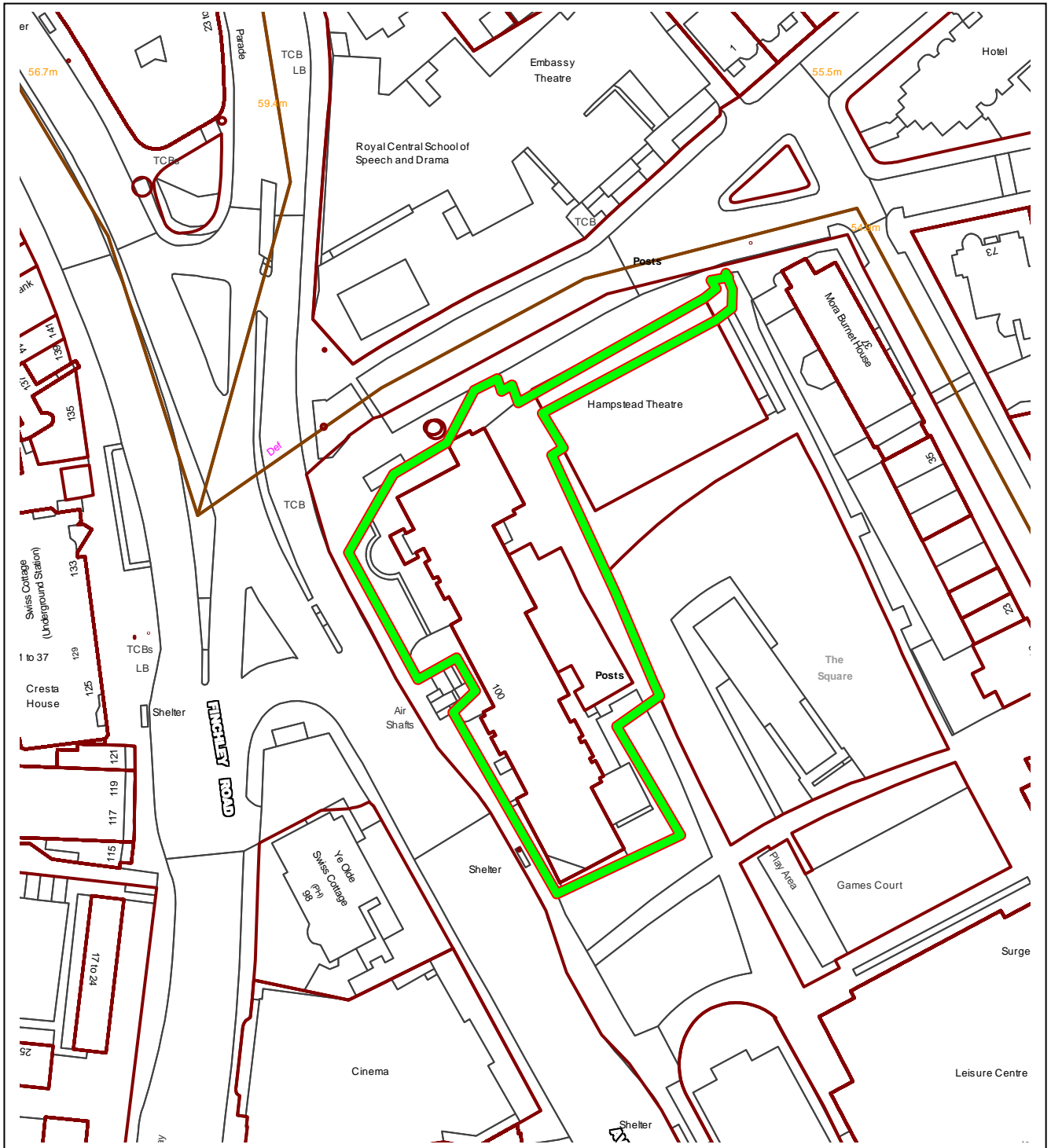
