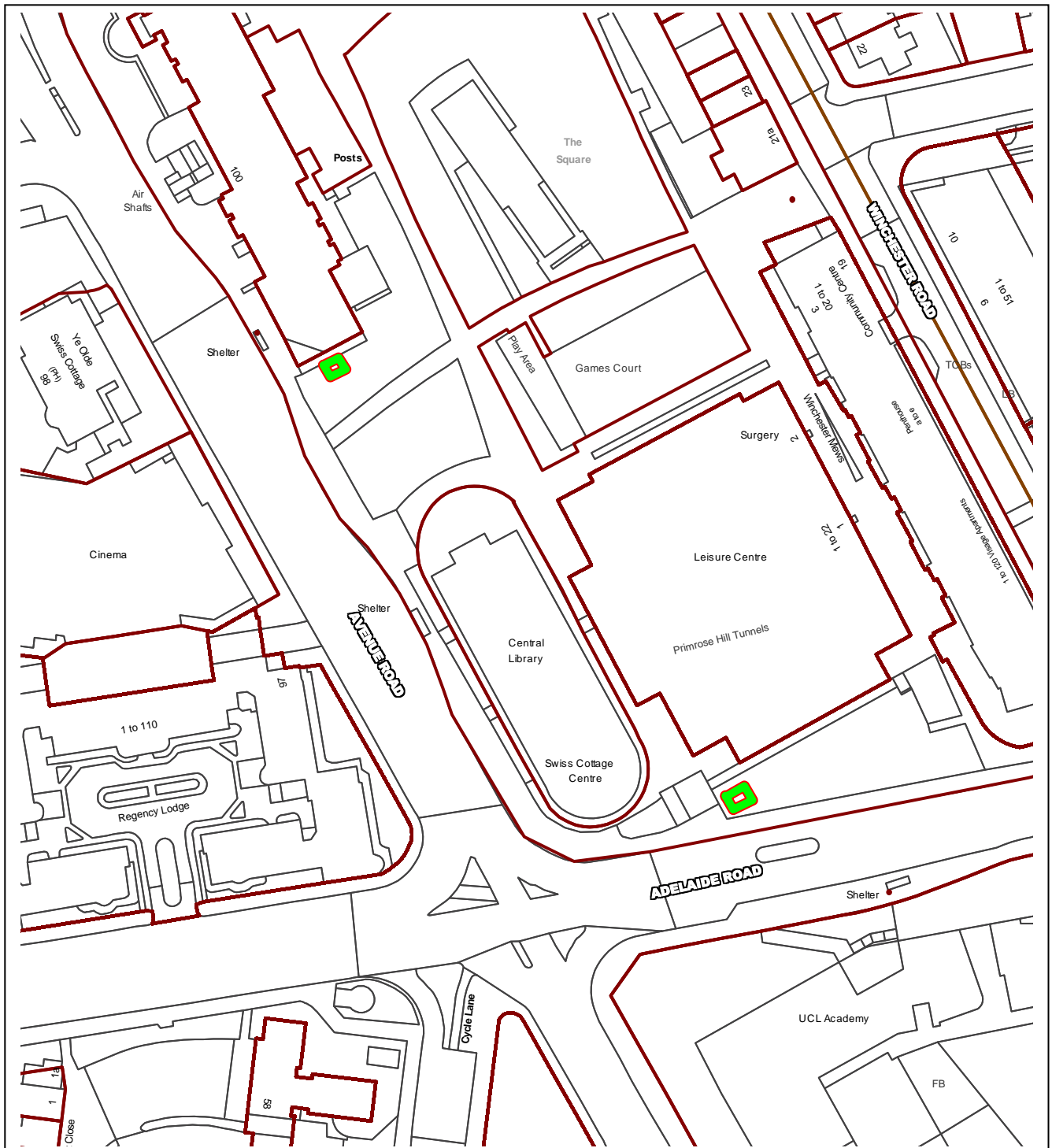


# The Hampstead Figure Sculpture to the North of Swiss Cottage Library AND Land to the south of Swiss Cottage Leisure Centre ref: 2019/3634/L

