



To: LB Camden - Regeneration and Planning, Development Management

**For the attention of:** Zenab Hafi-Ismail, Planning Officer

**From:** Richard Ferraro BA(Hons) DipArch ARB RIBA FRSA  
28 Palgrave House, Fleet Road, London NW3 2QJ

**Subject: 100 Avenue Road - Minor Material Amendment - Planning Application 2016/2803/P  
3rd Letter of Objection from Richard Ferraro**

*Note: When I refer to Condition 31, I refer to the Conditions of the Planning Permission for the main development at 100 Avenue Road, as set out in the Secretary of State's decision letter dated 18 February 2016, Ref: APP/X5210/W/14/300616.*

Dear Sir/Madam,

**Re: Bats**

I wish to add to my previous two letter of objection, sent to LB Camden on 11.06.2016 and 20.06.16. (My previous objections in those letters still stand.) I now wish to address the matter of a protected species, bats, seen recently at and near the site of the existing office building at 100 Avenue Road. It appears that bats are roosting at or near the site; and it is also possible they are roosting inside the empty office building.

Under current legislation, it is the legal responsibility of the site owner to ensure that they do not disturb or destroy the bats or their habitat. It is essential therefore that the owner of 100 Avenue Road undertakes a detailed specialist survey to identify the presence of bats, for which a properly qualified specialist will have to be commissioned by the owner. Clearly this survey and any recommendations arising from it must be carried out with all actions completed **before** any form of demolition of the office building and **before** any tree felling or lopping takes place.

I request that LB Camden puts these requirements on a formal and binding basis with the site owner at 100 Avenue Road, so that the Council can require the site owner to undertake the specialist survey and to undertake all necessary measures that result from the survey. I also request that LB Camden requires the owner to submit the specialist survey report to the Council along with detailed proposals and a suitable management plan to deal with the bats in line with current legislation; also I request that the Council requires formal sign-off of the detailed requirements on a stage by stage basis. By this means the Council can ensure that the requirements of the specialist survey are properly and fully carried out **before** demolition of the office building and **before** the felling or lopping of any trees.

Given that the above requirements are very likely to delay the potential date for demolition of the existing office building on the site, and in order to allow sufficient time to deal with the bats in an appropriate manner, I see no reason for the Council to grant approval of amendments to Condition 31.

**I therefore request strongly (again) that the Council refuses Planning Application 2016/2803/P.**

Yours sincerely,  
Richard Ferraro  
(Contact details as above)

**To:** LB Camden - Regeneration and Planning, Development Management  
**For the attention of:** Zenab Hafi-Ismael, Planning Officer  
**From:** Richard Ferraro BA(Hons) DipArch ARB RIBA FRSA  
28 Palgrave House, Fleet Road, London NW3 2QJ

**Subject: 100 Avenue Road - Minor Material Amendment - Planning Application 2016/2803/P  
2nd Letter of Objection from Richard Ferraro**

*Note: When I refer to Condition 1 and Condition 31, I refer to the Conditions of the Planning Permission for the main development at 100 Avenue Road, as set out in the Secretary of State's decision letter dated 18 February 2016, Ref: APP/X5210/W/14/300616.*

Dear Sir/Madam,

I wish to add to my previous letter of objection, sent to LB Camden on 11.06.2016. (My previous objections in that letter still stand.)

I hear that the Council may be minded to grant the wishes of the Applicant, ie to re-draft Condition 31, and thereby permit the change of sequence of events concerning the process of approval of important engineering matters (ref: the effects of the development on the Jubilee Line). If that is correct, I object to that outcome.

I also understand that, at the same time, the Council is considering the possibility of adding one or more **new Conditions** to the original Planning Approval for the main development, in an attempt to link the demolition of the existing building to the construction of the new building. I assume that, by such means, the Council wishes to reduce the time between completion of demolition and the construction of the new development.

In my view, when LB Camden is considering Planning Application 2016/2803/P, it is essential that the Council does not reduce the level of protection already provided in Conditions 1 and 31, ie already in place for the protection of the local and wider community regarding loss of amenity that would arise from a protracted delay between demolition and construction. *(NB: See my other letter of objection on this.)* It is also essential for the Council not to reduce the incentive as it already exists (under the requirements of Conditions 1 and 31

as currently drafted) for the Applicant to obtain approval to all the necessary engineering details as quickly as possible.

