

ANTHONY H. KAY LLB.

SOLICITOR

Non-practicing

26 Crossfield Road

Hampstead

London NW3 4NT

BY POST & EMAIL

17 March 2025

Christopher Smith
Planning Solutions Team
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London WC1H 8EQ

Dear Sirs,

**100 Avenue Road NW3 3HF, Swiss Cottage
Planning Application ref 2025/0852/P**

My wife and I live in Crossfield Road about a minutes walk away from the above site, and we are continually walking through this area at all times of the day and evening, to get to Finchley Road, Swiss Cottage Underground Station and to the Library; and so will be greatly affected by the above proposals to amend the existing Planning Permission so as to construct a 26 storey tower with 2 side blocks comprising 236 residential units in addition to other commercial use. The current permission is for a 24 storey tower with side blocks of 5 and 7 storeys, and it is intended to request an increase in the number of storeys in the tower to 26 and also in the side blocks but keeping within the same overall height, and also increase the residential units from 184 to 236 flats.

The original application by Essential Living was 11 years ago and so almost exactly 11 years ago on the 27 March 2014, I wrote objecting to that Application on a large variety of grounds such as the whole design and layout of the scheme and the increased use of the area, the loss of daylight and sunlight, impact on wind and serious traffic, vehicular access and parking deficiencies. That Application was rejected by the Planning Committee councillors, but after appeal and public enquiry approved by Planning Inspector; the deciding factor for him being the provision of flats available to rent on short term leases.

While I consider all my previous objections are still valid and it is regrettable that Regal on taking over the project from Essential Living did not take the opportunity after 11 years to redesign the scheme for the benefit of everyone, so whatever the Planning Inspector might have said all the shortcomings which were identified before remain. However as I am intending to focus on the amendments requested by Regal, I am not considering going over the old ground again except to mention a practical issue arising out of the physical location of the site, which may still be very relevant. The only access to the site is either from the busy red route, that stretch of Avenue Road being part of the A41, or through the pedestrian area at the top of Eton Avenue. After several attempts, including one which would have necessitated the very large construction vehicles having to make circuits around the gyratory, with all other traffic stopped, to enter or leave the site; after 5 years before giving up the project Essential Living had still been unable to finalise a construction contract.

As Regal are taking advantage of the Planning Inspector's Approval on appeal 10 years ago, the main role of yourself, Planning Dept officials and Planning Committee councillors is likely to be considering Regal's proposed amendments and appropriate planning conditions; over the page I shall be focusing on this, and in particular 3 items arising out of the requested changes to the external appearance /cladding, increase in number of flats and effect on access, and sale instead of flat rental.

External Appearance/Cladding

In order to be more heat efficient Regal are cutting down on the amount of glass used, but that would not seem to justify their request to also change the cladding from the previously approved Portland Stone to red brick. The Tower was sold to the Inspector as being an iconic landmark. It is questionable if it was ever this, but at least there was a gesture with Portland stone cladding. Many will think that the change to red brick this would make the Tower even more out of place at the junction of 6 residential conservation areas, being more reminiscent of the chimney stack in a 19th century industrial complex; and so this change should not be accepted.

Access

Regal has continued with the previous plans for access to the site of mixing all the vehicles for deliveries, servicing and maintenance, and refuse with everyone walking through the pedestrian area, including theatregoers in the evening, at the top of Eton Avenue. Even leaving aside the impact of the market stalls, this has always been a recipe for disaster. Regal continuing with the same plan will make things much worse, with the large growth in home deliveries, day and evening; and the extra 52 flats it wants being an increase of 28% in the number of households. Regal's statement that the existing tunnel off Eton Avenue under the Hampstead Theatre, would be used is quite fanciful and unrealistic. It is barely wide enough for 2 small cars to pass and too low for even a lot of SUVs; and only likely to be open during daylight.

The Planning Inspector was aware of the problem, but his solution of requiring a Service Management Plan, as described in the s.106 Agreement, to be a condition of all flat acquisitions is similarly in practise unrealistic and unworkable. If the provisions of the Service Management Plan were properly adhered to, most deliveries should not be taking place routinely, and there would need to be very strict controls with the requirement of prior booking for those which would be permitted. So while restrictions of this sort may well put off a lot of potential purchasers; for others it is unrealistic to expect occupants faced with a breakdown of household appliances to delay getting them repaired or replaced by going through the added rigmarole of having to book and wait for their permitted slot; and even less likely to even contemplate them being put off from ordering take away food deliveries whenever they want.

So before approving any increase in the number of flats, Regal should be required to produce a sensible safe access plan: ideally from Avenue Road; the proposals preventing that 10 years ago, of pedestrianising Avenue Road having being abandoned.

Sale of Flats

While the flats in the Tower were designed and approved as being for rental, Regal now wishes them for sale. Regal has offices in Dubai, Hong Kong and Shanghai and a real concern, which Regal has not dispelled, is that overseas buyers are its prime market; and especially it may be hoping to forward sale the whole tower off plan while still being built to a single overseas fund or trust. This raises concerns on increased prices, money laundering, and yet another London tower being kept empty, or at best let on air'nbs. Foreign buyers are mostly looking at this type of property as a safer currency haven and emergency bolt hole rather than somewhere to live, and as they are not so concerned about receiving rental income, they feel it is better for them to leave the property empty rather than occupied by a tenant who increasingly may be difficult to remove; the risk of which has already severely curtailed the traditional domestic buy to let market. Already this applies to a large numbers of buildings in central London and the new tower blocks along the Thames.

Whatever justification there may have been for a 24 storey tower (now to be increased to 26 within the same height) providing proper homes, there is none for the damage to six conservation areas through the construction of another empty unoccupied tower. Many Local Authorities faced with the problem of second home ownerships are now imposing restrictions " on the sale of all new builds to those wishing to occupy them as their principal home." There seems every reason for Camden to be following these already established precedents.

Yours faithfully,
A.H.Kay