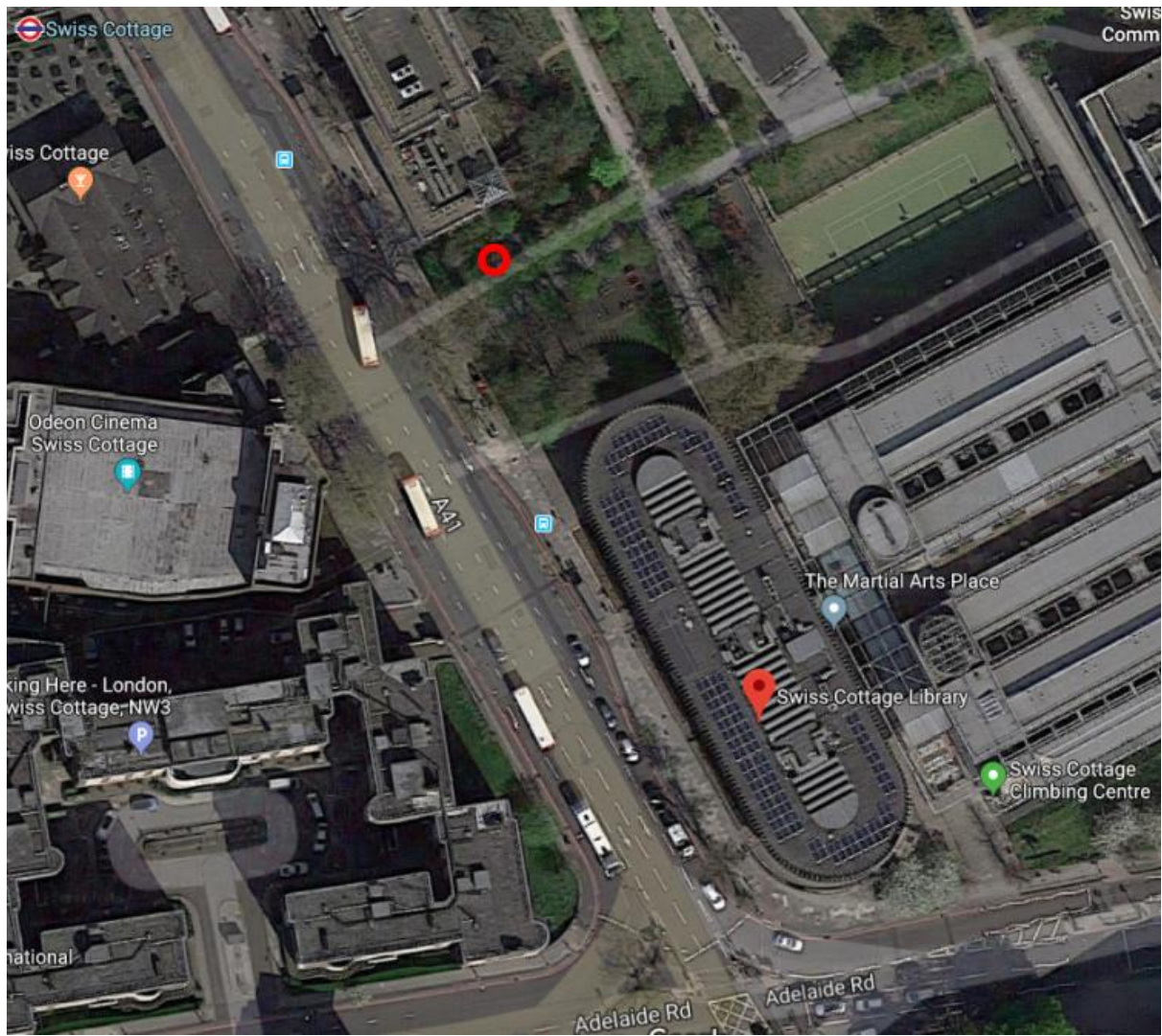


This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

**Below:** Photos of statue and inscription in situ

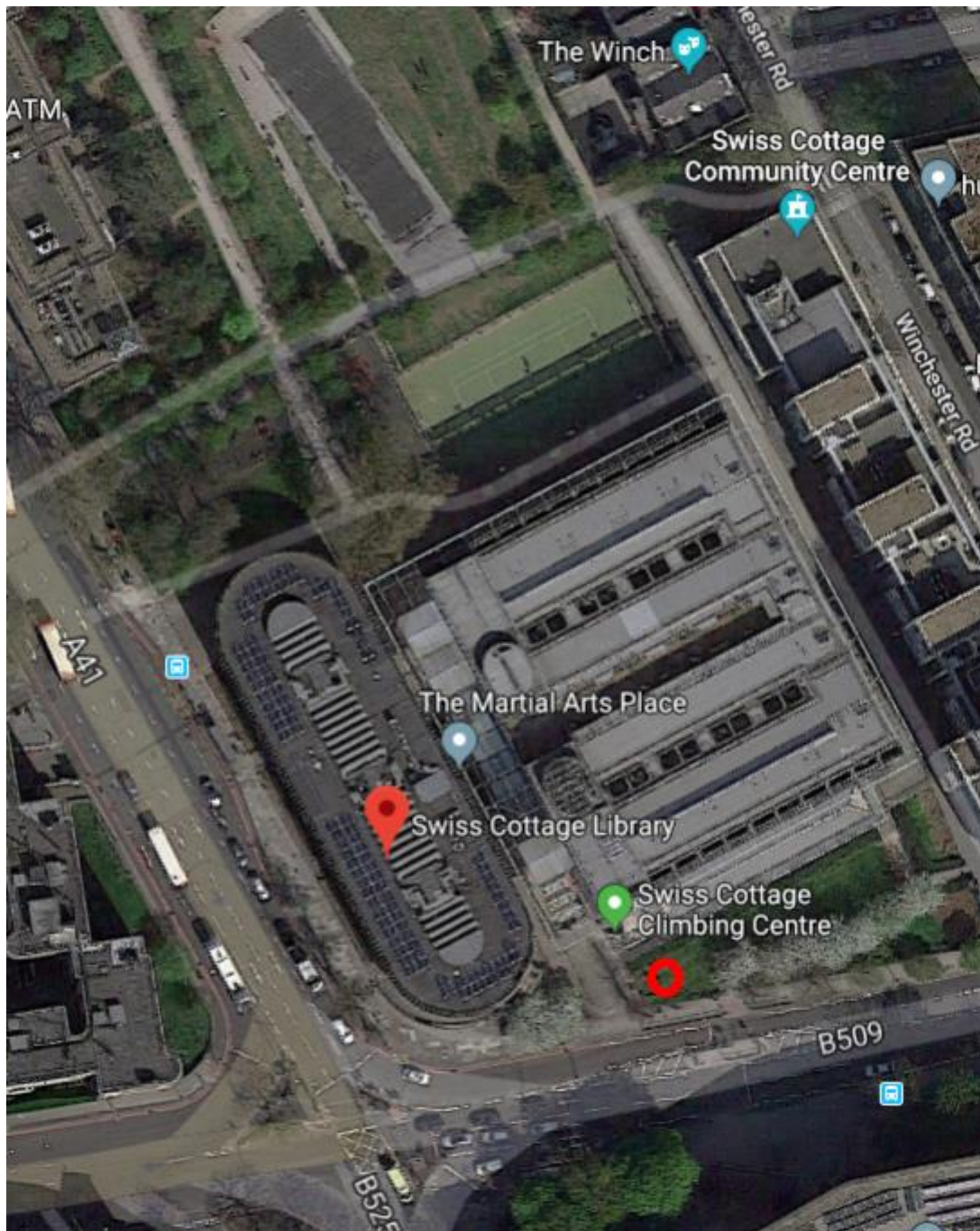


**Below:** Aerial view of existing location (in red circle)





**Below:** Aerial view of proposed location (in red circle)



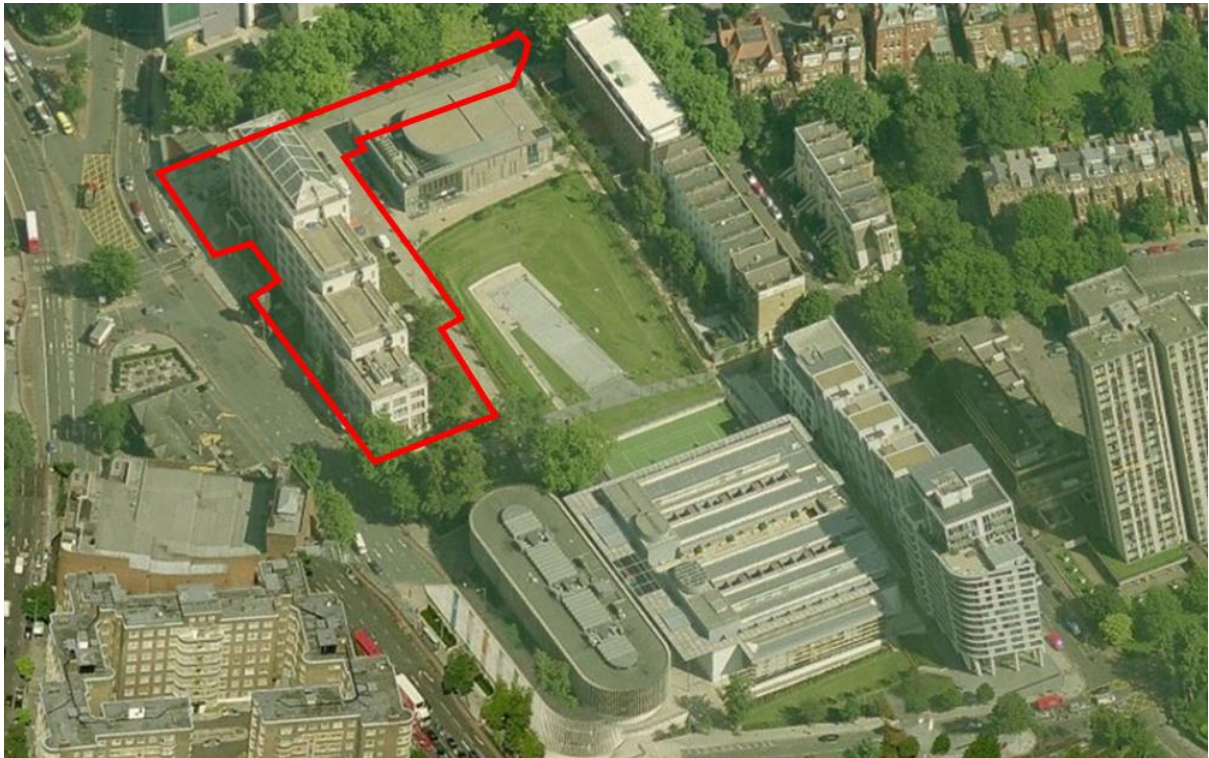


**Below:** Photos of proposed location





**Below:** Aerial view of 100 Avenue Road site



**Below:** CGIs of Approved Scheme at 100 Avenue Road







<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	11/09/2019
		N/A		<b>Consultation Expiry Date:</b>	N/A
<b>Officer</b>			<b>Application Number(s)</b>		
Jonathan McClue			2019/3634/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
The Hampstead Figure Sculpture to the North of Swiss Cottage Library, Avenue Road AND Land to the south of Swiss Cottage Leisure Centre Adelaide Road London NW3 3NF			Refer to 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>					
A Risk Assessment and Method Statement detailing the removal and relocation of the listed sculpture to discharge condition 3 (details of a schedule of works and a method statement for the removal and relocation of the listed sculpture) of listed building consent 2018/2347/L dated 27/06/2018 for Removal and temporary re-siting of the Hampstead Figure Sculpture for the duration of the construction associated with 100 Avenue Road under 2014/1617/P dated 18/02/2016					
<b>Recommendation(s):</b>		Grant Approval of Details (Listed Building)			
<b>Application Type:</b>		Approval of Details (Listed Building)			



Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:					No. of objections	6
Summary of consultation responses:	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>The National Planning Practice Guidance (NPPG), which contains Government guidance on the planning process, contains guidance on the discharging of planning conditions: <a href="https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions">https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions</a></p> <p>Notwithstanding the above, the Council has an ‘email alerts’ system that notified relevant subscribers to the application on 18/07/2019.</p> <p>At least five written representations were received overall, including one from Save Swiss Cottage, with the following objections and comments made:</p> <div><div>1)</div><div>The statue only needs to be moved because the buildings planned are too large for the site. If it is to be moved, it should be moved to the mound directly in front of the Library</div></div> <div><div>2)</div><div>The application makes no reference to whether the sculpture is specially insured</div></div> <div><div>3)</div><div>An independent assessor should assess and document the present condition of the statue prior to and after its removal and replacement. A proper assessment has not yet been undertaken</div></div> <div><div>4)</div><div>Historic England and the sculptor’s daughter and copyright holder should be consulted on the application</div></div> <p><b><u>Officer response:</u></b></p> <div><div>1)</div><div><i>The size of the buildings and location of the sculpture are not considerations for this approval of details application, which is limited to considering a schedule of works and a method statement for its removal and relocation</i></div></div> <div><div>2)</div><div><i>Insurance is not a requirement of the condition nor is it a material planning consideration. Notwithstanding this, the applicant has provided full details of the liability insurance</i></div></div> <div><div>3)</div><div><i>The applicant provided further details to confirm that Rupert Harris Conservation has been appointed to oversee removal and relocation of sculpture. They have a reputation as the leading Conservators of metalwork and sculpture in Europe. Rupert Harris is a PACR Accredited Conservator-Restorer, a member of</i></div></div>					

	<p><i>ICON and an elected Fellow of the Royal Society of Arts. The company has been awardedSSIP accreditation from Alcumus SafeContractor for achieving excellence in health and safety in the workplace.</i></p> <p><i>Aston Spinks, who will undertake the removal works, are specialist in transporting and installing sculptures and unique objects. They excel in the movement of heavy bronze works and oversize art objects including complex art installations that require special skills set and lifting equipment</i></p> <p><i>4) Historic England have been formally consulted and have given the Council authorisation to determine the application (see below). There is no requirement to consult the sculptor's daughter and this is not a material planning consideration</i></p>
<p><b>Historic England response dated 05/08/2019:</b></p>	<p>Historic England responded by authorising the Local Planning Authority that they are authorised to determine the application for listed building consent as they see fit. Draft authorisation has been sent to the Secretary of State.</p>



## Site Description

### Sculpture

The bronze sculpture titled 'The Hampstead Figure' is a grade II listed sculpture completed by F E McWilliam in 1964. The sculpture was commissioned by Sir Basil Spence to compliment a group of civic buildings designed with Bonnington and Collins between 1959 and 1964.

The sculpture was moved in 1982 from its original central position between three civic buildings in order to accommodate new squash courts and a sports club. The sculpture had been moved by the time of listing in 1999 and was again likely to have been relocated since 1982, during the 2002 redevelopment of the swimming pool. It is noted that the sculpture's original location is now covered by tennis courts.

The Hampstead Figure is listed grade II in recognition of its high aesthetic and historical significance.

### Existing sculpture location

The sculpture is situated to the north of the listed Swiss Cottage Library, the only remaining building of the original civic cluster. It lies on an area of public open space near an access off Avenue Road. The current siting is setback from a public footpath and immediately to the south of 100 Avenue Road, which currently has an office building between three to five storeys in height with permission to be redeveloped under 2014/1617/P (more information below). The sculpture is listed but does not lie within a designated conservation area.

### Proposed statue location

The proposed temporary location for the sculpture is on land to the south of the Swiss Cottage Leisure Centre, and to the north of Adelaide Road. The site is a grass verge, in close proximity to the southern elevations of the Swiss Cottage Library and Leisure Centre. It is located to the south-east of the existing location and is not within a designated conservation area.

### 100 Avenue Road

This site lies immediately to the north of existing sculpture location. It 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.

