



28th May 2016.

Dear Zenab

1) I object to Essential Living's new application 2016/2803/P to vary the inspector's decision to vary condition 31 as a minor-material amendment under Section 73.

2) Demolishing the existing 100 Avenue Road building before the required detailed plans for the foundation works have been submitted and approved *"would result in the risk of significant harm to visual amenity and the amenities of neighbouring occupiers"* as stated in your last Reason for Refusal [Decision Notice 2016/2128/P] whether condition 31 is varied as a 'minor'-material amendment under Section 73, or as a 'non'-material amendment as previously refused,

3) Detailed foundation plans can take considerable time to complete, especially where there is a 24 Storey tower precariously located directly above Swiss Cottage tube's southbound tunnel. For this reason there is a possibility that it may not be ultimately feasible to construct the development as planned above this site at all.

4) It is therefore imperative that full 'detailed' plans for the foundation works must be approved by TfL and Camden Council before it can in any way be viable to demolish the existing building.

5) Essential Living's justifications for their application must be made public by Camden Council. None are yet apparent, **apart from the obvious wish to save time and implement 'planning permissions'**.

6) For these reasons, Camden Council, must, in all practicality and regard for the well being of the community, consider that a demolition site at 100 Avenue Road for an indefinite period and unknown outcome would still *"result in the risk of significant harm to visual amenity and the amenities of neighbouring occupiers"* and therefore would constitute a major-material amendment to the original planning and not a minor one. Accordingly Camden should "look to refuse permission for the current application" to vary condition 31 and not demolish in any event, under any section or appeal until the full "detailed" plans have been submitted in consultation with TfL and approved by Camden Council.

Please note that the public should not have to keep objecting to these repeated applications which constitutes bullying.

Yours sincerely, Elaine Chambers

CC FAO Sarah Hayward, Leader, Camden Council. Ms Haji-Ismal of Camden's planning department has been encouraging EL to perpetuate their bullying tactics. This is unacceptable.



Application Ref: 2016/2803/P

Dear Zenab Haji-Ismail

I strongly object to this new application [2016/2803/P] submitted by Essential Living under Section 73 of condition 31- and to any and all further applications for variations of condition 31 Essential Living may request in order to bypass the Inspector's pre-commencement of demolition planning conditions.

Instead of coming up with the necessary plans for agreement with TfL that would meet the conditions laid down by the Inspector EL has tried everything it can to speed up permission to demolish 100 Avenue Road prior to those plans being fulfilled.

The developers set out to amend Condition 31 which stipulates that before development can begin 'detailed design and assessment reports for **all of the foundations, basement and ground floor structures**, or for any other structures below ground level, including piling (temporary and permanent), have to be approved in writing by the Local Planning authority.'

They tried to sidestep this crucial matter of the foundations for the building and structures below ground level – when they applied to demolish before:

*"discharge of the conditions prior to the commencement of **below-ground works**)"*[Application No. 2016/2128/P]

- but this was fortunately refused by the Council.

However, not to be deterred, they followed Camden's advice:

"Amendments to the approved drawings which would result in a material change to the appearance of the building should be sought using the s73 application (minor material amendment process" [Informative1: 2016/2128P: 04.05.2016]

- and they duly segued into section 73 and re-applied to:

"change the point at which full details are submitted [Variation of condition 31" [Application number:2016/2803/P; 21.05. 2016] by changing the wording to:

*"(a) Demolition shall not commence until an outline method statement (in consultation with London Underground) for all **ground floor structures** has been submitted and to and approved in writing by the Local Planning Authority."*

This is a far cry from meeting the conditions laid down by the Inspector – which one would have assumed are there to be carried out.

EL must not be allowed to reap the benefits of pre-emptive demolition: 'planning permissions' that would kick in and wipe out the three year time limit within which development must begin and pave the way for Essential Living to vary their plans without having to submit a new planning application.

In any case, it is almost impossible to understand how demolishing a huge building can ever be considered merely a **minor** change. The public would be left with an enormous hole in the ground, intrusive hoardings, dust, dirt, the A41's worth of pollution, and a devastating loss of enjoyment of their open green space for however long it takes EL to prepare a submission that can gain approval - if indeed they ever can - given the location above the Swiss Cottage tube.

EL's seemingly endless attempts to achieve prior demolition - which the local community has no option but to respond to each time - feel like EL are cynically trying to wear down the public (and the Council?) into submission.

This cannot be allowed to happen, whatever section or term used or variation they apply for. Nothing short of full approval of all the detailed plans for foundations works can mitigate this potential harm to the community.

I request, therefore, that this latest application 2016/2803/P be turned down flat; without equivocation, and that in the interests of the health and sanity of the local community – a full stop is put on any of Essential Living's further tactics to bypass the Inspector's conditions.

Yours truly

Edie Raff

Save Swiss Cottage

Chair of Cresta House Residents Association



Dear Miss Haji-Ismail,

This is an aide-memoire and request following our very useful conversation on the telephone this afternoon.

I understand that the variation referred to in your letter refers merely to the timing of information to TFL and the council about the nature of the works on 100 Avenue Road to be carried out by the developers.

But of more concern was your explanation about the way the developers had to consult with the community before they start work.

You said you had no idea yet when the work would start . You also said that you thought they ought to consult about a month or six weeks before that. As I understood it they have a duty to carry out destruction and construction in a way that inflicts least pain. But that the council plays no role in that consultation. It just has to be happy that it has taken place. But if the community is not content with the developer's proposals it would be for the council to determine whether the developers are doing the best they can - and whether that best is good enough.

I think that I am not alone in being uncertain about this process. How long in advance may we expect to know when work is due to commence? How can we be certain the consultation is carried out in good faith ? How can we know that the council's definition of pain or undue disruption will reflect that of the community?

It would be very helpful if could circulate a schedule of works ,or at least a timetable indicating when that schedule will be available, and an answer to the above questions – though I am sure there will be others.

Thank you again for our chat. And I – and others - look forward to hearing from you.

Best,

Anne Lapping

