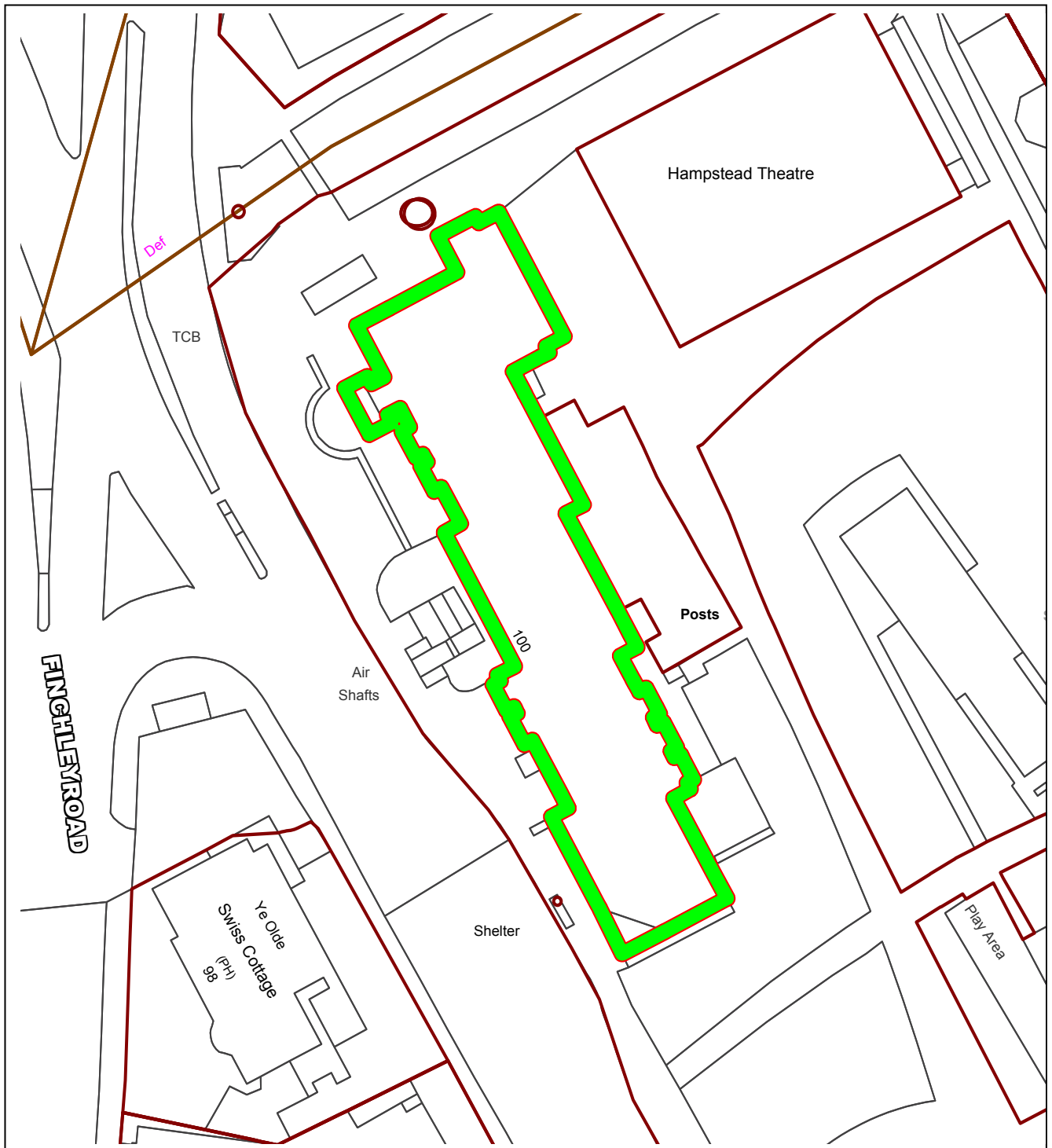


100 Avenue Road, NW3 3HF ref:
2017/3838/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	31/08/2017
		N/A / attached		Consultation Expiry Date:	NA
Officer			Application Number(s)		
Jonathan McClue			2017/3838/P		
Application Address			Drawing Numbers		
100 Avenue Road London NW3 3HF			Refer to Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
<p>Details of the west-facing balustrade to partially discharge condition 15 (microclimate mitigation measures), with details of the landscaping to the eastern boundary of the site adjacent to Hampstead Theatre being reserved, of planning permission 2014/1617/P dated 18/02/2016 (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 1,041 sqm 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 1,350 sqm 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).</p>					
Recommendation(s):		Grant Approval of details			
Application Type:		Approval of Details			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	29	No. of objections	29
Summary of consultation responses:	<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 statutory requirement for consultation/publicity for Approval of Details/Discharge of Conditions applications.</p> <p>Camden’s ‘email alerts’ have however notified subscribers of this Approval of Details application.</p> <p>29 objections have been received from residents, including someone from the Save Swiss Cottage Action Group, on the following grounds:</p> <ul style="list-style-type: none">• Fire safety and emergency access – planters would block access for emergency vehicles• The trees do not have dense branches during winter, take up to 20 years to reach maturity, some are highly susceptible to disease, require different conditions, create danger through fallen fruits and some of the low level plants are highly toxic• Dispute the micro climate report that states that Beaufort Force 6 would not cause significant nuisance to pedestrians on thoroughfares• Proposed mitigation does not deal with areas of high wind, which the tower would cause outside Swiss Cottage tube station on Eton Ave, at key locations in the Swiss Cottage Farmer’s market, at the proposed cut-through between Avenue Road and the Green Space and at the start of the proposed CS11 cycle lane beside College Crescent• The Air Quality Monitoring Station at Swiss Cottage routinely records some of the highest levels of pollution in Camden, and the proposed development will funnel all that noise and pollution directly into the open green space• The trees in the vicinity of the proposed tower include some which produce a fine dusty pollen and this already gets in one’s eyes as a hazard. Strong winds will accentuate this danger. Small branches already get blown down from the local trees and stronger winds will increase this hazard• Proposal would lead to inevitable litter and detritus that bare and					

	<p>unowned windy places attract</p> <p><u>Officer comment:</u></p> <p><i>The majority of the objections are in relation to the proposed eastern boundary landscaping, which no longer forms part of the proposal and is not being considered. Other objections relate to wider wind impacts, which are also not being considered as part of the Approval of Details application. The subject application only relates to balustrade details in the west-facing balustrade of the main tower. No objections have been received in relation to the balustrade proposal. The details relating to the eastern boundary landscaping are being reserved for later discharge and are not being considered.</i></p>