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 2,391m<sup>2</sup> 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. The construction of this development would require the relocation of the sculpture and is the reason for the subject planning application and listed building consent (originally granted under references 2018/2340/P and 2018/2347/L).

## 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

**2017/6884/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

**2018/1098/P** – Details of detailed design and construction method statements relative to the HS2 structures and tunnels to discharge condition 17 of planning permission 2014/1617/P dated 18/02/2016 – Granted on 09/04/2018

**2017/6638/CMP** - Construction Management Plan (CMP) for a mixed used development (24 storey and 7 storey buildings with residential units, flexible retail/café/restaurant space and community use) approved under 2014/1617/P dated 18/02/2016. The CMP is currently being considered.

**2018/2340/P and 2018/2347/L** - Removal and temporary re-siting of the Hampstead Figure Sculpture for the duration of the construction associated with 100 Avenue Road under 2014/1617/P dated 18/02/2016 – Granted on 27/06/2018

## Relevant policies

**National Planning Policy Framework 2019 (NPPF)**

**National Planning Practice Guidance (NPPG)**

**The London Plan (2016)**

**Camden Local Plan (2017)**

D2 – Heritage

## Assessment

### 1.0 Background

- 1.1 The 100 Avenue Road development was granted under planning ref: 2014/1617/P on 18/02/2016 to include the demolition of the existing building and new structures of 24 and 7 storeys. The scheme includes 184 flats as well as circa 1,041sqm flexible retail/financial/restaurant and 1,350sqm for community use. The application was originally refused by the Council's Planning Committee on 11/09/2014 and was subsequently appealed to the Planning Inspectorate. A public inquiry took place in July and August 2015 leading to the development being approved. The successful appeal was recovered for determination by the Secretary of State for Communities and Local Government who granted permission for the development. A copy of the Inspector's report and the Secretary of State's decision can be seen at: <https://www.gov.uk/government/publications/recovered-appeal-100-avenue-road-london-nw3-3hf-ref-3001616-18-february-2016>
- 1.2 The approved development was submitted with construction details that indicated that the Hampstead Figure Sculpture would need to be relocated during the course of construction. This is due to the works requiring access to the south of 100 Avenue Road (i.e. where the listed sculpture is currently located) and the necessary site hoarding. The relocation of the sculpture was acknowledged and deemed acceptable by the Planning Inspectorate and Secretary of State.
- 1.3 The below paragraphs taken from the Inspector's report note that the listed sculpture has been repositioned previously and that enhancements could be possible from repositioning it again:
- a. '87. The Hampstead Figure Sculpture has been repositioned in the past nearer to the existing building on the appeal site and is not easily viewed from all around because it is close to the building. The proposal would enable the statue to be relocated more in keeping with the original location and allow all around viewing and so the proposed enhancements would be an improvement to the listed building, enhancing its special

*architectural and historic interest.'*

**b. AND**

- c. '286. The opportunity to reposition the sculpture to provide all around viewing would be a major benefit, as would re-establishing a more positive relationship with the library. Even if the sculpture is repositioned in the same location, the impact on its significance would be neutral. Overall I consider there is likely to be a significant enhancement to the setting of the statue and consequently the special architectural and historic interest of the listed building would be likely to be enhanced.'*

1.4 The decision from the Secretary of State agreed with the Planning Inspectorate regarding enhancements to the setting of the sculpture and indicated that the best final position may not be known until after the development is implemented:

- d. '20. As to the Hampstead Figure Sculpture, the Secretary of State notes it would be necessary to remove the listed sculpture and reposition it after the works are complete (IR283). He agrees with the Inspector that there is likely to be a significant enhancement to the setting of the sculpture and therefore the special architectural and historic interest would be likely to be enhanced (IR286).'*

1.5 On this basis, the principle of the relocation of the sculpture has been accepted by the Planning Inspectorate and Secretary of State. Furthermore, it is indicated that enhancements to its setting are possible and that the final location might be best determined upon completion of the approved development.

