p> <ul style="list-style-type: none"> <li>• It seems to me that it is particularly important that the conditions relating to foundation design be met, since these are obviously critical to the feasibility of the proposed 24-storey tower.</li> </ul> <p>Officer response: This application only relates to the submission of details relating to u-values and thermal bridging prior to the construction phase rather than the demolition phase. The majority of objections received as part of this application do not relate to the changes to condition 27 per se. The objections express disappointment in the decision that was made by the Secretary of State. The concerns raised primarily relate to condition 31 which requires the applicant to submit information relating to foundation works prior to any demolition which formed part of the application that was withdrawn (2016/1321/P) and subsequently refused (2016/2128/P).</p> <p>Matters raised in respect of transportation, construction and local amenity areas such as the zoo, the immediate and adjacent conservation areas and open spaces are noted as part of the officers assessment, but are however adjudged not to substantiate a refusal of this permission.</p> <p>In mind of this, the following officer report in paragraphs 3.1 to 3.5 shall comment on the material nature of the change and its implications.</p>
<p><b>CAAC/Local groups comments:</b></p>	<p>The Heath and Hampstead Society, the Belsize Residents Association, Save Swiss Cottage and Elsworthy Road Association objected on the following grounds:</p> <p>The proposed amendment to the conditions would constitute a material change as it would allow the early demolition of the existing building without a suitable replacement building in place</p> <p>This latest application is confirmation of the applicants' contempt for local and Borough views. It also seeks to overturn the orderly process of Planning control, by requesting the removal of essential conditions imposed on the Permission.</p> <p>It would be irresponsible and downright dangerous to permit the demolition of the existing building, thereby effectively approving the commencement of the development, before approval of the foundation designs.</p> <p>The subterranean engineering implications of this development are complex, involving the structure and public safety of the London Underground station and tunnels at Swiss Cottage. Scrutiny of the detailed designs in relation to this will involve not just normal engineering considerations, but also negotiations with London Underground on a wide range of issues affecting the security of the network and, above all, public safety. It is absolutely essential that this whole process is completed in full before the project can be allowed to start. This was the reasoning behind the drafting of the conditions, and must not be overturned.</p> <p>Officer response: The following officer report in paragraphs 3.1 to 3.5 shall comment on the material nature of the change and its implications.</p>

## Site Description

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.

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. Northeast 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.

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.

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.

The existing building on the site was developed in the 1980's and accommodates 8,152.8sqm office floorspace and 673.4sqm restaurant use.

The site forms part of the Swiss Cottage Town Centre area and is identified (site 30) within the Camden Site Allocation Document.

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.

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 southeast. The site is not covered by any strategic views.

## Relevant History

2016/2128/P – (05/05/2016) *Non-material amendment refused* for amendment of condition 31 (to allow discharge of the conditions prior to the commencement of below-ground works) of planning permission 2014/1617/P dated 18/02/16 for 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, commercial space and associated works.

- Reason for refusal: officers were not satisfied that the proposal was non-material, officers considered that the demolition of the existing buildings without details on the feasibility of the erection of the replacement building could result in a delay in the proposed building being erected, officers therefore considered this to be a material amendment.

2016/1321/P – (22/03/2016) *Application withdrawn* for amendment of conditions 27 and 31 (to allow discharge of the conditions prior to the commencement of below-ground works) of planning permission 2014/1617/P dated 18/02/16 for 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.

2014//1617/P - (18/02/2016) *Granted conditional planning permission subject to Section 106 Legal Agreement by the Secretary of State* for; 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.

