

# Public Document Pack

## LONDON BOROUGH OF CAMDEN PLANNING COMMITTEE THURSDAY 15<sup>TH</sup> JUNE 2017

### SUPPLEMENTARY AGENDA

#### ITEMS ON THE AGENDA

**Item 8(1) 1-6 Centric Close, London, NW1 7EP**

Supplementary information (**Pages 7 – 10**)

**Item 8(2) Highgate Centre and A&A Self-Storage (Former Lensham House), 19-37 Highgate Road and 19 Greenwood Place, London, NW5**

Supplementary information (**Pages 11 – 14**)

**Item 8(3) 100 Avenue Road, London, NW3 3HF**

Supplementary information (**Page 15**)

**Items 8(6&7) Former Belsize Fire Station, 36 Lancaster Grove, London NW3 4PB**

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**Item 8(8) 22 Kings Mews, London, WC1N 2JB**

Supplementary information (**Pages 21 – 23**)

#### WRITTEN SUBMISSIONS

**Item 8(1) 1-6 Centric Close, London, NW1 7EP**

Written submissions objecting to the application have been received from:

- Adam Driscoll, local resident; (**Pages 27 – 28**)
- Margriet den Boer, local resident; (**Page 29**)
- Primavera Boman-Behram, local resident; (**Pages 30 – 32**)
- Councillor Richard Cotton, ward councillor for Camden Town and Primrose Hill. (**Page 33**)

**Item 8(2) Highgate Centre and A&A Self-Storage (Former Lensham House), 19-37 Highgate Road and 19 Greenwood Place, London, NW5**

A written submission in support of the application has been received from Fortnum Developments, the applicant. (**Pages 34 – 35**)

### **Item 8(3) 100 Avenue Road, London, NW3 3HF**

Written submissions objecting to the application have been received from:

- Alan Fox, Highgate resident; **(Page 36)**
- Roland Grimm, local open space and leisure facilities user; **(Pages 37 – 38)**
- Temple Bright LLP on behalf of Save Swiss Cottage; **(Pages 39 – 40)**
- Betty and Roy van Gelder, local residents; **(Pages 41 – 42)**
- Prabhat Vaze, Belsize Residents' Association; **(Page 43)**
- Edie Raff, Cresta House Residents' Association; **(Pages 44 – 45)**
- Elaine Chambers, Winchester Road Residents' Association; **(Pages 46 – 47)**
- Janine Sachs, Member of Save Swiss Cottage; **(Pages 48 – 51)**
- Gabriel Balint-Kurti, local resident; **(Pages 52)**
- Susan O'Hare, local resident; **(Pages 53 – 54)**
- Anthony Kay, local resident; **(Pages 55 – 56)**
- Genie Lee, local resident; **(Pages 57 – 58)**
- Shelley Katz, local resident; **(Page 59)**
- Colleen Woodcock, local resident; **(Page 60)**
- Ali Hammad, local resident; **(Page 61)**
- Brian Harris, local resident; **(Page 62)**
- Nandita Khanna, local resident; **(Page 63)**
- Terence Ewing, Gospel Oak resident. **(Pages 64 – 65)**

### **Item 8(4) Admiral Mann, 9 and 9A Hargrave Place, London, N7 0BP**

Written submissions objecting to the application have been received from:

- Gill Scott, Member of the Save Admiral Mann Campaign; **(Pages 66 – 67)**
- George Hanna, Member of the Save Admiral Mann Campaign. **(Page 68)**

## **DEPUTATION REQUESTS**

### **Item 8(1) 1-6 Centric Close, London, NW1 7EP**

A deputation request objecting to the application has been received from Adam Shaw, neighbouring occupier. **(Pages 71 – 72)**

A deputation request in support of the application has been received from Mike Walker, the applicant's agent. **(Page 73)**

### **Item 8(3) 100 Avenue Road, London, NW3 3HF**

Deputation requests objecting to the application have been received from:

- Ian Stephenson, Stephenson Davenport Structural Associates Limited, on behalf of a number of local groups; **(Pages 74 – 75)**
- Peter Symonds, Combined Residents' Associations of South Hampstead, Save Swiss Cottage and other groups. **(Page 76)**

A deputation request in support of the application has been received from Michael Lowndes, the applicant's agent. **(Page 77)**

Councillor Jonny Bucknell has asked to address the Committee in his capacity as ward councillor for the adjoining Belsize ward.