<p>CAAC/Local groups comments:</p>	<p>Included above</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 onto the junction. The site has an area of 6,162m².

The site is bounded on its northern side by the western end of Eton Avenue, which is pedestrianised and occupied by an occasional market. On the northern side of Eton Avenue is the School of Speech and Drama, which is 8 storeys high.

Northeast of the site is the Hampstead Theatre, which fronts onto 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.

In February 2016 planning permission (ref. 2014/1617/P) was granted on appeal for the demolition of the existing building on the site to be replaced by a 24 storey building and a part 7 part 5 storey building comprising a total of 184 residential units (Class C3) and up to 2,391m² of retail, food and drink and community uses.

Relevant History

2014/1617/P - 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 - Granted conditional planning permission subject to a Section 106 legal agreement on appeal on 18/02/2016.

2016/1321/P – Amendment to Conditions 27 and 31 (to allow discharge of the conditions prior to the commencement of belowground 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 – Withdrawn on 22/03/2016.

2016/2128/P – Non-material amendment for amendment to 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 – Refused on 05/05/2016

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.

2016/2048/P - Non-material amendment to Condition 27 (u-values and thermal bridging) of planning permission 2014/1617/P dated 18/02/16 to require details before the relevant part of the work commences - Granted on 10/05/2016.

2016/2803/P - Variation of condition 31 of planning permission 2014/1617/P dated 18/02/16 for demolition of existing building and redevelopment for a 24 storey building comprising a total of 184 residential units and flexible commercial and community use with associated works namely to change the point at which full details are submitted – Withdrawn on 28/07/2016.

2016/6699/P - Details pursuant to Condition 31 (outline method statement) of planning permission 2014/1617/P dated 18/02/16 – Granted on 20/06/2017

2017/3139/P - Details of u-values and approach to thermal bridging as required by condition 27 of planning permission 2014/1617/P dated 18/02/2016 - Granted on 17/07/2017

2017/4036/P - Non-material amendment of planning permission 2014/1617/P dated 18/02/16 to make alterations to the original scheme, including the relocation of ground floor entrance openings; internal layout changes to floorplans; basement layout changes to car parking spaces, cycle parking and refuse; relocation of access doors to communal terrace; relocation and amendment of rooftop plant, services and lift overrun including removal of building maintenance units; amendment to the basement levels; modular, louvre and soffit changes to elevation treatment; glazing detail changes including window openings, doors and mullions; amendments to glazed Juliet balconies, balcony dividers and handrails – registered on 14/07/2017 and currently being considered