## **2.0 Proposal**

2.1 Planning permission and listed building consent were granted for the removal and temporary re-siting of the listed Hampstead Figure Sculpture. The temporary permission would last for the duration of the construction associated with 100 Avenue Road under planning ref: 2014/1617/P dated 18/02/2016. Permission has been granted for a period of 4 years and a review would be required to determine the best final location for the sculpture. The removal and relocation of the sculpture is to prevent it being damaged during construction of the 100 Avenue Road development and to allow better access.

2.2 This application is seeking to discharge of condition 3 (details of a schedule of works and a method statement for the removal and relocation of the listed sculpture) of listed building consent 2018/2347/L dated 27/06/2018, which states:

*'Prior to the commencement of the development, details of a schedule of works and a method statement for the removal and relocation of the listed sculpture shall be submitted to and approved in writing by the Council as Local Planning Authority.*

*The works shall be carried out in accordance with the approved details.*

*Reason: In order to safeguard the special architectural and historic interest of the sculpture in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017'.*

## **3.0 Assessment**

### **3.1 Statutory Duty and Assessment of Harm**

3.2 The statutory provision principally relevant to the determination of these applications is Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.



- 3.3 Section 16 requires that in considering whether to grant listed building consent for development, which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.
- 3.4 Paragraph 132 of the NPPF advises that great weight should be given to a designated heritage asset's conservation when considering the impact of a proposed development on its significance, in this case being the listed Hampstead Figure Sculpture. The NPPF also cites in Paragraph 134 that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

#### Impact on listed sculpture

- 3.5 As stated in the background section (above), the principle of the relocation of the sculpture has been accepted by the Planning Inspectorate and Secretary of State. This principle is further supported by Historic England. The sculpture has been moved from its original location multiple times as a result of developments over the years. Listed building consent has already been granted for the sculpture's temporary relocation, this application is only to assess the method statement relating to the works. The reason for this condition being added was in order to safeguard the special architectural and historic interest of the sculpture.
- 3.6 The submitted Risk Assessment and Method Statement has been assessed by the Council's Conservation Officer, Arts Development Manager and Green Space Project Officer. Overall, the document is considered to be comprehensive and to provide certainty that the sculpture would be safely removed and relocated. A visual survey was submitted by the applicant, and from site visits and the photographic survey images it is possible to assess the artwork prior to its removal and relocation. Following requests from officers and residents, further information was provided including details of the conservation specialist overseeing the works, the company undertaking the removal works and the insurance policy. On this basis, it is considered that the details are sufficient to ensure the safeguarding of the special architectural and historic interest of the sculpture in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

#### **4.0 Recommendation:** Grant Approval of Details (Listed Building)

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members' Briefing panel on the 19<sup>th</sup> August 2019, 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

WYG  
11th Floor  
1 Angel Court  
London  
EC2R 7HJ

Application Ref: **2019/3634/L**  
Please ask for: **Jonathan McClue**  
Telephone: 020 7974 4908

7 August 2019

**DRAFT**

Dear Sir/Madam

## **DECISION**

Planning (Listed Building and Conservation Areas) Act 1990

### **Approval of Details (Listed Building) Granted**

Address:

**The Hampstead Figure Sculpture to the North of Swiss Cottage Library  
Avenue Road**

**AND**

**Land to the south of Swiss Cottage Leisure Centre Adelaide Road London NW3 3NF**

**DECISION**

Proposal: A Risk Assessment and Method Statement detailing the removal and relocation of the listed sculpture to discharge condition 3 (details of a schedule of works and a method statement for the removal and relocation of the listed sculpture) of listed building consent 2018/2347/L dated 27/06/2018 for Removal and temporary re-siting of the Hampstead Figure Sculpture for the duration of the construction associated with 100 Avenue Road under 2014/1617/P dated 18/02/2016

Drawing Nos: AstonSpinks Risk Assessment and Method Statement; Letter from WYG (ref: RE/HG3405) dated 13/08/2019; Photographic survey of existing Hampstead Figurine Sculpture to the North of Swiss Cottage Library; Letter from Basil Fry & Company dated 07/03/2019.

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

Informative(s):

- 1 You are advised that all conditions relating to listed building consent ref.

Executive Director Supporting Communities





2018/2347/L granted on 27 June 2018 which need details to be submitted, have been approved.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

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**