**Item 8(4) Admiral Mann, 9 and 9A Hargrave Place, London, N7 0BP**

A deputation request objecting to the application has been received from Richard Lewis, Chair of the Save Admiral Mann Campaign. **(Pages 78 – 79)**

A deputation request in support of the application has been received from Kieran Rafferty, the applicant's agent. **(Page 80)**

Dan Rodwell  
for the Borough Solicitor

Issued on Wednesday 14<sup>th</sup> June 2017

**Please note that any views expressed or statements made in the written submissions or deputation statements are personal to the maker of the representation and do not represent the views of the Council. The Committee will however take these representations into account to the extent that they are relevant to planning issues being considered at the meeting.**

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# **SUPPLEMENTARY INFORMATION ON ITEMS ON THE AGENDA**



## Supplementary Information for Planning Committee

15<sup>th</sup> June 2017

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Agenda Item: 8(1)  
Application Numbers: 2016/6891/P  
Address: 1-6 Centric Close, London, NW1 7EP

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### Additional Correspondence

GIA - A supplementary technical assessment was received from GIA on 8<sup>th</sup> June 2017 in respect of daylight and sunlight for the proposed development. This supplementary assessment has been undertaken in line with a recommendation proposed by Delva Patman Redler in their independent review dated 26 May 2017 for a secondary assessment to be undertaken to illustrate the potential impacts upon light to neighbouring properties in Oval Road as a result of the proposed development, whilst discounting the effects of the existing projecting elements of the neighbouring properties themselves, which may be limiting the access of light to certain windows and rooms.

The assessment is supplementary to the tests already completed and detailed within GIA's daylight and sunlight report dated 08 December 2016 and addendum report dated 17 May 2017. It is asserted within these reports that some of the adverse impacts upon daylight and sunlight to neighbours may be due to the unsympathetic design of the neighbouring properties themselves rather than the proposed development. The BRE guidance accepts that architectural features such as projecting wings and balconies can inhibit access to light in the existing scenario and therefore windows and rooms situated adjacent to such projections will be sensitive to any new alterations in massing.

In terms of sunlight (APSH), the supplementary report states that all rooms tested in this new analysis now meet the BRE criteria.

In terms of daylight (VSC), the results show that there are improvements for all windows re-tested for this supplementary analysis under the hypothetical scenario where the rear extensions/projections to the Oval Road terrace have been removed.

Overall, the assessment shows that the existing light levels of the neighbouring properties and their access to light is limited and therefore they will be particularly sensitive to light losses as a result of the design and projections of their own building and not purely due to implementing the scheme.

For neighbouring properties, Nos. 29, 27, 25, 23 and 19 Oval Road, the analyses show that the unsympathetic design of these properties, i.e. the existing rear extensions of the properties themselves, mean that the windows and rooms tested experience reduced access to light in the existing scenario and are therefore sensitive to additional massing on the site. This supplementary analysis shows that when the limiting effects of the rear extensions and building design are discounted, these properties experience VSC levels which are commensurate with the densely built and urban location of the site. In conclusion, the proposed development results in commensurate VSC levels and is APSH compliant when considered within its dense urban location.

Delva Patman Redler Response - The GIA analysis provided illustrates that the self-obstructing elements to the rear of the Oval Road properties is a primary factor in the major adverse nature of the previous results at basement and ground floor levels.

The analysis illustrates that when discounting the self-obstructing elements that the retained VSC levels will remain generally in line with the upper floors of the Oval Road properties and that anticipated for an urban location of a site such as this well in excess of 15% VSC.

The analysis illustrates that when discounting the self-obstructing elements that the resultant retained APSH levels will remain fully compliant with the BRE Guideline.

The analysis also illustrates that whilst discounting the self-obstructing elements however, that there will remain infringements of the BRE Guidelines in terms of the reduction ratio.

The analysis demonstrates that these infringements are minor to moderate adverse rather than the minor to major adverse findings previously reported (by reference to the significance criteria of reduction ratios previously reported) demonstrating the effect that GIA had previously adopted as justification in the May report with regard to the self-obstructing elements of building.

