

Dike, Darlene

From: [REDACTED]
Sent: 17 February 2017 00:40
To: Cassidy, Michael; Planning
Cc: [REDACTED]
Subject: 100 Avenue Road Application no.2016/6699/P

Dear Michael Cassidy

The local community is extremely concerned that this current 100 Avenue Road Application 2016/6699/P to discharge condition 31 is being rushed through *before* all the foundation plans are complete* contrary to condition 31, because TfL need EL to demolish before CS11 construction commences in August.**

Without proper public involvement, I believe it is inevitable that this application will be 'smuggled' under the radar without due diligence and proper scrutiny.

It is crucial that Camden officers re-register this application as a 'variation' instead of a 'discharge' - for the following reasons:

1. Camden planners are acting unreasonably in assessing this application as a discharge of condition 31 when it is clearly a variation:
2. It is a variation because new material has been brought into the application which has never previously been mentioned.
3. The following factors have not been adequately specified, they were not discussed at the planning inquiry nor do they appear in the Inspector's report. This means that in particular the following constitute new material:
 - i. Impact on tube users of repeated closure of tube access steps on Eton Ave and Avenue Rd. The applicant does not give adequate specification about the nature of the disruption to the tube stairs (8,1.1). This would in effect appear to be suggesting that at certain periods, there would be no access to Swiss Cottage tube from the NW3 side of Finchley Road.
 - ii. Report 12 pp. 33 and 36 make clear that the pedestrianized area on Eton Ave would become the only vehicle access route for all construction traffic. Yet no plan has been outlined for dealing with this and there is no discussion about the impact on farmers market, together with the dangers for the shoppers, pedestrians and children who use this space.
 - iii. A new noise report has been provided in section 11. It is unclear whether this now replaces the noise report which was discussed at the planning inquiry and which formed an integral part of the Inspector's decision.
4. Given that this application has been at the origin of massive public opposition, **there must be proper, effective and transparent public scrutiny on the most effective demolition.** There can be no doubt that the developers, aware of the widespread opposition are failing to do this. They are using this application as a backdoor method of avoiding the proper process.

*A Highways Development Manager (who wishes to remain anonymous) has confirmed that there are holes in EL's Submissions for Discharge of condition 31, which need to be filled in order for Camden to approve the Application. He said all the "will be's" need to become "have been's" before the plans/condition 31 can justifiably be discharged.

So unless these gaps are addressed in an updated Construction Management Plan, I cannot see how Camden can sign off this application in March.

Whilst I've no doubt that the authorities concerned would not allow the tower to be built before cast iron foundation plans are ultimately in place, our concern is that ****this big push to get CS11 underway in August is forcing an early discharge of condition 31 so that EL may use the A41 for access/egress, before TfL Commence with CS11 construction, and that premature demolition might also be an opportunity for EL to get that hole-in-the-ground that will implement their "Planning Permissions" (PP).**

Once demolition is permitted and commences, ie if Condition 31 is discharged, Planning Permission for the whole developments is automatically implemented, and the 3 year time limit contained in Condition 31 of their PP is set aside.

At which point the value of Avenue Road site goes up significantly, because the PP becomes secure.

Camden's previous Reason for Refusal for EL's previous attempt to demolish early was that a fallow site would 'harm' the community and the amenity [[2016/2128/P](#) Decision Notice 4/05/2016]

EL (under their brand name 'Essential Land' - as printed in these latest Submissions), already have a vast demolition site in Sittingbourne, Kent, that has lain **fallow for over four years!**

A public consultation would ensure the transparency and scrutiny that this application warrants.

To avoid premature demolition and, most crucially, to ensure the safety of all concerned Camden Council must:

- ∞ Ensure Essential Living and their agents do not commence any work or demolitions, until ALL detailed foundation plans are fully complete and approved.
- ∞ Immediately re-register this application No. 2016/6699/P as a 'variation', not a 'discharge' - due to the addition of new proposals such as closures to the market and tube entrances – and so make this a public consultation'
- ∞ Obtain and publish an independent assessment/report – via sealed bids – of the final, detailed foundation plans from a reputable, external civil engineering company.
- ∞ Reintroduce the council's original offer of "a further condition to ensure a contractor is in place ready to erect the approved building following demolition" – to "give some assurances that demolition would likely be followed by construction without undue hiatus"

With his permission I have pasted below architect Richard Ferraro's email to Claire-Louis Leyland:

Dear Claire-Louise Leyland, (cc Janine Sachs) on 14 February 2017

Ref: Planning Application 2016/6699/P

As an objector to this Planning Application (my detailed letter of objection has already been up-loaded onto Camden's website), I would like to add the following two points to what's been said here by Janine Sachs:

1.) Camden Council (as Planning Authority) is legally obliged to follow the requirements of Condition 31 to the letter, despite other considerations (eg pressure from TfL for any reason). If Camden does not follow the wording and the requirements of the Condition precisely, and instead goes ahead and discharges Condition 31 but without all the necessary design information in place, and/or without essential scrutiny completed and/or without all necessary external approvals in place, in my professional opinion there would be grounds for a Legal Challenge regarding the Council's decision to discharge Condition 31.

2.) It should also be mentioned that this matter is entirely linked to the £ value of the Applicant's site at 100 Avenue Road. As soon as demolition is permitted and commences, following discharge by the Council of Condition 31, the Applicant automatically gets a non-time-limited Planning Permission for the whole development, ie the 3 year time limit contained in Condition 1 of their Planning Permission is set aside. At that point, the site value escalates upwards, and Camden Council loses all influence over the proper satisfaction of the technical and logistical requirements of Condition 31.

It is therefore essential that Camden Council is entirely scrupulous and rigorous regarding its process and decision for the discharge of Condition 31.

Yours sincerely,

Richard Ferraro FRIBA FRSA
28 Palgrave House, London NW3 2QJ

[Redacted signature]

Many Thanks

Kind Regards

Janine Sachs

[Redacted signature]