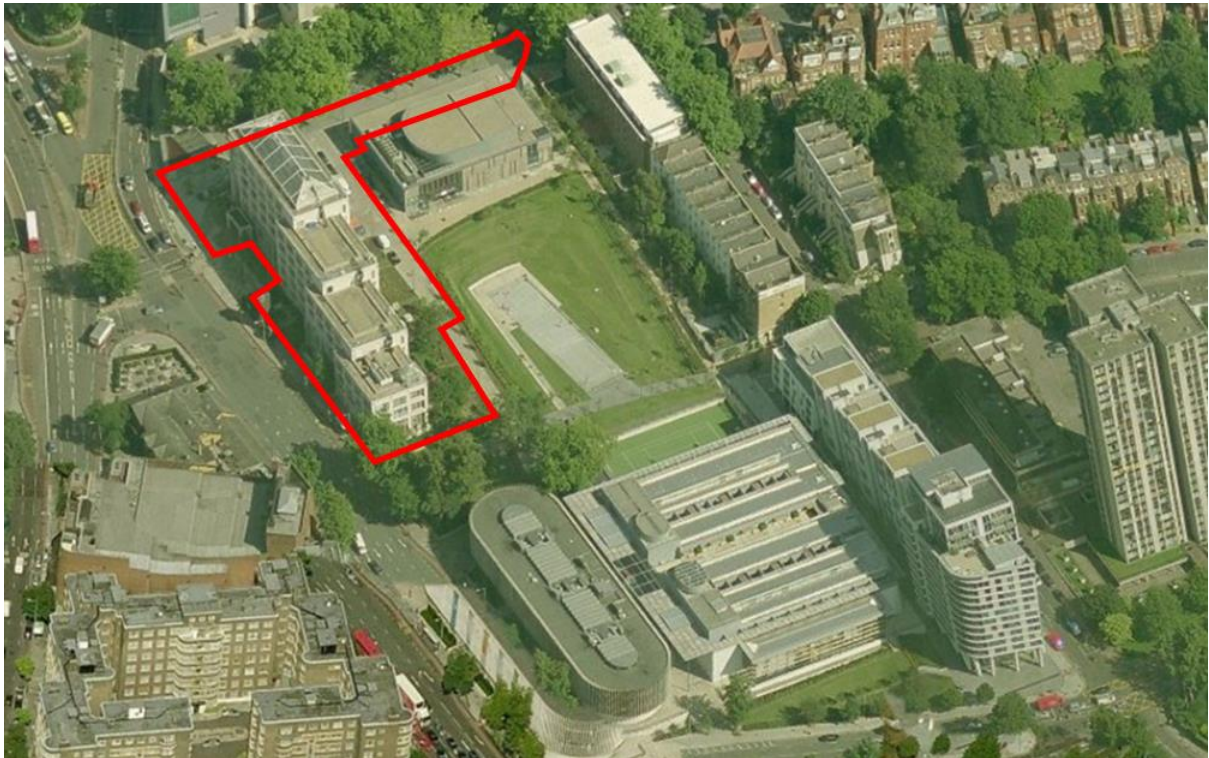