The analysis demonstrates that the reception room and living diner space windows within 25 and 27 Oval Road will retain VSC levels in excess of 15% and will experience reduction ratios within 0.7 times leading to only minor adverse effects.

The analysis also demonstrates that those rooms with retained light levels of less than 15% and with reduction ratios of between 0.68 and 0.73 times each serve bedrooms which are of less significance as they are mainly occupied at night time.

On review of the analyses it is clear that there will be some infringements beyond the BRE Guidelines in certain areas and to the rear of the Oval Road properties in particular. Whilst some of these infringements can be credited, in part, to the inherent design elements of the neighbouring buildings themselves it is also clear that the massing of the development proposals is also a contributing factor.

This latest analysis illustrates in taking into account the design elements of the neighbouring buildings themselves that despite the reductions recorded the retained VSC and APSH levels are typical for an urban centre such as this.

Whilst the development proposals are not fully compliant with the BRE Guide in daylight and sunlight terms the effects are considered to be such that they should not be material enough so as to significantly and adversely affect the occupation of the neighbouring residential amenity in daylight and sunlight terms.

#### Additional Condition

26 The first, second and third floor kitchen and bedroom windows located within the eastern elevation of the four-storey part of the building hereby approved shall be obscurely glazed and non-openable 1.7 metres from internal finished floor level.

Reason: To safeguard the amenities of the adjoining premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local

Development Framework Core Strategy, policy DP26 of the London Borough of Camden Local Development Framework Development Policies and policy A1 of the Camden Local Plan Submission Draft 2016.

## Supplementary Information for Planning Committee

15<sup>th</sup> June 2017

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Agenda Item: 8(2)  
Application Numbers: 2016/5372/P  
Address: Highgate Centre and A&A Self-Storage (Former Lensham House) 19 - 37 Highgate Road and 19 Greenwood Place London NW5

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### 1.0 Additional Consultation Responses

#### Evangelist Road Residents Association on 06/06/2017

*'Having seen the minor amendments to the application we do not see that they have gone any way to address the objections raised in our original objection so therefore our comments still stand and we trust they will be taken into account.'*

#### **Officer comment:**

*The original objection is included in para 4.6 of the Officer Report. Officers have given weight to the objections within its detailed assessment of the proposal.*

#### Kentish Town Neighbourhood Forum (KTNF) on 06/06/2017

KTNF made comments on the revised drawings, which they requested should be read alongside their original objection on 04/11/2016 (see para 4.5 of the Officer Report). Their comments largely replicated the original objection, with the following additions:

- Object to the reduction of office space while the self-storage space is increased, leading to a lost opportunity to increase employment
- KTNF welcome the community café but do not consider this to be adequate justification for the limited affordable housing offered
- Confirmed that they have no objection to the principle of redevelopment of the site

**Officer comment:**

*The office space is being increased by 1,035m<sup>2</sup> over existing and would be of superior quality with an employment floorspace plan secured via S106 (to ensure the units are marketed locally and provide flexible leases). The self-storage use is being increased by 2,401m<sup>2</sup> and is mostly subterranean, which would be unsuitable as office space due to the lack of any light, outlook or natural ventilation. In addition, the storage space is considered to be of significant value to the borough as alternative form of employment space.*

The Linton Group on 05/06/2017

The freeholder of The Maple Building (formally Linton House) at 39-51 Highgate Road made a further objection based on the revised plans and addendum to the Daylight and Sunlight Report. Their original objection (submitted by Savills) is summarised in para 4.16 of the Officer Report.

The further correspondence states that there are inaccuracies and concerns with the updated assessment, including that the addendum considers that Linton House has been fully implemented but is not currently occupied. The letter states that the current occupancy of the building stands at 27 flats with 6 units at the southern end of the building facing the application site. In addition, it is claimed that there would be an impact on commercial tenants on the ground and lower ground floors in terms of daylight/sunlight and increase in servicing and traffic.

The objection states, as per the original objection letter, that a number of units and rooms would be materially harmed by the proposal and that more time should be given in the consultation period to allow for new occupiers to comment.