### **Relevant policies**

National Planning Policy Framework 2012

The London Plan 2016

Mayor's Supplementary Planning Guidance

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

##### LDF Core Strategy

CS13 Tackling climate change through promoting higher environmental standards

CS16 Improving Camden's health and wellbeing

#### **LDF Development Policies (adopted November 2010)**

DP22 Promoting sustainable design and construction

DP23 Water

DP32 Air quality and Camden's Clear Zone

#### **Supplementary Planning Policies**

##### Camden Planning Guidance

CPG 3 Sustainability (2015)

## Assessment

### 1. Background:

1.1 The applicant has previously submitted an application (2016/1321/P) for both conditions 27 (U-values and thermal bridging) and 31 (foundation works). Officers noted that the proposed amendment to condition 31 was material as it could leave the site vacant without the necessary details in place for the proposed foundations; this application was therefore withdrawn by the applicant. A subsequent application under planning ref. 2016/2128/P solely seeking a non-material amendment to condition 31 was refused as officers considered the change was material. – see relevant history

### 2. Proposal

2.1 This proposal seeks to amend planning condition 27 of the application 2014/1617/P which was granted consent by the Secretary of State on 18/02/2016.

2.2 The amendment would allow details relating to proposed u-values and the approach to thermal bridging for the new buildings to be provided prior to the construction phase of the development, rather than prior to commencement of the development as a whole, typically understood as the demolition phase.

### 3. Condition 27: U-values and Thermal Bridging

3.1 In broad terms, both thermal bridging and u-values measure how effective a material is an insulator. This also includes wall-floor junctions, wall-roof junctions, lintels, jambs, cills, intermediate floors, balconies, corners, party walls and other significant junctions and is also linked to building regulations.

3.2 Condition 27 reads as:

*Before any development commences details of proposed u-values and the approach to thermal bridging shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

*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.*

3.3 Currently, as the condition is read, the applicant is required to submit the information relating to the U-values and thermal bridging prior to any commencement of works on site. The applicant is therefore required to submit the information prior to any demolition of the existing building.

3.4 The proposed amendment to the condition would require the applicant to submit the relevant information in relation to U-values prior to the erection of the new buildings and therefore demolition could take place on site without the need to discharge this condition at this stage only. The replacement condition would read:

*Before the relevant part of the work commences (other than demolition) details of proposed u-values and the approach to thermal bridging shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

*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.*

3.5 Given the specificity of this condition to the proposed buildings, it is accepted this matter can be held at a later development phase. The nature of this amendment would have no impact upon the implementation of the demolition phase, the appearance of the new buildings, and its impact upon



amenity levels, traffic congestion/construction or land use matters, that are themselves held by their own relevant conditions. It would also be noted that this amendment would be in line with 25 conditions attached to this permission which also require details to be submitted and approved in writing prior to relevant works.

**Conclusion and Recommendation:**

To conclude, the applicant seeks amendment to condition 27 (U-values and thermal bridging) so the applicant may demolish the existing building and submit the relevant details prior to the erection of the new buildings. The nature of the proposal and stage at which the details would be provided for approval would not have any detrimental impact upon the locale.

***DISCLAIMER***

*Decision route to be decided by nominated members on Monday 9th May. For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'*

Ms Lorna Henderson  
Turley Associates  
17 Gresse Street  
London  
W1T 1QL

Application Ref: **2016/2048/P**  
Please ask for: **Zenab Haji-Ismail**  
Telephone: 020 7974 **3270**

26 January 2012

Dear Sir/Madam

**DRAFT**  
**DECISION**

Town and Country Planning Act 1990 (as amended)

**Grant of Non Material Amendments to planning permission**

Address:  
**100 Avenue Road**  
**London**  
**NW3 3HF**

Proposal: Amendment of condition 27 (u-values and thermal bridging) to require details before the relevant part of the work commences (other than demolition) under planning permission 2014/1617/P dated 18/02/16.

Drawing Nos: Turleys Supporting Letter (dated April 2016).

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

1 **REPLACEMENT CONDITION 27**

Before the relevant part of the work commences (other than demolition) details of proposed u-values and the approach to thermal bridging shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Director of Supporting Communities



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

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

Informative(s):

- 1 You are advised that this decision relates only to the changes set out in the description, and shall only be read in the context of the substantive permission granted on 18/02/2016 under reference number 2014/1617/P and is bound by all the conditions attached to that permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Director of Supporting Communities

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