

MAYOR OF LONDON

David Fowler
Principal Planning Officer
Regeneration and Planning
Culture and Environment
London Borough of Camden
5 Pancras Square
London N1C 4AG

Our ref: D&P/1662a/02
Your ref: 2014/1617/P
Date: 1 October 2014

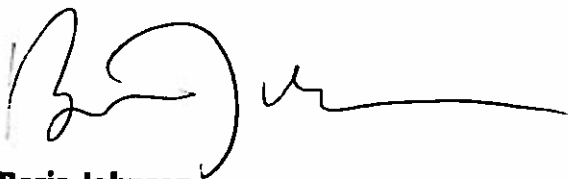
Dear Mr Fowler

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008
100 Avenue Road, London NW3 3HF
2014/1617/P

I refer to your letter of 22 September 2014 informing me that Camden Council is minded to refuse planning permission for the above planning application. I refer you also to the notice that was issued on 22 September 2014 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case I am content to allow Camden Council to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to take over the application for my own determination.

Yours sincerely



Boris Johnson
Mayor of London

cc Andrew Dismore, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Alex Williams, TfL

**100 Avenue Road, Swiss Cottage,
London, NW3 3HF**

**in the London Borough of Camden
planning application no. 2014/1617/P**

Strategic planning application stage II referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing buildings and redevelopment to provide a 24 storey tower and a part seven/part five storey building comprising: a total of 184 residential units (Class C3); up to 1,041 sq.m of flexible A1/A2/A3/sui generis floorspace to include a potential new London Underground station access from Avenue Road; up to 1,350 sq.m community use (D1) floorspace, and; associated works including the enlargement of an existing basement to contain disabled car and cycle parking spaces, landscaping and access improvements.

The applicant

The applicant is **Essential Living (Swiss Cottage) Ltd**, and the architect is **GRID**.

Strategic issues

Camden Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008.

Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice there are **no sound planning reasons for the Mayor to intervene** in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

Should the scheme be considered at appeal or a revised application submitted the applicant, together with the Council and/or planning inspector should have regard to the matters raised in this report relating to **affordable housing, inclusive access, energy and transport**.

The Council's decision

In this instance Camden Council has resolved to refuse permission.

Recommendation

That Camden Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct that he is to be the local planning authority.

Context

1 On 18 March 2014, the Mayor of London received documents from Camden Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A and 1C(c) of the Schedule to the Order:

Category 1A: "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats."

Category 1C(c): "Development which comprises or includes the erection of a building of more than 30 metres high which is outside the City of London".

2 On 24 April 2014, the Deputy Mayor considered planning report D&P/1662a/01, and subsequently advised Camden Council that whilst the application broadly complied with the London Plan, the issues set out in paragraph 93 of the above-mentioned report should be addressed before the application is referred back to the Mayor.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 11 September 2014, Camden Council, resolved to refuse planning permission for the application, against officer recommendation, and on 15 September 2014 advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor has until 28 September 2014 to notify the Council of his decision and to issue any direction.

4 The Council's draft decision notice includes the following reasons for refusal:

1. *The proposed development by reason of its height, bulk, mass, design and density represents overdevelopment of the site which would have an adverse impact on the character and appearance of surrounding conservation areas and the local area generally contrary to policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.*
2. *The proposed development by reason of its height, bulk and mass would result in loss of amenity, especially overshadowing to the adjacent Swiss Cottage Open Space and surrounding areas contrary to policies CS5, CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and DP26 and DP31 of the London Borough of Camden Local Development Framework Development Policies.*
3. *The proposed development, in the absence of a legal agreement to secure:*
 - *a review of the private rented sector (PRS) units viability to provide affordable housing 1 year after completion;*
 - *a review of the PRS units at substantial break-up;*
 - *a review should the top floor of the tower (proposed amenity space) be converted to residential;*
4. *The proposed development, in the absence of a legal agreement securing affordable housing, including for the 18 discounted market rent private rented sector units and rent levels for the affordable housing would fail to make a contribution towards the supply of additional affordable housing within the Borough, contrary to policies CS6*

of the London Borough of Camden Core Strategy (2010), DP3 and DP4 of the London Borough of Camden LDF Development Policies (2010).

