

Application ref: 2021/0025/P
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Date: 23 March 2021

Development Management
Regeneration and Planning
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Savills
33 Margaret Street
London
W1G 0JD

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Section 106A Refused

Address:

**100 Avenue Road
London
NW3 3HF**

Proposal: Application in accordance with Section 106A, sub-sections (3) and (4), to amend clause 3.2 (and associated definitions) of S106 Agreement relating to 2014/1617/P dated 24/08/2015 (as amended by 2018/4239/P dated 04/08/2020 and 2019/1405/P dated 07/05/19) (for: redevelopment of site including a 24 storey and 7 storey building with a total of 184 residential units, 1,041sqm of retail/financial or professional services/café/restaurant and 1,350sqm of community use (summary)). The AMENDMENTS include REMOVING the requirement to provide 28 Affordable Rent units, 8 Intermediate Housing units and 18 Discounted Market Rent units (for a minimum of 15 years post completion), to be REPLACED with 18 Discounted Market Rent units in perpetuity. Modification of various relevant definitions - Disposal Viability Assessment, Original Viability Assessment and Surplus - to refer to Gross Development Value figure identified in the Financial Viability Assessment report dated 09/12/2020.

Drawing Nos: A copy of Appeal Decision Notice ref: 2014/1617/P, dated 18 February 2016; Copies of NMA decision notices, ref: 2019/1405/P, granted 7 May 2019 and ref: 2018/4239/P, granted 4 August 2020; A detailed planning analysis, prepared by Savills dated December 2020; A Viability Assessment Report, prepared by Savills dated December 2020; and Other supporting information relating to viability.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason for Refusal

- 1 In accordance with Section 106A of the Town and Country Planning Act the planning obligation shall continue to have effect without modification. The application to modify the affordable housing obligation is refused as the original obligation is considered to serve a useful purpose which is delivering the consented amount and tenures of affordable housing. Furthermore, the proposed modification would not serve it equally well, because there would be a significant reduction in the amount of affordable housing and a loss of a range of tenures that are considered genuinely affordable. Therefore, the proposed modification to the original planning obligation would fail to meet the requirements of s106A(6)(c) of the Town and Country Planning Act 1990.

Informative(s):

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



Daniel Pope
Chief Planning Officer