Gentet, Matthias

From: Gentet, Matthias
Sent: 20 April 2017 13:53
To: Gentet, Matthias
Subject: FW: 100 Avenue Road NW3 3HF - Application no. 2016/6699/P

---------- Original Message ----------
From: sachs janine <[redacted]
To: "david.joyce" <david.joyce@camden.gov.uk>
Cc: "elizabeth.beaumont" <elizabeth.beaumont@camden.gov.uk>, "michael.cassidy" <michael.cassidy@camden.gov.uk>, Tulip Siddiq <tulip@tulipsiddiq.com>, Claire-Louise Leyland <claire-louise.leyland@camden.gov.uk>, Roger Freeman <roger.freeman@camden.gov.uk>, "flick.rea" <flick.rea@camden.gov.uk>
Date: 06 April 2017 at 10:43
Subject: 100 Avenue Road NW3 3HF - Application no. 2016/6699/P

Dear Mr Joyce

Tulip has passed us your email [29/03/17] response to her enquiry about this latest 100 Avenue Road Application no. 2016.6699/P.

I can only assume that you have not read the reports by AECOM and SDStructures Associates Ltd, otherwise you would not be supporting Officers to recommend approval.

Please find both reports attached.

The independent reports by SDStructures (SDS) were commissioned and funded by several local groups because it was evident that Camden Planning were not going to commission such a report for themselves - because they deemed it acceptable to rely solely on LU's opinion, and because it was evident, from the information supplied in all the documentation, that LU were happy to give their approval without all the detailed designs & outline method statements being complete - as required by condition 31

It also appears that TfL/LU are dependent on the demolition phase of 100 Avenue Road taking place (because the A41 is needed for access/egress) **before** CS11 can commence. Hence LU's apparent willingness to split condition 31 into two, i.e. get the demolition phase out of the way first and then worry about all the necessary detailed designs and construction method statements for the foundation plans later.

Which is, in effect, what Essential Living tried to achieve on three occasions last year with their applications to vary condition 31 in order that they might demolish the building before all the detailed plans were complete.

It should be noted that Camden's previous Reason for Refusal for application no. 2016/2128/P to vary condition 31 was because "*enabling demolition to commence prior to relevant details being approved to enable the development to proceed would result in the risk of significant harm to visual amenity and the amenities of neighbouring occupiers*". Therefore, even by Camden's own admission, the reason for condition 31 covers more than the sole protection of LU's infrastructures.

Whilst it is true that LU initially requested a condition to protect it's infrastructure, Condition 31 was stipulated by the Inspector and therefore the condition still stands as drafted and cannot be changed retrospectively by LU or Camden.

Please consider these points;

1) It is Camden Council's duty to ensure that all aspects of Condition 31 are fully satisfied in line with all aspects of the Condition as drafted.

2.) Whilst LU is a Statutory Undertaker, its role in this matter is only that of a consultee. LU does not have a front line role in determining the Application.

3.) The substance of the determination mostly rests within the AECOM report as submitted by the Applicant, and the SDS report submitted by the Objectors.

4.) By its own admissions within the body of its text, the AECOM report states clearly that it is incomplete, and that various essential matters have not even been started.

5.) In the main, the SDS report simply points out what AECOM themselves admit to, as in 4 above.

6.) It is factually indisputable that Condition 31, on the basis of the information supplied in this Application, cannot be satisfied.

7.) On that basis, Camden Council must set aside LU's views, because LU's views are not consistent with the facts or with the requirements of the Condition, as drafted.

8.) Camden Council has no alternative but to refuse the Application. The facts require it.

I look forward to receiving your earliest response.

Kind Regards

Janine Sachs
Save Swiss Cottage

[redacted]

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