100 Avenue Road, NW3 3HF ref:
2017/6884/P



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Below: Aerial View of Site



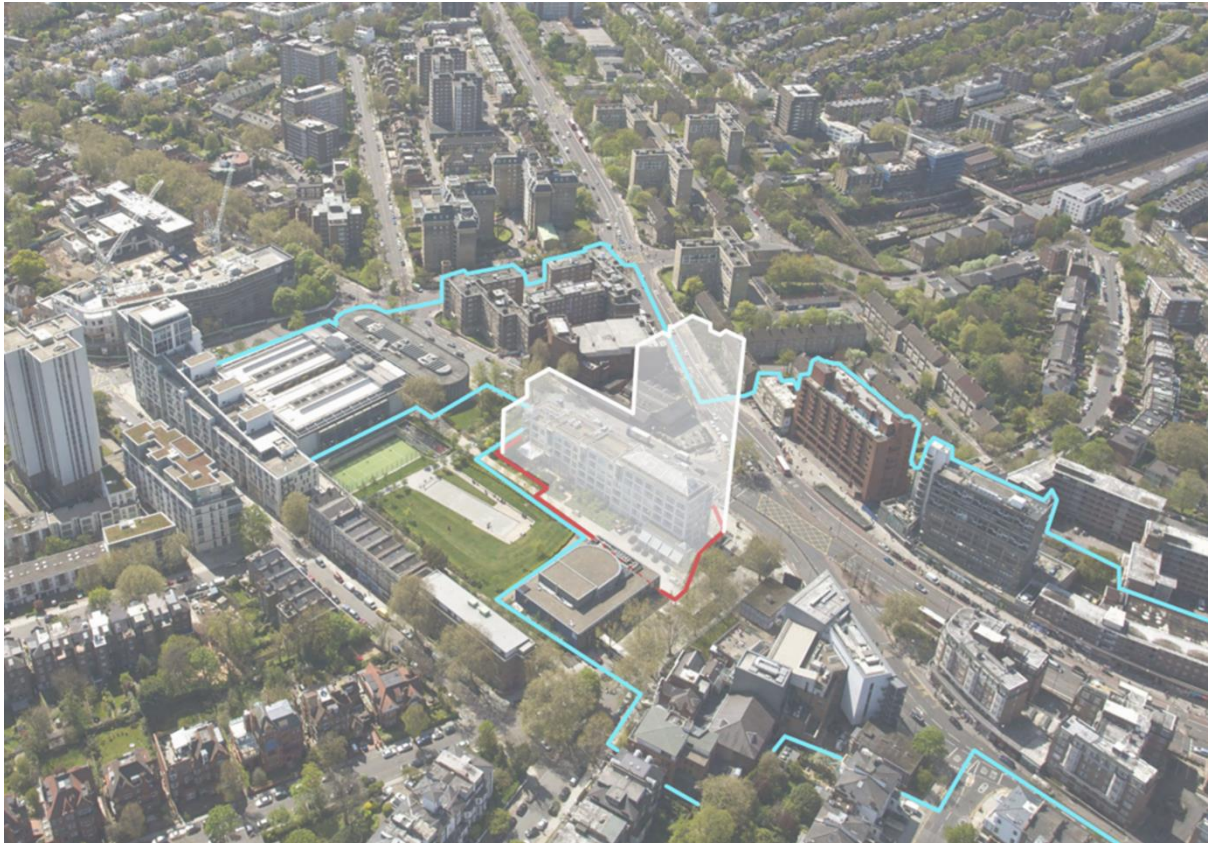
Below: CGIs of Approved Scheme







Below: Outline of Approved (in White), Application Site (in Red) and Swiss Cottage Town Centre (in Blue)