- 5. The proposed development, in the absence of a legal agreement securing affordable housing, including for the 18 discounted market rent private rented sector units and rent levels for the affordable housing, would fail to ensure the provision of the required amount of affordable housing for the scheme, contrary to policies CS6 (Providing quality homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP3 (Contributions to the supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies*
- 6. The proposed development, in the absence of a legal agreement securing the provision of the community centre and affordable housing should a change of use of the community centre be proposed, would fail to ensure the provision of the required amount of affordable housing for the scheme, contrary to policies CS6 (Providing quality homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP3 (Contributions to the supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies.*
- 7. The proposed development, in the absence of a legal agreement for securing contributions to employment provision, would fail to mitigate against the loss of employment floorspace, contrary to policies CS8 (Promoting a successful and inclusive Camden economy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment sites and premises) of the London Borough of Camden Local Development Framework Development Policies.*
- 8. The proposed development, in the absence of a legal agreement for securing contributions to educational provision, would be likely to contribute unacceptably to pressure and demand on the Borough's existing educational facilities, contrary to policies CS10 (Supporting community facilities) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies*
- 9. The proposed development, in the absence of a legal agreement for securing contributions to public art, would fail to sufficiently enhance the public realm contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies*
- 10. The proposed development, in the absence of a legal agreement for securing contributions towards public realm and highways, a cycle link and Travel Plan monitoring, would fail to sufficiently enhance the public realm and mitigate highways concerns contrary to policies CS14 (Promoting high quality places and conserving our heritage), CS11 (Promoting sustainable and efficient travel) and CS17 (Making Camden a safer place) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design), DP16 (The transport implications of development) and DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies*

11. *The proposed development, in the absence of a local employment and apprenticeships agreement will be likely to lead to the exacerbation of local skill shortages and lack of training opportunities and would fail to contribute to the regeneration of the area, contrary to policies CS5 (Managing the impact of growth and development), CS8 (Promoting a successful and inclusive Camden economy) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment sites and premises) of the London Borough of Camden Local Development Framework Development Policies*
12. *The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.*
13. *The proposed development, in the absence of a legal agreement securing a construction management plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
14. *The proposed development, in the absence of a legal agreement securing a delivery and servicing plan, would be likely to give rise to conflicts with other road users and pedestrians especially at peak times, contrary to CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials) and DP21 (Development connecting to highway network) of the London Borough of Camden Local Development Framework Development Policies*
15. *The proposed development, in the absence of a travel plan, would be likely to give rise to significantly increased car-borne trips, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP16 (Transport implications of development) and DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies*
16. *The proposed development, in the absence of a legal agreement safeguarding the proposed new station entrance for a period of 2 years from occupation, would fail to provide the opportunity to make sufficient provision in a sustainable manner for the increased trips generated by the development thus causing a cumulative detrimental impact on the borough's transport network, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core*

Strategy and policies DP16 (Transport implications of development), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to highway network) of the London Borough of Camden Local Development Framework Development Policies

17. The proposed development, in the absence of a legal agreement securing a Basement Construction Plan, would fail to demonstrate that there would be no impact on surrounding properties, contrary to policy DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies

18. The proposed development, in the absence of a legal agreement requiring the internal design of the new units to appropriate Lifetime Homes standards, would fail to provide housing adaptable and suitable for future residents, contrary to policies CS6 (Providing quality homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP29 (Improving access) of the London Borough of Camden Local Development Framework Development Policies

19. The proposed development, in the absence of a legal agreement for securing contributions for public open space provision, would be likely to contribute unacceptably to pressure and demand on the Borough's existing open space facilities, contrary to policies CS15 (Protecting and improving open spaces & encouraging biodiversity) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP31 (Provision of and improvements to public open space) of the London Borough of Camden Local Development Framework Development Policies

5 Camden Council's draft decision notice includes an informative which explains that the reasons for refusal numbered 3-18 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

6 The Mayor's decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Article 7: Direction that the Mayor is to be the local planning authority

7 The initial policy test regarding the Mayor's power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order, is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.

8 The policy test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) significant impact on the implementation of the London Plan;
- b) significant effects on more than one borough; and
- c) sound planning reasons for his intervention.

9 Parts (a) and (b) of the test identify the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor's intervention, having regard to the Council's draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.

10 This report considers the extent to which the policy tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008. In this instance the second does not apply (see paragraph 7 (4) of the Order).

Policy test 7(1) (a): Significant impact on the implementation of the London Plan

11 London Plan Policy 3.3 seeks to increase London's supply of housing and in doing so sets borough housing targets. The Further Alterations to the London Plan (consultation draft, January 2014) proposes to set Camden's target at 889 additional homes per year between 2015 and 2025. The proposed development represents about 20% of Camden's annual housing target, and whilst this is welcomed in principle, the Council is not wholly dependent on this scheme, noting other housing growth areas such as Euston and Kings Cross in particular. Camden Council also has a good record of housing and affordable housing delivery, having met its targets for the last reporting year (2012/13). On this basis, whilst the proposed development would make a significant local contribution to the delivery of housing and affordable housing, and is a good example of how private rented sector (PRS) schemes can also deliver affordable housing, which is supported, in this particular instance there are not considered to be strategically significant impacts on the implementation of the London Plan in relation to housing targets.