**Officer Comment**

*While the daylight and sunlight addendum may have been incorrect as to whether the units were currently occupied, the analysis assessed the impact on the units on the basis that they would be occupied (i.e. the assessment was based on loss of daylight/sunlight to occupiers of the development). Officers considered the impacts on the units as if they were occupied as part of their assessment.*

*The lower ground and ground floor businesses referred to are dual aspect. Notwithstanding this, commercial premises are not as sensitive to loss of light as residential and any harm to existing commercial occupiers is not considered to outweigh the benefits of the scheme to such an extent that a refusal of planning permission would be warranted. As per para 13.18-13.20, additional trips resulting from the proposal are considered to have a negligible*



*impact on the transport network as long as they are managed in a coordinated manner. Any approval would be subject to a Service Management Plan secured via S106, which would take into account the surrounding commercial occupiers.*

*A detailed assessment of the amenities of the occupiers within Linton House has been undertaken in paras 12.8-12.14, 12.27-12.29 and 12.31 of the Officer Report. The application was registered on 30/09/2016 and has already undertaken two formal consultation periods between 04/10/2016-28/10/2016 and 17/05/2017-07/06/2017. Since the original submission the height, scale, massing and location of the building has not been altered with the impacts still being the same. The original daylight and sunlight report was available from validation. An addendum was released following an objection from The Linton Group to clarify the layouts of the units and provide Average Daylight Factor (ADF) analysis. This new information has been subject to re-consultation during the second period (17/05/2017-07/06/2017) of consultation. There is no statutory obligation to allow a further prolonged period of consultation and it is noted that this second period of consultation was in good faith, as the development proposal was not materially altered from the original submission.*

#### **Applicant response**

*A letter from the applicant's daylight and sunlight consultant (GIA) was submitted on 13/06/2017 to address the objection. The letter acknowledges that the units are now occupied and that this would not have changed their analysis or conclusions (as they assessed the impact on Linton House as if it were occupied).*

*The objection by The Linton Group states that 8 rooms fail to meet ADF; however, GIA confirmed that these 8 rooms already failed the ADF in the existing situation and that these remain unaffected by the proposal. Regarding the impact on the commercial units on the lower floors, GIA confirm that the BRE guidelines are primarily designed to assess the impact of development on the daylight and sunlight amenity of **'rooms in adjoining dwellings where light is required, including living rooms, kitchens and bedrooms.'** This does not apply to commercial office space, unless there is a use which the **'occupants have a reasonable expectation of daylight'**, which they do not believe is the case in this situation. In addition, GIA noted that the development will only affect a very small area on one elevation, the majority of the commercial space will be unaffected by the proposed scheme.*

Occupier from The Maple Building, 39-51 Highgate Road on 06/06/2017

An occupier of a first floor flat within the adjacent building, who objected previously, submitted a further letter of objection following consultation of the

revised plans. The letter reiterates the original objection and states that the updated daylight and sunlight assessment does not acknowledge that the building is now partially occupied. The objection confirms the original objections, which are primarily based on a loss of light and privacy.

***Officer comment***

*As stated above, Officers considered the impacts on the units as if they were occupied as part of their assessment. A detailed assessment on the amenity of the residents within the adjacent building has been undertaken in paras 12.8-12.14, 12.27-12.29 and 12.31 of the Officer Report.*

## Supplementary Information for Planning Committee

15<sup>th</sup> June 2017

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Agenda Item: 8(3)

Application Numbers: 2016/6699/P

Address: 100 Avenue Road, London, NW3 3HF

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### Correction to Report

- Page 331, Paragraph 6.12, 2<sup>nd</sup> paragraph, 4<sup>th</sup> line insert 'not' after 'vibration is'.



## Supplementary Information for Planning Committee

15 June 2017

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Agenda Item: 8(6 & 7)  
Application Numbers: 2016/5813/P and 2016/6119/L  
Address: Former Belsize Fire Station, 36 Lancaster Grove,  
London, NW3 4PB

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### 1.0 Amendments to report

#### 1.1 Description of development of 2016/5813/P changed to:

*“Change of use of part of former fire station (Sui Generis) to provide 5 self-contained residential units (Class C3) and installation of cycle parking enclosure.”*

#### 1.2 Description of development of 2016/6119/L changed to:

*“Internal alterations associated with the change of use of part of former fire station (Sui Generis) to provide 5 self-contained residential units (Class C3) and installation of cycle parking enclosure (Ref no. 2016/5813/P).”*