Delegated Report		Analysis sheet	Expiry Date:	25/04/2018
(Members Briefing)		N/A / attached	Consultation Expiry Date:	N/A
Officer			Application Number(s)	
Jonathan McClue			2018/1098/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 detailed design and construction method statements relative to the HS2 structures and tunnels pursuant to condition 17 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	04	No. of objections	4
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 planning applications; however, there is no statutory requirement for consultation/publicity for Approval of Details applications.</p> <p>The National Planning Practice Guidance (NPPG), which contains Government guidance on the planning process, contains guidance on the discharging of planning conditions here.</p> <p>Notwithstanding the above, the Council has an 'email alerts' system that notified relevant subscribers to the application on 01/03/2018. The email alert was re-triggered on 06/03/2018 as one of the 'Impact Assessment of HS2 Tunnel on Piles and Superstructure' document was not made public until several hours after the original email alert was sent. Both of these email alerts are surplus to any statutory requirements and the second alert was done in good faith.</p> <p>Four objections have been received from three local residents and Save Swiss Cottage which raise the following issues:</p> <ul style="list-style-type: none"> • Why has there been a change of wording to the HS2 condition submitted in response to the original Planning Application ref 2014/1617/P. This changes the trigger for the submission of the information from that originally requested by HS2 (None of the development hereby permitted shall be commenced on those parts of the site shown on the site as shown as falling within the 'Limits of Land Subject to the Safeguarding Direction' until detailed design and construction method statements) to 'Works below ground level shall not start until detailed design and construction method statements' • According to this report, the three specific requirements of Condition 17 of Planning Permission 2014/1617/P dated 18 Feb. 2016 have not yet been met: "Accommodate the proposed location of the HS2 structures and tunnels." - HS2 acknowledge that the locations have not yet been precisely specified. "Accommodate ground movement and associated effects arising from the construction thereof, - 'Pile downdrag' which affects ground movement, has not yet been assessed. "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". - Site specific noise and vibration data from HS2 has not yet been provided. • The Impact Statement does not seem to satisfy condition 17 as the proposed location of the HS2 structures and tunnels has not been met. Nor can it give any certainty that there will be no adverse impact on either HS2 tunnels or the new 100 Avenue Road development from the combined projects. According to Condition 17 more details are needed. • I am concerned that in his response to this Impact Assessment James Fox claims "the proposed piling remains well clear of the HS2 exclusion zone". In fact it has been confirmed that the southern edge of the development, which requires piling, falls well within the exclusion zone. • I am also concerned about possible noise and vibration. James Fox says a consultant has also considered the noise and vibration impacts, but it is not clear how he arrived at this conclusion when Hann Tucker acknowledge "In the absence of any noise and vibration data provided by HS2 relevant to 					

Swiss Cottage we are unable to conduct any further analysis.”

- “The depth of the London Clay stratum was not proven. Table 2.1 presents the ground model derived by AECOM: * Base not proven in site investigation.” Should not this information be submitted at this stage, before discharge and commencement?
- “A line of proposed piles are located south of the site where the HS2 tunnels safeguarded zone is located. For this impact assessment, a pile length of 41 m bgl will be assumed for the piles in the area of the proposed tunnel.” Should not pile length be established at this stage?
- “The following assumptions have been considered in the Impact Assessment re: • Ground level • HS2 tunnel diameter • Depth of the tunnel axis • Pile length • Tunnel settlement • ” Can ‘assumptions’ of this magnitude be congruent with the specific requirements of condition 17 for: “detailed design and construction method statements
- Where is Hann Tucker’s “noise and vibration assessment”?
- If “HS2 Site specific noise & vibration data” is not provided at this stage how can condition 17 be discharged requiring “detailed design and construction method statements that shall: Mitigate the effects of noise and vibration arising from the operation of the HS2 railway within the tunnels”?

Officer’s comment: Please refer to paragraphs 1.2, 2.1 and 3.1-3.6 in the assessment below. Essentially, the condition was requested by HS2 as asset protection, HS2 were consulted on the details, and are satisfied that the submitted details meet their requirements and would have no adverse impact on HS2 delivery.

'OUR REF: HS2-LBC-SC-002

Dear Mr McClue,

Thank you for consulting HS2 Ltd on the above matter, we have the following comments to make.

Firstly, as you rightly point out below the submitted details include minutes of a meeting held with HS2 Ltd representatives in October 2017, the purpose of which was to discuss the HS2 Impact Statement that was being prepared for submission to the Local Planning Authority in response to planning condition 17. Resulting comments were then considered and fed into a revised report for issuing to the LPA.

Colleagues within the HS2 Construction team have re-assessed the applicant's impact assessment report and confirm the proposed piling remains well clear of the HS2 exclusion zone. The developer has also considered the issue of tunnel settlements in their design which appear acceptable and a consultant has also considered the noise and vibration impacts. In terms of respective delivery programmes, the development will be near to completion by the time HS2 are tunnelling beneath the application site, so there is again a minimal impact expected.

Accordingly I confirm there is no impact on HS2 delivery in this location and subject to ongoing compliance with remaining planning condition 17 requirements the submitted details are acceptable for purposes of discharging the relevant part of the aforementioned condition.'