Policy test 7(1) (b): Significant effects on more than one Borough

12 This policy test is not applicable in this case as the development is referral under Category 1A, as noted in paragraph nine above.

Policy test 7(1)(c): Sound planning reasons for intervening

13 Notwithstanding parts a) and b), part (c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene. Having regard to the details of the proposal and the Council's draft reasons for refusal, together with the outstanding issues from stage one described in paragraphs below, there are no sound planning reasons to intervene in this case.

14 In order for the Mayor to issue a direction that he is to be the local planning authority, all relevant policy tests must be met. Given policy tests (a) and (c) have not been met, there is no basis to issue a direction under Article 7.

Issues outstanding

15 Notwithstanding the above, should the scheme be considered at appeal or a revised application submitted the applicant should have regard to the following matters considered below.

Affordable housing

16 At consultation stage, GLA officers noted that the proportion of affordable housing was generous in this case given the financial constraints imposed by the way in which PRS schemes derive their income. Paragraphs 32, 36 and 37 of that report specifically notes how meeting upfront infrastructure costs can be difficult for PRS schemes because income is generated over a much longer period compared to build-for-sale schemes. In that context, and also taking into account the community space provided for a local charity, GLA officers welcomed the affordable offer. Notwithstanding that broad position, officers required the Council to independently assess the applicant's viability appraisal in order to show that the offer was indeed the maximum reasonable provision of affordable housing that could be provided, as required by London Plan Policies 3.11 and 3.12.

17 The Council's committee report notes that following negotiations with the applicant, an additional 18 units would be set at a discounted market rent (DMR) for 15 years. These 18 units are all located in the lower block, meaning that that tower would now contain all of the PRS units, with the lower block containing all of the "affordable" units (social rent, intermediate and DMR). The 18 units comprise 9 no. one bedroom units and 9 no. two bedroom units. The two-bed DMR units would be rented at a value not to exceed 65% of open market rent, with the one-bed units rented at a value not to exceed 70% of open market rent, commensurate to the PRS units on the same floor level in the tower, and eligibility criteria will apply with income thresholds similar to intermediate products. Whilst DMR does not fall within the definition of affordable housing in London Plan Policy 3.11, GLA officers recognise that DMR as a product, can be similar to affordable rent in the sense that it is rented at a sub-market price based on incomes and indeed may be more "affordable" than affordable rent because of the rent levels. Whilst the longevity of the units (i.e.: 15 years) means that the units may not remain in the affordable homes market, this is similar to intermediate products whereby occupants can staircase over a number of years thereby also removing the product from the affordable homes market.

18 The proportion of traditional affordable housing as noted in the consultation report was 25% of gross external area (GEA). When taking the additional DMR units into account, the "affordable" proportion would now be 34.4% GEA, and this is welcomed.

19 A copy of the Council's independent assessment by BPS has been provided, and this confirms that the original 25% affordable housing offer (by GEA) together with the other obligations secured in the draft S106 agreement is the maximum the scheme can viably provide. The additional DMR units were subsequently agreed following BPS' appraisal. The report also notes that 7.8% of the total floor area is proposed for the community centre, thereby preventing additional affordable units being provided in that location. The Council's housing officers have confirmed that the affordable rents proposed meet the Council's requirements on affordability. Based on the findings of the report, the overall quantum and tenures and the community space provision, GLA officers are satisfied that the affordable housing component accords with London Plan Policies 3.11 and 3.12.

20 The consultation report also welcomed further discussion with the applicant and Council on timescales for delivery, and the potential need for a review mechanism. The draft S106 agreement includes a review mechanism requiring a viability re-test one year after completion or upon full occupation of the PRS units (whichever is earliest) to assess whether further affordable housing contributions should be made as payments in-lieu. A further review point is also included at "break-up", with break-up being the point at which any future private sales exceed 20% of the floor area of the PRS element of the scheme. In such a situation, if the actual sales values after costs exceed the private sales proxy values, then 75% of the surplus would be paid to the Council in-lieu, up to a maximum contribution equivalent to the 50% affordable housing as calculated by the Council. This is acceptable to GLA officers. There are no outstanding issues relating to affordable housing, although the S106 obligations suggested by the Council officers will be required if the application is considered at appeal or a future application.