#### 1.3 Paragraph 2.6, second bullet point amended to read:

*“The applicant demonstrated that two residential units already existed on site. The proposal therefore creates 5 new residential units as opposed to the original 7. The proposal therefore retains those 2 units with an uplift of 5 units. Further analysis of this is provided in paragraphs 7.10-12 below.”*

#### 1.4 Paragraph 7.36, final sentence has been amended to read:

*“However, on review of the plans, it is considered the most appropriate mix in light of the constraints associated with a Grade II\* listed building.”*

#### 1.5 Paragraph 7.42, third sentence has been amended to read:

*“A communal terrace (approximately 48sqm), which was secured as part of the previous permission, will be provided on the first floor above the Appliance Bay, which is considered acceptable.”*

#### 1.6 Paragraph 7.45 has been amended to read the following:

*“In line with the recommendation for the previous application on site (2016/0745/P), which established the maximum number of acceptable off-street parking spaces and ‘car-capped’ the development to ensure that no further parking permits could be applied for, it is recommended that this proposal will replicate this and secure no further permits. In effect, the additional units associated with this application will be car free.”*

1.7 Paragraph 7.46 has been amended to read:

*“The initial proposal provided 14 secured and covered cycle parking spaces located at ground floor level, in the form of covered store outside the building on the forecourt. However, due to concerns on conservation grounds and the fact that the building is a Grade II\* listed building, the cycle store has been revised to be uncovered Sheffield stands. **Despite the reduction in the number of proposed units on site, the level of cycle parking provision has remained the same.** The cycle parking provision therefore exceeds the minimum requirements of the London Plan and is therefore considered to be in accordance with policy DP17 and emerging policy T1. A condition is recommended to require the provision prior to occupation.”*

## 2. Conditions

2.1 Conditions 6 of 2016/5813/P and 3 of 2016/6119/L have been removed.

Additional drawings:

North elevation:



PROPOSED NORTH ELEVATION  
NO CHANGE



PROPOSED EAST ELEVATION  
NO CHANGE



EXISTING NORTH ELEVATION



EXISTING EAST ELEVATION



South elevation:



PROPOSED SOUTH ELEVATION  
NO CHANGE



PROPOSED WEST ELEVATION  
NO CHANGE



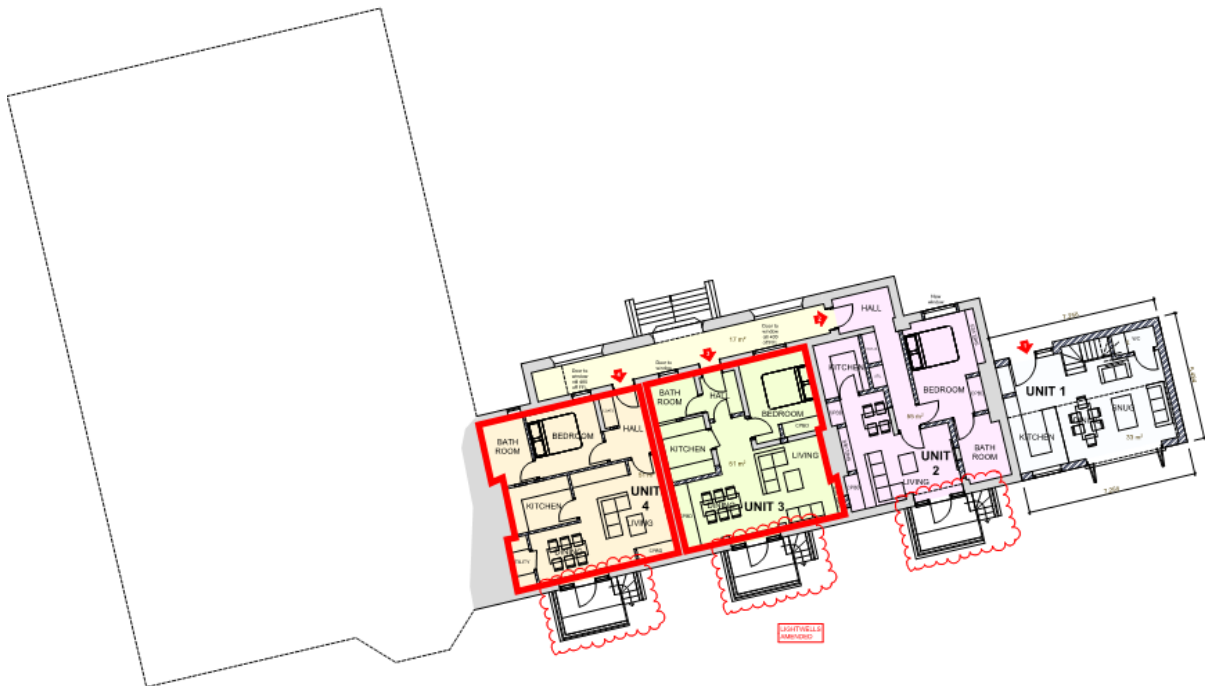
EXISTING SOUTH ELEVATION



EXISTING WEST ELEVATION



Proposed basement plan:



PROPOSED BASEMENT PLAN



RED WALLS  
LS

ENDS





## Supplementary Information for Planning Committee

15<sup>th</sup> June 2017

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Agenda Item:	8(8)
Application Number:	2016/6816/P
Address:	22 Kings Mews, London, WC1N 2JB

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- 1.1 Although the application seeks to amend an existing permission the application is for full planning permission rather than a minor or non-material amendment. The description shall be amended to: **Erection of a 3 storey dwellinghouse and basement following partial demolition of the existing office/storage building (Class B1/B8).**
- 1.2 . As mentioned in the report, the proposal would continue to comply with all other relevant draft policies. Para 6.25 states that there have been no policy changes since the appeal decision, however the draft Local Plan is now a material consideration
- 1.3 Draft policy H4 states that capacity for additional homes will be on the basis of multiples of 100sqm (GIA), rounded to the nearest 100sqm so 248sqm would be rounded to 200sqm. As mentioned in the report at paragraphs 6.14 and 6.15, whilst draft policy H4 calculates the capacity based on gross internal floorspace (GIA) the associated planning guidance (CPG8) applies the target figure to gross external area (GEA). So, 248sqm (GIA) would give a target capacity of 4% which applied to a GEA of 282sqm would give a target floorspace of 11sqm.
- 1.4 In the history section of the report, paragraph 3.2 refers to a previous scheme (2012/6290/P) which was refused and dismissed at appeal. For clarification, the only reason for refusal (other than the absence of a section 106 agreement) was the impact of the proposal on the amenity of adjoining occupiers, which the Inspector also found unacceptable.
- 1.5 The committee report at paragraph 6.30 incorrectly states that the proposed second floor would be set from the party wall by 2.95m, at paragraph 6.37 that the second floor elevation is stepped back 1.5m compared to the refused scheme, and at paragraph 6.38 that the upper set back would be set back 2.5m more than the refused scheme. For clarification, the refused scheme featured a second floor, which was set back from the party wall with Gray's Court (incorrectly referred to as Gray's Inn Court in the report) by approximately 3m. The approved scheme, and current proposal, features a stepped set back second floor at the rear. The lower section would be set back 1.4m from the party wall whilst the upper section would be set back 5m from the party wall
- 1.6 Fig 1 shows the proposed section with the refused section outlined in red.

- 1.7 Paragraph 6.16 incorrectly refers to the proposal as a two storey plus basement dwelling. The proposal is for a three storey plus basement dwelling as described in the proposal.
- 1.8 The highways contribution as required under the section 106 agreement is confirmed as £8,333.
- 1.9 Two additional conditions are recommended:
- 1.10 Condition 15 shall require details of brickwork to be approved as required in paragraph 6.24:

*A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.*

- 1.11 Condition 16 shall require the development to be carried out in accordance with the approved Basement Impact Assessment:

*The development hereby approved shall be carried out in strict accordance with the submitted Basement Impact Assessments hereby approved and the recommendation in the independent review by LBH Wembley unless otherwise agreed with the Council.*





# **WRITTEN SUBMISSIONS**



The Committee Clerk  
Committee Services  
Camden Town Hall  
Judd Street  
London WC1H 9 JE

Re: 1 Centric Close, London, NW1 7EP 2016/6891/P

I am owner of and resident at 15 Oval Road. I co-own the Freehold of the building (which comprises 15, 15a, 15b and 15c Oval Road) with 2 other people.