Officer comment:

The response from HS2 confirms that the applicant has been in discussions with them, that the piling is well clear of the exclusion zone, the development would be near completion by the time HS2 tunnelling near the site is expected and advise the relevant planning condition can be discharged.

High Speed 2 (HS2)
Limited Safeguarding
Planning Manager
06/03/2018

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. Planning permission has been implemented and is extant – the commencement works were granted a Certificate of lawfulness existing use or development (CLEUD) under 2017/6884/P.

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.

2016/1893/P - Detail of air quality monitoring required by condition 24 of 2014/1617/P dated 18/02/2016 – Granted on 27/06/2016

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.

2016/2352/P - Details of tree protection required by condition 21 of planning permission 2014/1617/P dated 18/02/2016 – Granted on 27/06/2016

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

2017/3838/P - Details of the west-facing balustrade to partially discharge condition 15 (microclimate mitigation measures) of planning permission 2014/1617/P dated 18/02/2016 - Granted on 01/08/2017

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 – Granted on 30/08/2017

2017/4036/P - Non-material amendment of planning permission 2014/1617/P dated 18/02/16 has been submitted for a series of internal and external changes to the buildings. The application has been referred to Planning Committee and is waiting to be decided.

2017/5859/P - Details of Geoenvironmental Interpretative Report and Laboratory results calculations to discharge condition 14 (1) (land contamination survey and lab results) of planning permission 2014/1617/P dated 18/02/2016 – Granted on 12/12/2017

2017/6638/CMP – A draft Construction Management Plan (CMP) has been submitted to Planning Obligations to be reviewed. An application has been setup to facilitate the accessing of CMP and recording of consultation comments. The decision will be reported to Member's Briefing.

2017/6884/P – A Certificate of lawfulness existing use or development (CLEUD) to establish that demolition works constituted a material operation for commencement of planning permission 2014/1617/P (allowed under appeal ref: APP/X5210/W/14/3001616 dated 18/02/2016) in accordance with condition 1 – Granted on 08/02/2018

Relevant policies

National Planning Policy Framework 2012

NPPG

The London Plan 2016

Mayor's Supplementary Planning Guidance

Local Development Framework

The original permission was granted when the Local Development Framework was the relevant local policy document. Therefore, the condition wording refers to policies CS5 and CS14 of the Core Strategy and policies DP24, DP26 and DP27 of the Development Policies. These policies are listed below and have full weight for the purposes of the assessment of this application:

Core Strategy

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

Development Policies

DP24 (Securing high quality design)

DP26 (Managing the impact of development on occupiers and neighbours)

DP27 (Basements and lightwells)

Camden Local Plan 2017

The Camden Local Plan was adopted on 03/07/2017 and replaced the Local Development Framework. The relevant policies are listed below; however, they have limited weight as the Local Development Framework policies were the ones applicable at the time the original permission was granted and the relevant planning conditions set.

- G1 (Delivery and location of growth)
- A1 (Managing the impact of development)
- D1 (Design)
- A5 (Basements and Lightwells)

Assessment

1.0 Background

1.1 As stated in the letter dated 08/04/2014 from HS2, attached as Appendix 1, on 25/11/2013 HS2 Ltd deposited the hybrid Bill in Parliament which confirmed the government's intention to proceed with a new high speed rail link between London and the West Midlands. The application site falls within the limits of land subject to the safeguarding direction as a sub-surface interest. This is shown on the safeguarding map below (Figure 1).