However, if the Council is proposing to protect the local community in a different way, by imposing one or more new Conditions that say something along the lines of "**begin the construction immediately after demolition**" or "**have a contractor in place ready to begin construction**"... then in my view the Council is wasting everyone's time and scoring an own goal. That's because phrases like that in Conditions are pretty well useless. They do NOT require the building to be built; at best they require the construction process to "**begin**".

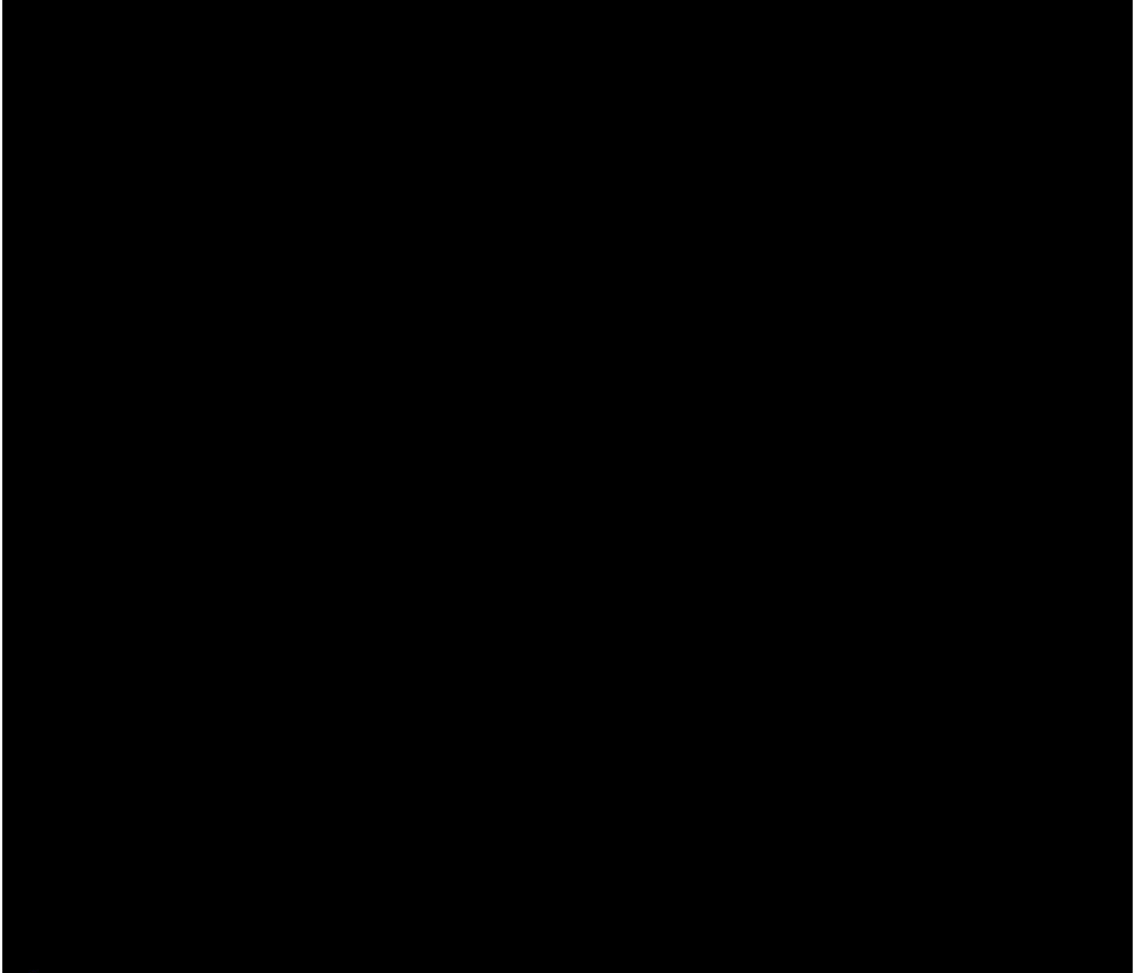
LB Camden should know from UK Case Law and local examples (including examples involving LB Camden in the past) that this type of Condition to "**begin the construction**" can be satisfied in law by doing only a very small amount of construction work, and then stopping again.