Further to my comments made on 20<sup>th</sup> March (and additional comments made since that date) and having read the Committee Report assessing the proposed scheme I wish to make the following additional representations for the attention of the Planning Committee Members.

The report fails to fully assess all material planning considerations against the relevant planning policies in this instance, namely planning policy as set out in CPG 6 in respect of overlooking, privacy and outlook as well as daylight and sunlight. Failure to fully assess the proposal against the policies of the development plan would be contrary to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 which requires that proposals for development must be determined in accordance with the development plan unless material considerations indicate otherwise. Not only does the report not fully assess impact it fails to detail the material considerations that indicate why the clear conflict with policy is acceptable in this instance.

I have set out my arguments in detail below and further to those arguments I would add that in not visiting my property to fully assess the likely impact of the development then, as a party likely to be impacted by the proposal, I consider this to have disadvantaged me in the process. If this continues to be the case then I will escalate any necessary action via the relevant Local Authority complaints procedure and, if necessary, involve the Local Government Ombudsman in the process.

In my previous comments I explained my concerns regarding properties on Oval Road likely to be impacted by the proposal. These concerns have, again not been fully addressed in the committee report and I would draw the Members' attention to the following points;

Camden have an adopted 'development policies' document and Policy DP26 refers specifically to amenity and how this will be given consideration in the planning process. The Policy (DP26) refers to a 'Supplementary Planning Document' - CPG6 which provides more specific assessment of impact on amenity. I would like to draw the committee's attention to the policies outlined on page 37 that deal directly with privacy and overlooking.

Section 7.4 specifically states in relation to Overlooking and Privacy:

*Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree.... The most sensitive areas to overlooking are:*

- *Living rooms;*
- *Bedrooms;*
- *Kitchens; and*
- *The part of a garden nearest to the house.*

The 4 storey building at the Southern Elevation of the development has windows and balconies that overlook all of the areas detailed above. My property will be overlooked into the living room, kitchen, 3

bedrooms and the garden. This overlooking is more pronounced from the higher floors of the new development.

In addition the 4 storey building also has a proposed play area on its rooftop – effectively creating a view from a virtual 5<sup>th</sup> floor. The already unacceptable degree of overlooking would be further compounded by this playground giving additional opportunities for overlooking.

These objections have also been noted by The Primrose Hill Conservation Area Advisory Committee as detailed in section 4.3 of the report to the Planning Committee.

Section 14 of the document presented to the Planning Committee looks at the Impact on Residential Amenity.

Item 14.2 notes the properties most closely located to the development. This includes my property while 14.53 notes that my property needs to be given consideration with regard to Overlooking and Privacy. However, the remainder of that section and the following clauses make note of the likely impact on other properties that fall within the scope but make no further reference to my property. This is surprising given that there is clearly a new visual impact being imposed upon my property and that there are overlooking issues from the new flat windows and balconies that are being proposed at the southern end of the development.

Therefore the conclusion given at 14.57 that the proposed building is not overbearing and does not lead to undue overlooking or loss of privacy is incorrect. The developer has not, at any point in the planning case, assessed the visual impact from the back of my property or looked into any of the privacy and overlooking issues that arise.

On that basis the Conclusions drawn in sections 24.3 and 24.4 are also erroneous. The disregard for overlooking issues given in relation to neighbouring properties is also surprising given the clear consideration that was given regarding similar issues within the internal scope of the development itself which are noted in item 10.17 of the planning report.

In conclusion, it is disappointing that the developers seem to be choosing to disregard the impact of the 4 storey development on neighbouring properties both in regard to overlooking and privacy in relation to my property and in reduced light levels in some of the other affected buildings on Oval Road. These problems could probably be ameliorated if the developer made that proposed building one level lower. If the developer had submitted plans for a block of reduced height in that way then my objection to the development could be addressed, although other property owners on Oval Road may well continue to have concerns about their impacted daylight levels. The planning committee should therefore give strong consideration to recommending the planning subject to a lower height building on the southern side of the site.

Yours

Adam Driscoll



**From:** [mar got](#)  
**To:** [PlanningCommittee](#)  
**Subject:** Planning permission Centric Close  
**Date:** 09 May 2017 23:45:42

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Dear Madam, Sir,

This letter is regarding the planning application for 1 Centric Close, committee meeting date 11 May.