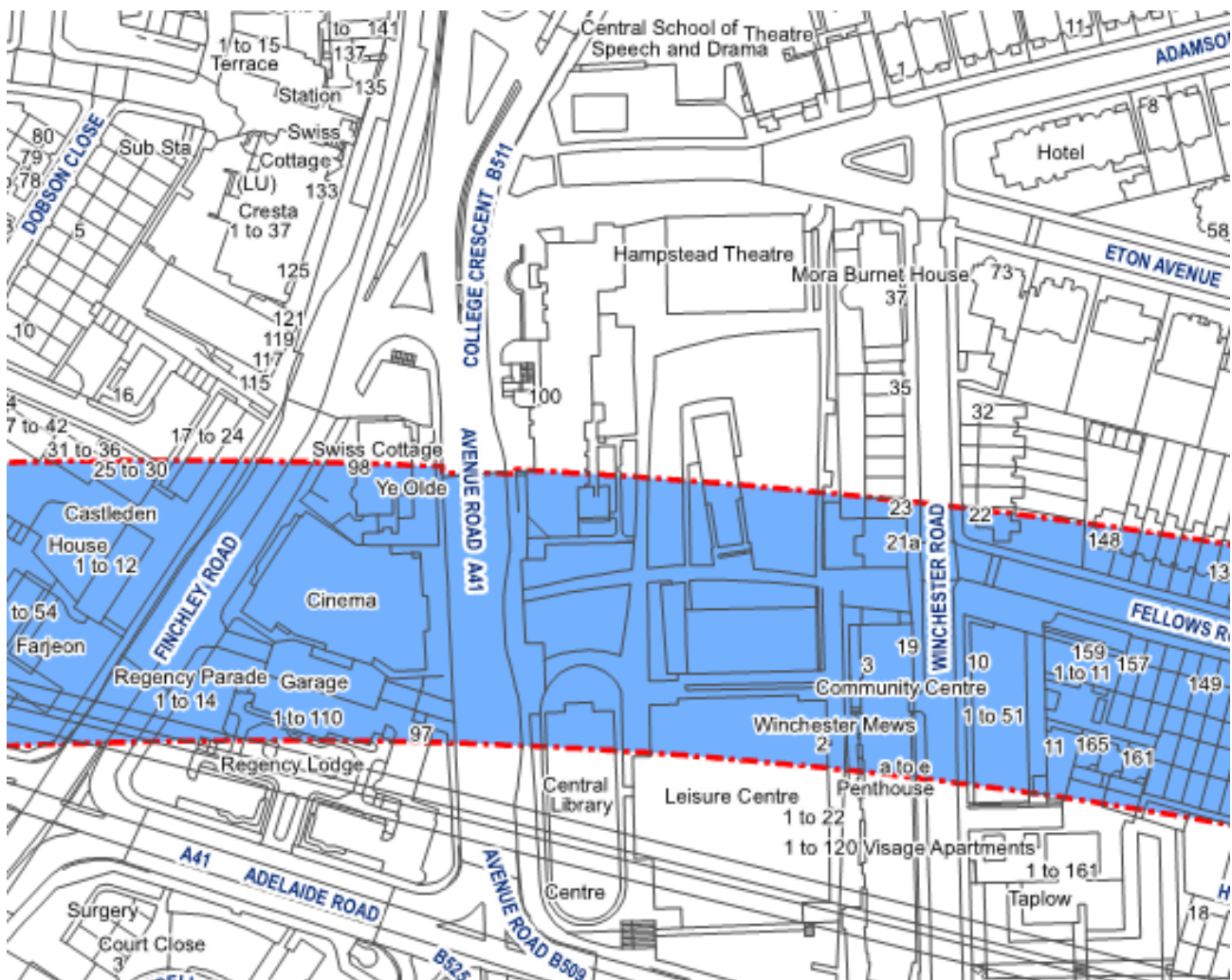


Figure 1 (above): Section of map from the HS2 safeguarding directions map. The application site is near the centre of the image. The blue shaded area is the - Safeguarded Area: Sub-surface – zone. This means that there is a proposed HS2 tunnel and HS2 must be consulted on any below ground works.

1.2 The original consultation response from HS2 (see Appendix 1) states that:

'Whilst proposed HS2 tunnels are almost at their deepest point in this location, (with the crown around 30m beneath the existing pile toes), our 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.

In light of the above situation and in the event that you are minded to approve the application, HS2 Ltd would request that the following planning conditions are placed on the decision notice. In the absence of these conditions there would be no means to ensure that the foundation design of the buildings are:

- 1. Built to ensure their structural integrity takes account of the future potential presence of HS2 beneath the site; and*
- 2. Do not cause a construction conflict with the proposed alignment of HS2.'*

2.0 Proposal

2.1 This application is seeking to discharge condition 17 of 2014/1617/P dated 18/02/2016, which states:

'17. (i) Works below ground level shall not start until 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. These shall:

- 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 and 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.