Residential quality

21 Whilst at consultation stage the residential quality of the scheme was broadly supported, the applicant was requested to revisit the provision of amenity spaces, including both balconies and roof terraces to ensure all prospective occupiers have access to a private balcony and can easily access the communal roof terraces.

22 As a result of amendments to the scheme, the Council's committee report confirms that all of the affordable units in the lower block would have balconies with a further communal roof terrace of 243 sq.m at fifth floor level. The DMR units also have a 42 sq.m roof terrace on the fifth

floor, and there would be a further 178 sq.m roof terrace on the seventh floor, a 175 sq.m terrace on the fifth floor and a community centre terrace of 183 sq.m. The applicant agreed to increase the size of the affordable roof terrace at the cost of the DMR terrace, given the greater number of affordable units in the block.

23 A total of 15% of the PRS units in the tower, or 10.8% of the overall scheme, would not have balconies (20 units), comprising 12 one bedroom and 8 three bedroom flats. The committee report does however note that all of the three bedroom units would be oversized (107 sq.m) with a good aspect and outlook, each being on a corner of the tower on floors 21 or 22, and located close to the indoor amenity area on floor 23 where there would also be four roof terraces. Taking all of these factors into account, GLA officers are satisfied with the overall amenity provision in the scheme.

Children's playspace

24 At consultation stage, GLA officers noted that based on the housing schedule the scheme could generate up to 56 children, thereby requiring a total of 248 sq.m of doorstep playspace. The application documents did not include any detail on how this provision was going to be met on-site.

25 The updated figures from the applicant state the child yield as 66 children requiring 163 sq.m of 0-5 playspace. Whilst a playspace strategy has not been provided at this stage, the applicant has clarified the areas of communal amenity space in the scheme (as noted in paragraph 23 above). It is noted that the communal amenity space provision across the scheme, exceeds the required amount of playspace, and there should be adequate scope within the roof terrace design and layout to include a variety of playspace areas and equipment. GLA officers would insist therefore that further conditions are attached to any permission requiring a playspace strategy to be submitted for approval. In addition to the on-site provision, the draft S106 agreement did include a contribution of £246,931 towards improvement to local open space, specifically Hampstead open space adjacent to the site, which is welcomed.

Inclusive design

26 Whilst at consultation stage, it was noted that inclusive design principles had broadly been followed; some further detail and revisions were requested in order to comply with the London Plan. Two additional accessible car parking bays were required, and concern was raised over the location of the accessible bays on a gradient in the basement. The applicant was also encouraged to provide detail on allocation of the accessible bays, to ensure that both affordable and PRS units have an allocation. GLA officers welcomed the submission of a car park management strategy to deal with these issues going forward, together with the requirement for tricycles/recumbent bicycles for disabled people. It was also noted that the communal roof garden on floor seven of the lower block only had stepped access which needed addressing.

27 The Council's committee report confirms that thirteen accessible parking bays were proposed in the final scheme with a head of term included in the draft S106 to ensure that these spaces are allocated to the wheelchair accessible homes, which is acceptable. The car parking is located in an existing basement (to be extended slightly) which has an existing slope. The location of the spaces and their connections to the cores is therefore limited by the existing basements constraints, although travel distances have been kept to a minimum where possible. The applicant has also committed to providing a textured or ribbed finish to ensure there is some resistance to movement for these bays. Under these specific constraints, the location of the bays is accepted in this instance. There are no outstanding issues relating to inclusive access, although any future application or appeal should ensure that suitable conditions are imposed to secure the detail necessary to deliver the inclusive design principles referred to.

Climate change mitigation

28 At consultation stage, whilst it was noted that the energy hierarchy in the London Plan had been broadly followed, further information was requested to verify the expected carbon savings and offset the shortfall. At consultation stage it was noted that the expected carbon dioxide reduction would fall short of the target in Policy 5.2 of the London Plan, and was acknowledged that there was little potential for any further reduction on site. An off-site payment in-lieu is therefore necessary to offset the shortfall.

29 The majority of the information sought would normally only be produced at detailed design stage, and considering the Council's resolution in this case, this information has not yet been prepared. The Council's committee report notes the shortfall in carbon savings and accepts that a payment of £2,700 per ton over 30 years would be required. A head of term was included in the draft S106 agreement requiring a post-construction assessment to be carried out to determine the actual carbon savings, and depending on the findings of the assessment, the payment of the contribution could then be triggered. This is acceptable to GLA officers. Should the proposals be considered again at appeal or a future application, additional conditions will be required to secure the remaining outstanding detail sought at consultation stage in addition to those recommended by the Council officers.