*In one example involving LB Camden in the past, the developer in such a situation dug a couple of foundation trenches and poured some concrete into the trenches, and then stopped the process of construction for several years. In that example, LB Camden chose not to prevent the construction of the development after expiry of the (then) 5 year period during which the construction was supposed to begin, even though at that stage neither the Council nor local residents wanted the development built. (The example referred to was a block of flats on the northern edge of Hampstead Heath.)*

All of this underlines the fact that Conditions 1 and 31 as now drafted in the Planning Approval (from the Appeal and as approved by the Secretary of State) provide the best possible level of protection to the local and wider community. Therefore, in my view, Conditions 1 and 31 should not be changed or diluted in any way.

**I therefore request strongly (again) that the Council refuses Planning Application 2016/2803/P.**

Yours sincerely,  
Richard Ferraro  
(Contact details as above)

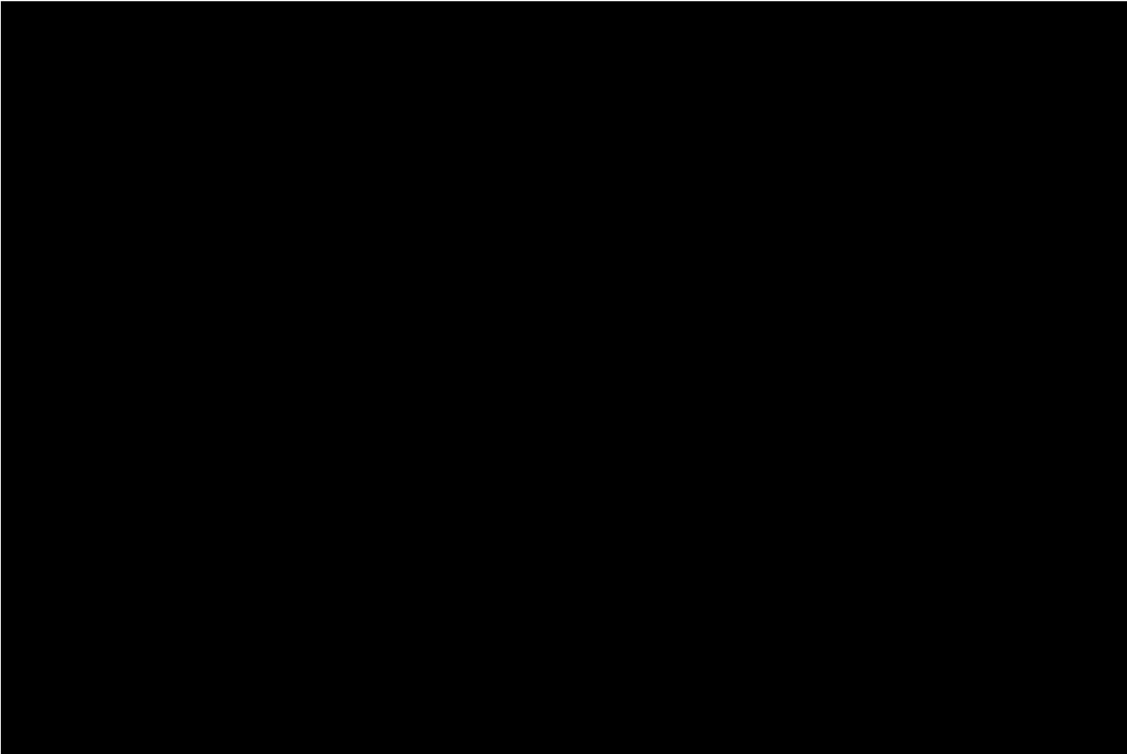


30th June2016

Dear Ms Haji-Ismail,

Can you please give me a date for the DCC meeting that will be discussing matters surrounding 100 Ave. It's important to have this established as soon as possible as the holiday season is with us.