3.0 Assessment

3.1 The planning condition requires detailed design and construction method statements for all the ground floor structures, foundations, basements, below-ground structures and any piling. These details need to demonstrate that the proposals accommodate HS2 structures and tunnels. Ground movement from construction, mitigation of noise and vibration from the operation of HS2. The reason

behind the planning condition is to manage the structural impact of the development upon HS2.

3.2 The application is supported by 'Impact Assessment of HS2 Tunnel on Pile and Superstructure' prepared by Robert Bird Group. Reference within the document is made to a 'Project Method Statement for Swiss Cottage) by O'Keefe Construction (Appendix B of the Impact Assessment). The report describes the construction activities in relation to their impact on HS2 and predicts that they will have no adverse impact on HS2 assets. A HS2 Ground Movement Assessment technical note is attached to the Impact Assessment (Appendix C). This document concludes that all of the building facades would have a negligible damage impact.

3.3 The Impact Assessment concludes that the piles of the proposed structure at Swiss Cottage would experience a maximum settlement of 10mm due to the HS2 tunnelling activity. Therefore, the maximum vertical and horizontal movements from HS2 tunnelling activities can be tolerated by the structure on-site. Swiss Cottage falls within the damage category of "Negligible" (Category 0) as explained above. This means that hairline cracks of widths less than 0.1mm can be expected within the building. The report makes the following recommendations prior to the construction of the HS2 tunnel below the site:

- '1. Liaisons with HS2 have been undertaken to date and the meeting minutes are included in Appendix E. The current design of the substructures is in line with the HS2 requirements Ongoing liaison with HS2 during the subsequent design and construction stages of the project will be undertaken.;*
- 2. Pile design will take into consideration vertical movements due to the tunnel predicted settlement;*
- 3. Pile reinforcement design will consider lateral movements cause by the tunnelling activities;*
- 4. A further noise and vibration assessment will be undertaken by an acoustic consultant; and*
- 5. Movement monitoring strategy will be coordinated and developed with HS2.'*

3.4 Meeting minutes are attached as Appendix E to the Impact Statement. The meeting took place on 16/10/2017 between HS2 officers (including the Safeguarding Planning Manager and Project Managers) and representatives on behalf of the developer. The purpose of the meeting was to discuss the Impact Statement that had been prepared for submission to discharge condition 17. It was noted that none of the parties had any significant concerns with the interaction and or impact of either scheme on the other and it was agreed that the parties would maintain a working relationship to ensure that the projects and impacts on the wider public would be minimised.

3.5 HS2 were formally consulted on the submitted Impact Statement and they made a written response on 06/03/2018, which is copied in full above. In summary they confirmed they attended the meeting with the developer's representatives in October 2017 and that they *re-assessed the applicant's impact assessment report. HS2 confirmed that the proposed piling remains well clear of the HS2 exclusion zone and that the issue of tunnel settlements appear acceptable. Regarding respective delivery programmes, the 100 Avenue Road development is projected be near to completion by the time HS2 are tunnelling beneath the application site. Therefore, HS2 confirmed that there is no impact on HS2 delivery in this location and subject to ongoing compliance with remaining planning condition 17 requirements the submitted details are acceptable for discharging the condition.*

3.6 On this basis officers consider that the condition can be discharged.

4.0 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 Tuesday 3rd April 2018, 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'.

