

Dear Camden Council,

I'm writing to express my frustration and disappointment regarding the planning application for 100 Avenue Road. I've tried to use the website several times to do so though see a "Server Application Error" message when searching for the proposal.

Coming home from work on an evening we catch the last of the sunlight across the green Swiss Cottage Open Space behind Hampstead Theatre. Sitting on the grass it's easy to see that if 100 Avenue Road goes ahead the area would be in the shade at that time of day. I look at the beer garden at the Swiss Cottage pub and note it once would have had sunlight around the same time but due to high buildings being built over the road that is no longer the case. The proposal for 100 Avenue Road would mean that every working day there would be no sun spot near home, which is highly important when considering that very few people in the area have a garden or outdoor space.

Earlier in the year I had some time off and noted sunlight would also be blocked on the Open Space earlier in the afternoon and also later in the afternoon on the market area in front of Hampstead Theatre.

On a warm weekend the Open Space area is busy with children playing and local residents relaxing. With the proposed number of residential units built right next to this the area will certainly be overcrowded and lose its charm, not to mention being towered over by a completely disproportionate building with a severe lack of aesthetics. Take a look at nearby and modern Visage Apartments then look at the poor design proposal for 100 Avenue Road. Incomparable.

In relation to the impact on me directly I have worked day, night and weekend for over 8 years to save up to buy my own place. In January 2014 I bought my current apartment which overlooks the Open Space. The skyline behind my apartment is a white 3-4 story building, the current Avenue Road, and most of the view is sky. The skyline from my bedroom would be almost wholly be apartments in the proposed 7 story 100 Avenue Road, directly overlooking the privacy of my bedroom.

Similarly, in bed at night I can look out of the window at the sky. The proposed building would mean I'll need to keep my blinds closed because all I would be able to see is the 7 story residential building from which people could freely see into my room.

Alongside the personal effect on my daily living the proposal directly impacts the resale value of my property.

There's not a day where I don't feel anger and frustration towards this proposal which goes against all local residents and has such a negative impact on the area. Why should I save money for almost a decade to barely afford a property then have the value and niceties overridden by a multimillion pound property development? Why should my privacy and personal loss not even be considered, let alone compensated? Why should the "democracy" of residents and local council be overturned by the Secretary of State and the beautiful character of Swiss Cottage Open Space be overshadowed by greed?

I strongly oppose the planning application and sincerely hope it does not go ahead.

Thanks for your time.

Best regards,

Dan Donegan



Sent on 11th July 2016 from Elaine Chambers.

Extract from the deligated report 15/07/2016-100Ave rd.

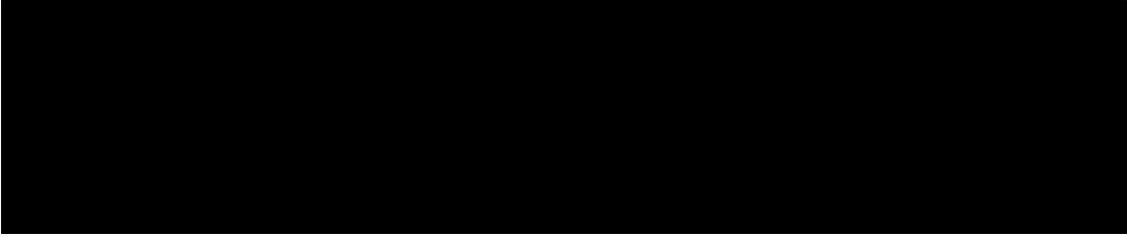
**Incorrect information given in the report.**

*"As stated above, Belsize Park is the closest conservation area. Other conservation areas in the wider area are as follows; Fitzjohn Netherhall Conservation Area is located to the north of the Swiss Cottage Gyrotory, South Hampstead Conservation Area is located to the west and Elsworthy Conservation Area is located to the southeast. The site is not covered by any strategic views."*

**Correction. The Closest Conservation area to the building at 100 Ave rd is Winchester rd NW3 3NR.** Its rear bedroom windows are a mere **75m** from the rear of the 100Ave building. There has been much obfuscation and sleight of hand channelled around the so called 'facts' put out by EL with regard to this Victorian terraced row. **Let's now get this straight with no further obfuscation.** Whilst **Winchester rd NW3 3NR is in the ward of Swiss Cottage it is also INSIDE the Belsize Conservation Area.** Repetition of the name **Belsize** has also been deployed by EL to blur and confuse those who are not familiar with this area. **Belsize Park**, a good distance from 100 Ave. is also in the **Belsize Conservation Area** but it merely a part of it, not the whole of it, just as Winchester rd. is equally apart of it. Therefore, by EL's use of the term **Belsize Park** to mean, for their convenience and deception, the entire conservation area, they were able to claim that it is a long way from 100 Ave. This has been used repeatedly by EL to dupe those they intend to deceive into thinking any demolition work would have a negligible effect on **Belsize Park**, which is indeed the case, but it will most certainly have a devastating affect on the Victorian terrace which is Winchester rd and indeed the closest **Belsize Conservation Area** to 100Ave as I've stated a mere **75m** away. This deceit which has persisted throughout the entire inquiry must now be fully recognised and acknowledged for what it is, a deceit.