Regards, E. Chambers



Dear Zenab

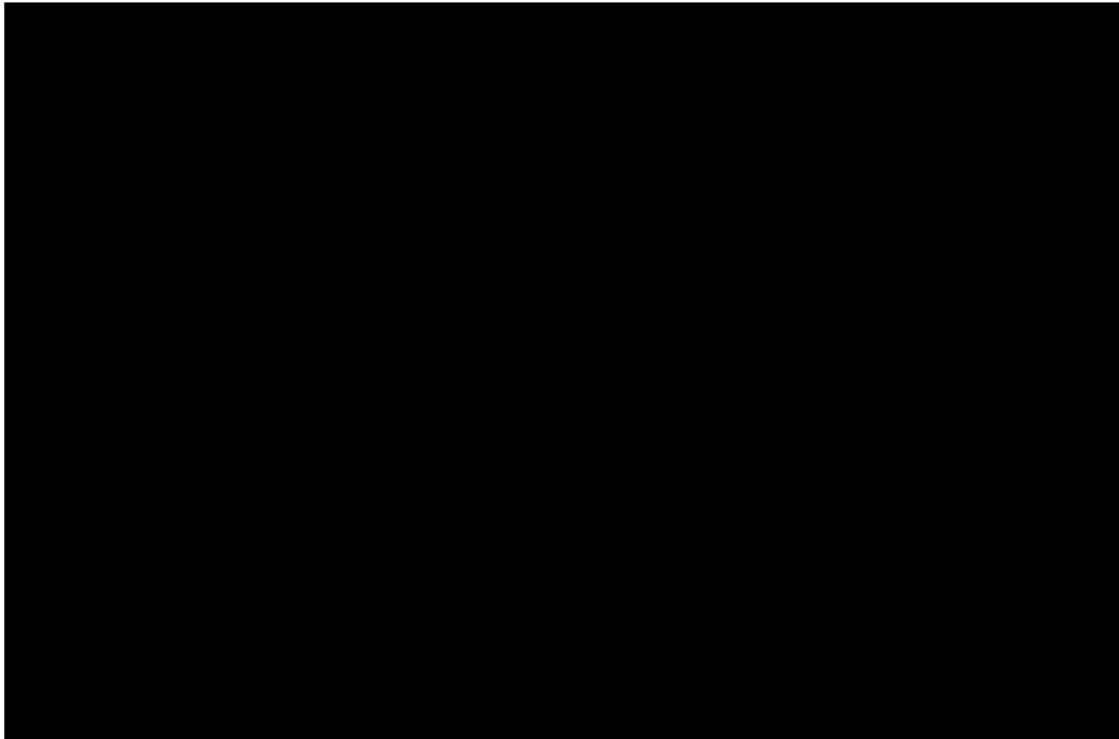
Sorry but the fodder for further objections to the early demolition of 100 Avenue Road just keep coming.

Please add this to your website of objections.

What the Council must not allow to happen here at Swiss Cottage is what is evidently in progress on another of Essential Living's development sites (under another company name, Essential Land [EL]).

It has come to our attention that EL has been granted permission from Swale council in Sittingbourne to build 150 homes next to a supermarket. EL has applied to alter a condition of the planning consent (sound familiar?). According to a local councillor, the development - so far - has become "a three year saga". This just reinforces our deep concerns in regard to EL's most recent application for pre-emptive demolition. We are fighting to avoid "three year sagas" or, as it has already been three years in the case of 100 Avenue Road - "5 year sagas" or "10 year sagas".

Edie Raff  
Save Swiss Cottage



Dear Zenab Haji-Ismail

I am writing, once again, to urge you and Camden Planning to refuse permission to Essential Living to demolish the existing building at 100 Avenue Road. No demolition can be allowed before all the detailed plans for the foundations of any new building have been agreed. The grounds of the last refusal are still completely valid in this case.

Because it is not yet known when, or even if the 100 Avenue road develops ahead as planned, Camden Council must conclude that a demolition site of indeterminate period, with an unknown outcome (whilst awaiting approval plans) would, by their own definition, cause 'harm' to the community and should be considered a 'major'-material alteration to the original plan and not a 'new condition to ensure that the approved building is immediately erected' and demolition can change this. Permission to vary condition 31 must therefore

Yours sincerely

Beatrice Wober

***FROM THE CHAIRMAN OF CRASH***

Dear Zenab,

On 11th June Camden acknowledged receipt of CRASH's objection to Essential Living's application to amend Condition 31 yet, to date, this has not been included on the Camden website. Several of our members have reported to me that their objections have also failed to appear, most notably one from Mr Michael Pharey.