Transport for London

30 At consultation stage, TfL noted that whilst the proposals safeguarded a limited area within the building for a proposed access to Swiss Cottage underground station, concern was raised that it did not facilitate step-free access to the ticket hall. Given the proximity of the site and the timing of this development, there is a concern that a one-off opportunity to deliver this step-free access has been missed. However, given the anticipated cost of any such access TfL reluctantly accepts the Council's preference to prioritise the delivery of affordable housing in this instance, and that the commercial space referred to above could be 'future-proofed'. However, this area would need to be safeguarded for a longer period than the suggested two years and the details of the nature of any future-proofing would need to be agreed between the developer, Camden Council and TfL. Conditions to protect both existing London Underground infrastructure and safeguard the route for the High Speed 2 rail link would also have been imposed, which is welcomed.

31 A £1m contribution to public realm and highways improvements and a £150,000 cycle link contribution would have been secured through the draft S106 agreement in order to mitigate against additional cycle and pedestrian trips, and this is welcomed. TfL would nonetheless have expected further engagement with the Council to agree how this contribution is allocated across the two highway authorities and subsequently used. The applicant also confirmed that contrary to initial advice, the development would not result in the removal of any cycle lanes or the provision of a taxi drop-off bay on Avenue Road, both of which are supported by TfL.

32 Since the consultation report was issued, a minor increase in car parking has been agreed to ensure that each of the 13 wheelchair accessible units has a blue badge parking space. A condition would also have been placed on any consent requiring provision of electric vehicle charging points (EVCP's) for these and a car park management plan would have been secured through the S106 agreement. These measures are all welcomed by TfL.

33 Whilst residential cycle parking provision is acceptable, no further detail on the quantum of commercial cycle parking has been provided as requested at consultation stage. TfL would therefore require a condition requiring details of cycle parking.

34 Other matters that were raised at consultation stage would be addressed through the S106 agreement including a delivery and servicing plan, a travel plan, and a construction logistics plan

that included a requirement to consult TfL over impacts on the proposed Cycle Superhighway 11 route that runs adjacent to the site. These are all welcomed.

35 In summary, should this application be the subject of an appeal or a revised application be submitted the issues raised by TfL at consultation stage have broadly been addressed. However, further discussion would need to take place around the future-proofing of part of the site to provide access into Swiss Cottage station, and the apportionment of the highways, public realm and cycle link contributions to ensure that the proposals are fully compliant with the transport policies of the London Plan.

Response to consultation

36 Camden Council's committee report confirms that a total of 1,591 consultation letters were out to local residents, together with a site notice displayed from 24 March to 14 April 2014 and a notice in the local press (Ham & High) on 27 March 2014. As a result, the Council's committee report confirms that a total of 897 responses were received, of which 892 objected to the proposals including a number of local amenity societies and residents associations as detailed the committee report.

37 Matters raised by objectors related to the following:

- Residential amenity: loss of light, privacy and outlook, noise, air quality.
- Design: height, mass, out of character, harm to skyline.
- Heritage impact (adjacent conservation areas and listed buildings).
- Overdevelopment/density too high.
- Loss of existing building.
- Harm to Swiss Cottage open space: overlooking, dominates space, microclimate impact, loss of light/overshadowing.
- Insufficient affordable housing, and separation between that and private units.
- PRS as a housing product.
- Retail uses and community centre not necessary.
- Insufficient public benefits and impact on social infrastructure (medical, schools, leisure centre).
- Impact on highway congestion, road safety, poor servicing arrangements.
- Insufficient detail on plans for improved tube access.
- Insufficient consultation, poor processing.
- Impact on property prices.

38 Other statutory consultees responded as follows:

- **London Underground Lines (LUL):** No objection subject to conditions to secure detail on construction to ensure LUL infrastructure is protected.
- **English Heritage:** The impact of the proposals on the historic environment is not so significant as to warrant English Heritage's involvement.
- **Environment Agency:** No objections provided that every effort is made to enhance the riparian (river edge) environment including public access.
- **Design Council:** Broadly support the proposals; onus on the Council to ensure quality is achieved.

- **HS2:** No objection subject to conditions and an informative on construction detail to ensure HS2 infrastructure will not be impacted.
- **Thames Water:** No objection subject to informatives.
- **Environment Agency:** No objection subject to informatives relating to piling methods and good practice surface water management.

Legal considerations

39 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

40 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

41 Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

42 The majority of the issues raised in the consultation report have been addressed by the applicant and any outstanding issues can be dealt with by way of conditions.

43 Should the scheme be considered at appeal or a revised application submitted the applicant, together with the Council and/or planning inspector should have regard to the issues raised in this report, relating to affordable housing, playspace, inclusive access, energy and transport.

for further information, contact GLA Planning Unit (Development & Projects team):

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