**I will be expecting within the week a response from Camden's Planning dept. and their legal department acknowledging the proximity of Winchester rd NW3 3NR as being inside the Belsize Conservation Area and being the closest conservation area, a mere 75m, from 100Ave separated by a space which EL themselves regard as 'a small open space' (You may wish to measure this 75m again but if it varies it will only vary by a minuscule amount.**

Yours sincerely, Elaine Chambers



The early demolition of 100Ave rd with no guarantee of the reconstruction of a building in its place will have a profound affect on the residents of Winchetser Rd NW3 3NR for the reasons given below.

I also wish Camden's legal department to note the deliberate deceit by Essential Living to obscure the true facts.

Sent on 11th July 2016 from Elaine Chambers of Save Swiss Cottage.  
Extract from the deligated report 15/07/2016-100Ave rd.

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Yours sincerely, Elaine Chambers



***FROM THE CHAIRMAN OF CRASH***

Dear Zenab,

I write further to CRASH's original objection to Essential Living's above mentioned application to amend condition 31, which I have still to find listed on the Camden website even despite Camden's acknowledgement of its receipt on 11th June.

There is, in this associations view, no justification whatsoever for any alteration to the Secretary of State's approval and imposition of Condition 31, which was attached for the sole purpose of protecting both the infrastructure and the amenity of the area. If Camden allows such a change before full detailed plans have been provided, ratified and approved, they will be abrogating their responsibility to ensure that no harm is inflicted on the amenity or on neighbours, since they will no longer have any control over how soon after demolition Essential Living will be made to begin building works. The 100 Avenue site could be left disfigured and neglected for months, if not years to come. It is worth noting that this is exactly what happened after Essential Living's associated company Essential Land (which has the same executive directors as Essential Living) purchased and demolished the Sittingbourne Paper Mill. See <http://www.kentonline.co.uk/sittingbourne/news/paper-mill-site-set-for-44133/>

Camden's apparent acceptance that no unreasonable delay is to be expected and that they can trust Essential Living's promises that construction will begin immediately following demolition is, frankly, naive and runs the very real risk of allowing an even greater time lapse between demolition and construction. If demolition goes ahead before all the detailed foundation plans are fulfilled, planning permissions will consequently be activated and the three-year time limit, within which development must have begun, will be void since construction will be deemed to have commenced.

Condition 31, as it presently stands and as imposed by the Secretary of State after recommendations for the Planning Inspectorate, is entirely sufficient as the best safeguard for the infrastructure, amenity and neighbourhood and needs no further amendment or alteration. For these reasons CRASH once again respectfully requests that this application 2016/2803/P to vary condition 31 is refused.

Yours truly  
Peter Symonds  
Chair

***The Combined Residents' Associations of South Hampstead  
48 Canfield Gardens  
NW6 3EB***



VARIATION TO CONDITION NO 31 – APPLICATION NO 2016/2803/P  
6th July 2016

Zenab Haji-Ismail  
Development Control  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 8ND

1. Outline method statement
2. Potential delays

Essential Living's (EL) 'Outline method statement' for safe demolition of the existing 100 Avenue Road building that TfL has recently agreed to is not enough to justify bringing forward demolition because there will still be 'harm to the amenity & neighbours' - due to the fact that a building site is likely to remain fallow for a protracted period of time whilst awaiting the rest of detailed plans to be ratified. And until all these plans have been approved – as required – no assurances can be given as to WHEN the development will go ahead as planned.

Now that Camden have withdrawn their offer to introduce a new condition to ensure construction begin immediately following demolition, on the basis that no unreasonable delay is to be expected, the potential for an even longer gap between demolition and construction will have increased. This is because if demolition goes ahead before all the detailed foundation plans are fulfilled, Planning Permissions (PP) will consequently be activated and the three-year time limit within which development must have commenced will be void – as development will now have commenced. This in turn will mean that Essential Living may choose to delay construction INDEFINITELY! The fact that EL say it is not in their interests to do so is not sufficient assurance. They could also choose to sell the 100 Avenue site at considerable profit once PP is obtained - and move on.