I would be grateful if you would kindly look into this matter and immediately ensure that the missing objections are included and that acknowledgement is made of the fact that, contrary to what you have put on record, the overwhelming majority of the comments received thus far on this matter are bona fide objections to this latest application and not, as stated, merely re-run objections to a building in principle. Such a statement gives an entirely false impression of the depth of local feeling against allowing Essential Living to make these unwarranted and unnecessary changes. The large number of objections must be acknowledged by Camden and truthfully reported.

At the same time I think you and members of the DCC should be made aware, if you are not already, of an article in today's Kent Messenger Online which details the years of chaos Essential Living (Essential Land in this case) are likely to inflict on the heart of Swiss Cottage if they behave as they have in Sittingbourne over the redevelopment of the Sittingbourne Paper Mill and Camden allows this application to be approved before proper detailed plans for the foundations of the building are approved. Please click below.

[Swale Council approves homes plan at former Paper Mill site](#)

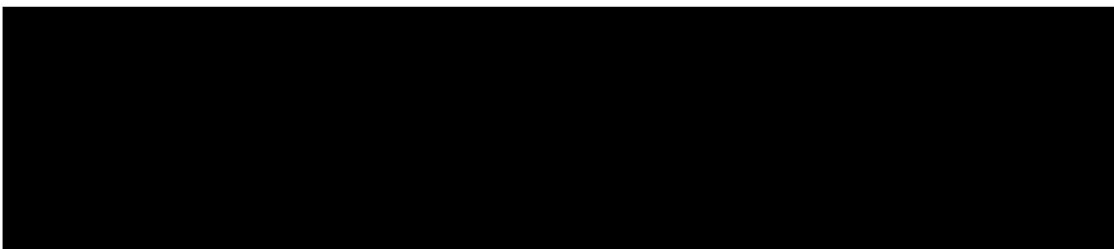
The *empty* land next to Morrisons. **Essential Land** argued it would have to dig up the landscaped *park* .... “The saga of this site has gone on **for the past three years**,

I look forward to having your confirmation that the CRASH objection will be recorded on the Camden website along with that of Mr Pharey.

Yours truly  
Peter Symonds  
Chair  
The Combined Residents' Associations of South Hampstead  
48 Canfield Gardens  
NW6 3EB







Dear Madam,  
Dear Sir,

Because it is not yet known when, or even if the 100 Avenue road development can go ahead as planned, Camden Council must conclude that a demolition site for an indeterminate period, with an unknown outcome - whilst awaiting approval of foundation plans - would, by Camden's own definition, cause 'harm' to the community and amenity and in any case be considered a 'major'-material alteration to the original plan and not a 'minor' one.

Permission to vary condition 31 must therefore be refused.

Kindly take my objection into account.

Regards,

Rita Tiphine



Dear Ms. Haji-Ismail,

I wish to add an additional reason to the objections I sent to you on 7th June to the application by Essential Living to vary condition 31 in respect of the 100 Avenue Road site.

Due to a material change in circumstance which I am bringing to your attention at the earliest opportunity, there is good reason to believe that the viability reports upon which the eventual construction of the tower is based are now wholly inaccurate. The viability reports were based upon a projection of demand that assumed that there would be, if anything, an increase in city workers on high salaries wishing to rent properties in zone 2. In particular, no allowance was made whatsoever for the possibility of the United Kingdom voting to leave the European Union, the resignation of a Prime Minister and the accompanying uncertainty that follows.

There is absolutely no assurance from Essential Living that if the building is demolished there is any guarantee that their international funding streams to build the tower will continue in any form whatsoever.

Can Essential Living demonstrate and guarantee to Camden (and they to us) that their international funding will continue to be in place for this project given the significant material change of circumstances resulting from the outcome of the UK EU referendum? It would be entirely irresponsible for EL to demolish the existing 100 Avenue Road building without this assurance

If Camden Council is going to make a decision that it cannot take into account the effects of the outcome of the Referendum on the United Kingdom's membership of the European Union and therefore will not consider my representation, please take this objection as my formal notice that I will require a copy of the decision in writing together with any reasons.

Judith Nasatyr