Appendix 1: Consultation response to the original application from HS2 dated 08/04/2014

Application ref: 2018/1098/P
Contact: Jonathan McClue
Tel: 020 7974 4908
Date: 27 March 2018

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

camden.gov.uk

planning@camden.gov.uk

www.camden.gov.uk

WYG
11th Floor 1
Angel Court
London
EC2R 7HJ

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 detailed design and construction method statements relative to the HS2 structures and tunnels pursuant to condition 17 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:

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

Informative(s):

- 1 The applicant is advised that conditions 3 (Landscaping), 6 (Acoustic report), 9 (Ventilation systems), 14 (b) (Remediation scheme), 15 (Microclimate - partial for eastern boundary mitigation only), 18 (Facing materials), 19 (Shopfront details), 22 (External lighting), 23 (Cycle parking), 25 (CHP details), 26 (CHP mitigation), 29 (Green/brown roofs), 30 (Mechanical ventilation) and 33 (Water usage) 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

David Joyce
Director of Regeneration and Planning

DRAFT

DECISION

Conor McDonagh
Regeneration and Planning Development Management
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

High Speed Two (HS2) Limited
2nd Floor, Eland House,
Bressenden Place,
London SW1E 5DU
Tel: 020 7944 4908
www.hs2.org.uk
Email: hs2enquiries@hs2.org.uk

Our ref: HS2-LBC-SC-002

By Email

08th April 2014

Dear Conor,

REF: 2014/1617/P – 100 Avenue Road, London, NW3 3HF.

Thank you for consulting High Speed Two Ltd (HS2 Ltd) on the above planning application. We have the following comments to make on the proposal.

As you will be aware the Government has announced its intention to construct and operate Phase One of a high speed railway, known as High Speed Two (HS2), between London and Birmingham; and Phase Two between Birmingham Manchester and Leeds. As you will also be aware, on the 25th November 2013 HS2 Ltd deposited the hybrid Bill in Parliament which confirms the government's intention to proceed with a new high speed rail link between London and the West Midlands. Visit our dedicated hybrid Bill section on our website for further details: <http://www.hs2.org.uk/hs2-phase-one-hybrid-bill>.

On 9th July 2013, the Secretary of State for Transport announced that safeguarding directions had been issued for the majority of Phase One of HS2. On 24th October 2013, these directions were subsequently replaced with an updated set of directions which included two sections in Northolt and Bromford which had previously not been published. Further details and maps are available on our dedicated safeguarding page at: <http://www.hs2.org.uk/safeguarding>.

In this instance you have correctly identified that the application site is shown on safeguarding Map No. 5 as falling within the limits of land subject to the safeguarding direction as a sub-surface interest.

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), our 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.

In light of the above situation and in the event that you are minded to approve the application, HS2 Ltd would request that the following planning conditions are placed on the decision notice. In the absence of these conditions there would be no means to ensure that the foundation design of the buildings are:

1. Built to ensure their structural integrity takes account of the future potential presence of HS2 beneath the site; and
2. Do not cause a construction conflict with the proposed alignment of HS2.

Conditions:

1. None of the development hereby permitted shall be commenced on those parts of the site shown on the site as shown as falling within the 'Limits of Land Subject to the Safeguarding Direction' until 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:

(a) Accommodate the proposed location of the HS2 structures and tunnels.

(b) Accommodate ground movement and associated effects arising from the construction thereof, and;

(c) 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.

2. The design and construction method statements to be submitted under Condition 1 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 paragraphs (a) to (c) of condition 1 shall be completed, in their entirety, before any part of the building(s) hereby permitted is/are occupied.

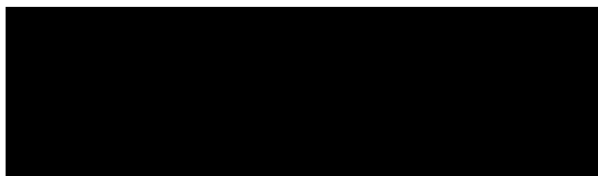
3. No works below ground level comprised within the development hereby permitted shall be carried out at any time when a tunnel boring machine used for the purposes of boring tunnels for the HS2 Ltd railway is within 100 metres of the land on which the development hereby permitted is situated.

Informative:

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

If you have any questions regarding these comments then please do not hesitate to contact me at: town.planning@org.uk

Yours sincerely,



James Fox
Safeguarding Planning Manager
High Speed Two Limited