You only have to look at EL's performance as 'Essential Land' (different name, same bosses) with their Sittingbourne project to see there is cause for concern:  
<http://www.kentonline.co.uk/sittingbourne/news/paper-mill-site-set-for-44133/> The empty land next to Morrisons, meant for 150 new homes, according to a local councilor, has been a 'bomb site' for 4 years! Essential Land are currently trying to duck their obligation to build a 'linear' park. Swale Borough Council is none too pleased about this inordinate delay!

The SoS approved condition 31 to protect both the infrastructure and the amenity.

For these reasons it is imperative that application 2016/2803/P to vary condition 31 is refused.

Kind Regards

Janine Sachs  
Save Swiss Cottage.

VARIATION TO CONDITION NO 31 – APPLICATION NO 2016/2803/P - 6th July 2016

Zenab Haji-Ismail  
Development Control  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 8ND

Re: Bats and protected species

Dear Zenab

Further to my previous objections I would like to add:

Both Elaine Chambers and myself witnessed bats around the trees next to the 100 Avenue Road building at around 9.30 pm on 22<sup>nd</sup> June. I also saw one last night flying above the roof. I believe letters have been written to you requesting a survey be done to ascertain whether or not bats are in fact nesting in either the building or the adjacent trees – as bats are protected species and demolition cannot commence until various ecological and humane conditions are put in place.

It appears that no one has assessed has the 100 Avenue Road application: 2014/1716/P using the Conservation Regulations (Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)). It is the duty of planning authorities to consider protected species when assessing planning applications:

I have looked at the Phase 1 Environment Report by RSK on the planning portal and there is no mention of protected species. They completed a number of searches for designated sites in the area but did not include a biological records data search for protected species. This report is more focused on contaminated land rather than the ecological value of the site for protected species and the likelihood of protected species being present – this is for all protected species not just bats. The conclusions and recommendations don't mention anything about completing further surveys for protected species.

In addition the Stage 3 Arboricultural Report by RSK acknowledges that there may be bats but it is beyond their remit to assess:

**1.3.3** ☐ Mature trees can be used by birds and bats. All species of bat and nesting birds are protected in the UK by *The Wildlife and Countryside Act 1981* (as amended), extended by the *Countryside and Rights of Way Act 2000*. If the presence of a legally protected species is suspected while undertaking any tree work, the task should be halted immediately and appropriate advice should be obtained from a suitably qualified ecologist.

Although features suitable for roosting bats or nesting birds may have been noted, this report is not intended to assess the suitability of trees for protected species.

☐

There is no mention of biodiversity enhancements of the developed site in the appeal decision notice or the planning conditions. ***Biodiversity enhancements would be required under the National Planning Policy Framework (National Planning Policy Framework, 2012 <http://www.communities.gov.uk/publications/planningandbuilding/nppf>)*** – the only

environmental condition I can see is that they have to replace any new trees that fail in the first five years.

Please consider this as both a request for a survey of protect species, in particular bats – as well as a formal objection to Essential Living’s application 2016/2803/P to vary condition 31 - as no demolition can take place until this survey has been completed.

Kind Regards

Janine Sachs  
Save Swiss Cottage.





10th July 2016.

Dear Ms Haji-Ismail,

There are **two** reasons here for my objections stated below. Both of which I expect to see on your website.

Camden & EL & TfL's collusive cocking-a-snook at the inspector's condition 31 upheld by the Sec of State Greg Clark.

**1) I Object to the demolition of 100Ave building** until such a time as the plans for this redevelopment demonstrate its structural viability and are then fully approved. Essential Living's outline method for safe demolition is irrelevant until the viability of the plans are shown. **This condition 31 was put in place for straight forward empirical reasons and de facto still holds.**

Camden, it appears, has abdicated its responsibility to the neighbourhood, (so what's new) especially to those who reside on the periphery of the Swiss Cottage Green, a mere 75m from 100 Ave. (This building at present protects them from the fumes on the busy Avenue rd.) These vulnerable people will be most severally affected by the demolition and any delay in a rebuild. Camden are now claiming (logic to the wind that because there will be no delay (as yet not proved) they have no need to object to the demolition of 100Ave Rd on the grounds of a delay. It's amazing how the promise of vast sums of money can blur the mind to reason and integrity.

Perhaps Camden needs to take a break from semantic gymnastics and reflect on the business credentials of Essential Living and its alter ego Essential Land. Take a look at what has happened in **Swayle; a three year delay**. Yes, all our local neighbours are fully informed, so do keep up Camden, this could come back to bite you.

**Bats.** (that's not an expletive!)

**2) Camden must inform Essential Living of their legal obligation to carry out a bat survey.** More bats have been spotted and this time in the building itself.

I look forward to being informed of the name of the company hired to carry out the survey, the date it will start and the outcome plans for these creatures.

Yours sincerely,

Elaine Chambers