2017/4196/P - Details of the levels at the interface of the development with the boundary of the property and the public highway to discharge condition 4 (boundary levels) of planning permission 2014/1617/P dated 18/02/2016 - registered on 21/07/2017 and currently being considered

Relevant policies

National Planning Policy Framework 2012

NPPG

The London Plan 2016

Mayor's Supplementary Planning Guidance

Camden Local Plan June 2017

The original permission was granted when the Local Development Framework was the relevant local policy document. Therefore, the condition wording refers to 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 as referenced within the condition wording. The Camden Local Plan was adopted on 03/07/2017. Policy CS5 has been superseded by

policies G1 (Delivery and location of growth); A1 (Managing the impact of development); D1 (Design); CC1 (Climate change mitigation) and DM1 (Delivery and monitoring). Policy DP26 has been superseded by A1. The relevant policies for the propose of this application are therefore:

G1 (Delivery and location of growth)
A1 (Managing the impact of development)
D1 (Design)
CC1 (Climate change mitigation)

Assessment

1.0 Proposal

1.1 This application relates solely to the partial discharge of condition 15 of 2014/1617/P dated 18/02/2016, which states (relevant part of condition **underlined and bolded**):

Development works (other than Demolition) shall not take place until details of the following micro climate mitigation measures have been submitted to and approved in writing by the council.

*- **the raising of the proposed balustrade on the west-facing penthouse to 1.8m in height** and mitigation in the area of the eastern site boundary adjacent to the Hampstead Theatre 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.

1.2 The details being considered as part of this application are the proposed balustrade treatment on the west-facing penthouse. This includes the balustrade treatment on the west roof terrace at level 23 of the tower. An elevation and section have been submitted. It is noted that the materials and detailed design are subject to approval under condition 18(C).

1.3 The requirement to raise the balustrade to 1.8m is mentioned within the original microclimate assessment submitted to support planning application 2014/3838/P. This is acknowledged in the Council's Committee Report and suggested as a planning condition within the draft decision notice (the application was ultimately refused by the Planning Committee). The necessary works, to mitigate wind to the high level amenity space, are discussed by the Inspector as part of the upheld appeal (ref: APP/X5210/W/14/3001616) and were subsequently reserved for planning condition.

1.4 The other details required by planning condition 15 - '*mitigation in the area of the eastern site boundary adjacent to the Hampstead Theatre Development*' – do not form part of this application. These details are being reserved for a future submission, so they can be assessed as part of a site wide landscaping scheme required by condition 3.

Revisions

1.5 The applicant originally submitted landscaping details to the eastern boundary of the site to fully discharge the planning condition. After reviewing the details with the Council's Tree and Landscaping Officers, it was decided to withdraw these details from the submission. A new application form was submitted with an updated description and confirmation that condition 15 is only being partially discharged.

2.0 Assessment

2.1 The submitted details of the west roof terrace of the penthouse confirm that the balustrade height would be raised to 1.8. This would provide an appropriate barrier against wind for the prospective occupiers at the upper level of the tower. It is noted that the materials and detailed design of the balustrade is required as part of condition 18(C). The balustrade will need to be of sufficient design quality as well as meeting mandatory Building Regulations to ensure it is safe and secure. On this basis, the details are considered to satisfy the wording of the condition and are in general accordance with policies G1 (Delivery and location of growth), A1 (Managing the impact of development), D1 (Design) and CC1 (Climate change mitigation). Therefore, the condition can be partially discharged for the balustrade element only.

3.0 Recommendation: Grant Permission (Approve the Details)

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 31st July 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr Richard Evans
WYG
9 Mansfield Street
London
W1G 9NY

Application Ref: **2017/3838/P**
Please ask for: **Jonathan McClue**
Telephone: 020 7974 **4908**

25 July 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Approval of Details Granted

Address:

**100 Avenue Road
London NW3 3HF**

DECISION

Proposal: Details of the west-facing balustrade to partially discharge condition 15 (microclimate mitigation measures), with details of the landscaping to the eastern boundary of the site adjacent to Hampstead Theatre being reserved, of planning permission 2014/1617/P dated 18/02/2016 (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 1,041 sqm 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 1,350 sqm 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).

Drawing Nos: SC_GRID_0_A_PL212

The Council has considered your application and decided to approval of details.

Executive Director Supporting Communities



- 1 The applicant is advised that conditions 3, 4, 5, 6, 9, 14, 15 (partial for eastern boundary mitigation only), 16, 17, 18, 19, 22, 23, 25, 26, 29, and 30 of planning permission 2014/1617/P dated 18/02/2016 remain outstanding and must be approved before the relevant stage of the development.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION