

[REDACTED]

From: sachs janine [REDACTED]
Sent: 23 March 2017 07:28
To: Cassidy, Michael; Planning
Cc: Freeman, Roger (Councillor); Leyland, Claire-Louise (Councillor); Rea, Flick (Councillor); Beaumont, Elizabeth; andrew.marshall27; Tulip Siddiq
Subject: Objection (3) re 100 Avenue Road NW3 3HF - Application no. 2016/6699/P to discharge condition 31
Attachments: 100 Avenue Road - SDS Comments on LUL response re 2016-6699-P FINAL.pdf
Importance: High

Dear Michael Cassidy

Please accept my Objection (3) to Application no. 2016/6699/P by Essential Living (Swiss Cottage) Ltd to discharge condition 31 for 100 Avenue Road NW3 3HF.

Following Peter Brierley's 9th March 2017 email to you, where he writes that "*London Underground (LU) are content that the developer has met the requirements of condition 31*", and because it is hard to see in this email where this statement is substantiated, we have commissioned SD Structural Associates Ltd for their comments. Please find attached.

We trust that Camden Council are aware that the responsibility of determining this application 2016/6699/P lies with their planning department and not with London underground. This is the reason why objectors have repeatedly requested that Camden commission their own external, independent report. We would hope that, given the grave issues surrounding HS2, Camden are still going to proceed with an external report.

It must further be brought to your attention that the numerous points relating to Condition 31, as laid out in AECOM's report of Dec 2016 etc, are, **by AECOM's own admission**, incomplete and "work in progress". On this basis alone we cannot see how Camden Council can approve this application 2016/6699/P.

Many Thanks.

Kind regards

Janine Sachs
Save Swiss Cottage

[REDACTED]

BE REALISTIC-PLAN FOR A MIRACLE

SDStructures

Stephenson Davenport Structural Associates Limited

16 Boxwell Road, Berkhamsted, Herts., HP4 3EX

Janine Sachs,
Eton Avenue HA Group

Peter Symonds,
CRASH
(Combined Residents Association of South Hampstead)

Edie Raff
Cresta House Residents Association

22nd March 2017

Dear Sirs,

SD0171.0 100 Avenue Road, London NW3 3HF. Application no. 2016/6699/P

Comments on the response made by email from London Underground to Camden Council dated 9th March 2017 at 16.03.

- 1.0 We refer to the above email and related matters that was forwarded to us in the last few days. You have requested further expert advice in relation to the email and other matters. The email is referenced 20403-51-Bll I - Application 2016/6699/P – 100 Avenue Road London NW3.
- 2.0 The email was prepared by London Underground and was sent to Camden Council (CC) on Thursday 9th March 2017 at 16.03. The email was drafted by Peter Brierley of London Underground (LU) and sent to Michael Cassidy of Camden Council.
- 3.0 The email related to the Camden Council Planning application 2016/6699/P.
- 4.0 This document should be reviewed in connection with the SD Structural Associates Ltd. report '100 Avenue Road – Comments on the proposal submitted by Essential Living (Swiss Cottage) Ltd. to discharge 31 of the above application'. The document is dated 2nd March 2017.

- 5.0 The email appears to be in response to an email from Michael Cassidy of Camden Council sent on 1st March 2017 at 14.25 to 'Location Enquiries'. (We assume that this is part of London Underground)
- 6.0 The purpose of Michael Cassidy's email was to seek out clarification from London Underground to '*make sure that the development will not adversely impact on the existing London Underground structures and tunnels.*'
- 7.0 The penultimate paragraph in the email makes clear the requirements sought by Camden from London Underground. This was as follows: '*In order to address these concerns, I would be grateful if you could expand on your comments of 20th February setting out how the 4 individual parts of the condition (see above) have been met and confirmation that the information has been reviewed by TfL's engineers.*'
- 8.0 In our opinion, the level of information that has been provided by London Underground in their response of the 9th March 2017 is extremely limited and cannot be viewed as being 'expanded.'
- 9.0 The response gives no detail as to what has been provided in terms of information, what reports have been reviewed, any details regarding ground movement assessment viewed or mitigation measures proposed.
- 10.0 The response does not address the key requirements to discharge condition 31 of the original planning application. (2014/1617/P).
- 11.0 Condition 31 is:

Before development commences detailed design and assessment reports and outline method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), shall be submitted to and approved in writing by the Local Planning authority, such reports shall:

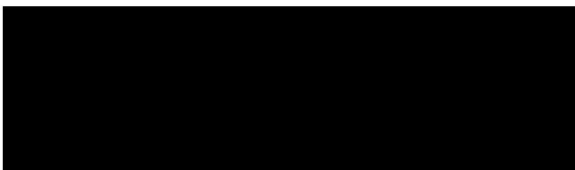
- *provide details on all structures over and adjacent to LU assets*
- *accommodate the location of the existing London Underground structures and tunnels*
- *accommodate ground movement arising from the construction thereof*
- *mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels and mitigate against any EMC (Electromagnetic Compatibility) issues arising from the construction of the new plant.*

The development shall thereafter be carried out in all respects in accordance with the approved design and assessment report, method statements and subject to an agreed monitoring strategy, and all structures and works comprised within the development which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

- 12.0 The London Underground email of 9th March 2017 makes the statement *'I reviewed the proposed development of 100 Avenue Road and London Underground (LU) are content that the developer has met the requirements of condition 31'*.
- 13.0 To the best of our knowledge the main report that was submitted as part of the planning application 2016/6699/P was prepared by AECOM, was dated December 2016 and was called '100 Avenue Road – Submission for discharge of Planning Condition 31'.
- 14.0 There is no reference in the email that this AECOM document has been reviewed by the writer (or any other qualified engineer at London Transport). However, as there are no other key documents, we must assume that in making the statement under point 12.0, that this AECOM document is what they have referred to and relied upon.
- 15.0 In particular, London underground are saying that the requirement of condition 31, which was *'detailed design and assessment reports and outline method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), shall be submitted'*, has been met. We disagree with that view.
- 16.0 We refer you to the report prepared by SD Structural Associates Ltd., dated 2nd March 2017 in connection with this planning application. The report made it very clear that the information provided in the AECOM report demonstrated that significant sections of the design work had either not started or was only partially completed.
- 17.0 Important items that had not started in terms of the condition 31 requirements were the piling design and the temporary works design.
- 18.0 Items that were only partially completed were the permanent works. The final design of basement had not been fully resolved.
- 19.0 It was recommended that as part of the development of the design, further ground modelling was required to be under taken. This has yet to happen.
- 20.0 The ground modelling design studies should be assessing the situation in three distinct phases. These are during demolition, construction and post construction in order to assess the impact on the London Underground structures and tunnels.
- 21.0 All of the above points were acknowledged in the AECOM report where they actually state the level of progress on each item. These vary significantly from 0% through to 100% with the average at only 50% or below. Ground modelling is stated as being only 50% complete.
- 22.0 On the above basis, it is reasonable to state that the current design is neither detailed nor complete as required to discharge condition 31. We therefore dispute that London Underground can make such a statement made under item 12.0, which was *'I reviewed the proposed development of 100 Avenue Road and London Underground (LU) are content that the developer has met the requirements of condition 31'*.

- 23.0 In the email of 9th March 2016, reference is made to a letter dated 19th July 2016. This was addressed to the developer Essential Living. We have not been able to locate the document.
- 24.0 We have however had site of a letter dated 4th July 2016 from London Underground to AECOM.
- 25.0 The 4th July 2016 letter from London Underground in our view merely states '*based on the information provided London Underground has no objection to your proposed development of 100 Avenue Road, Swiss Cottage.*'
- 26.0 The 4th July 2016 letter from London Underground was drafted almost six months before the issuing of the final AECOM report which stated that significant parts of the design had either not started or were in progress. The same comment would apply to the alleged letter of 19th July 2016.
- 27.0 It should be noted, that both of the above letters listed in paragraph 26.0 were submitted whilst the developers' previous application no. 2016.2803/P to vary condition 31 was in process and subsequently withdrawn on 27th July 2016. The letters may therefore not be relevant to this application 2016/6699/P.
- 28.0 We therefore cannot see how London Underground can give this application 2016/6699/P its blessing, given that AECOM, by their own admission state that the design is still very much 'work in progress'.
- 29.0 We are also of the view that Camden Council cannot rely upon the London Underground email of 9th March 2017 nor their letter of 4th July 2016, nor their alleged letter of 19th July 2016 to make a statement that condition 31 has been discharged when clearly in terms of providing a detailed design, the situation is very much 'work in progress'.
- 30.0 As noted above, a more detailed response can only be made by London Underground once the detailed design as required by condition 31 is complete.

Yours faithfully,



Ian Stephenson
B.Sc(Eng), C.Eng., MICE, MStructE,
Technical Director
SDStructures (Stephenson Davenport Structural Associates Limited)