I am a neighbouring occupier and wanted to raise the following concerns:

- I occupy a basement flat with limited daylight and sunlight which I believe will be further impaired by the new apartment blocks
- I own a company and work from home and my company office is the garden house directly adjoining the building site. I expect I will not be able to work there during construction and will have to rent an office elsewhere - this will significantly impact my earnings
- I am concerned about loss of privacy in my garden with many from the new apartment blocks looking out directly inside my garden in the future
- I wonder how landlords/ladies in my building are expected to deal with loss of income when renters may move out due to unbearable construction noise
- I am concerned about the parking space in the street and the expected intense pressure on the on-street parking

With kind regards,

Margriet den Boer  
23A Oval Road  
NW17EA Camden  


## OBJECTIONS TO THE FAIRVIEW DEVELOPMENT

ref: # 2016 / 6891 / P ~ 1 Centric Close, London NW1 7EP

Wednesday 14<sup>th</sup> June 2017

supplementary report for 27 Oval Road

I have lived in this family house, since 1950. My mother, Hilde Holger taught Modern Dance, and my father, a doctor, did research. I played with my brother in the garden, and now I simply get sun there. Presently I hold a large archive dating back to the 1920's. It attracts historians from all over. --Pretty miserable showing things without natural light! One does have to be careful putting huge housing blocks anywhere and everywhere. Camden commissioned two socio-economic reports. (TYM&PARTNERS, March 2011, URS, August 2014.) They both stated that losing centrally located Industrial and Warehousing grounds saw significant losses in employment and hence in the borough's revenue.

### NON-COMPLIANCY

- GIA, the company employed by the Applicant/Agent, FAIRVIEW VENTURES Ltd, apparently sent a letter to my home, which was mislaid, and another to the very old address of my lawyer, but without his name.
- GIA claims in their prospectus that all in the area will have been included in discussions. Or at the very least a letter. Very true for much more distant residents, but not for the terraced houses which will have the worst impact thrown upon them. --I only found out about it from a distant neighbor last March!
- Apparently this housing development scheme was years in the making. There was no consultation process what so ever that I was aware of in all those years. --Quite recently, after the first design was shown, at least the tallest proposed building was then reduced from eleven floors, to seven. However, undemocratically neighbours were not part of the consultation process from the project's inception and the buildings will still tower meaningless above the Georgian terraced homes.
- Last May, a Camden notice was put up on the lamppost in front of 29 Oval Road, saying people are invited to make comments on this **Planning Application, # 2016 / 6891/ P**, due March 26th 2017. Last month's meeting was therefor cancelled when we pointed this out, and the sign corrected.
- The distance between the rear walls of the Oval Road houses and the new South block is 18 metres which is on the limit of acceptable overlooking distance. And do people want to live in this block, one meter away from the trains which run throughout the night?
- The developer has avoided presenting any sections at this 18 metre point showing the relationship of heights of windows /roofs between Oval Road houses and the South block of flats on Centric Close.
- Several mentions in the *GIA* letter are made of vegetation covering Oval Road windows and the difficulty of surveying the rear of your houses but one might point out that vegetation is not permanent and the survey could have been done when leaves were off the trees.
- The Council's report defers several key decisions and permissions on the **Construction Management Plan** until '...the appointment of a principal contractor .....'. In fact Fairview has said in the draft that **CMP**, the principal contractor will be themselves. This is important because the reserved matters cover reports on *noise, dust, vibration* and *asbestos*. These must be submitted before Consent may, or may not, be granted.
- The draft CMP says that site/Oval Road traffic management will be carried out by one banksman . Given the fact that Oval Road will be blocked in both directions by lorries backing onto the site for substantial periods in the week, two banksmen will be needed .

### ADVERSE IMPACTS

- The Independent analysis of the 125page report we neighbours commissioned from our specialist surveyors *Anstey Horne*, highlights the massive detrimental impact the proposed development will have. When an independent surveyor *Delva Patman Redler* was recently hired by Camden to check GIA's report, why wasn't our *Anstey Horne's* report given too?
- Number 27 Oval Road will be the worst affected in terms of Rights to Light and Daylight /Sunlight, and Privacy, besides the amenity of my property.
- On careful examination of the daylight analysis the data actually shows that significant portions of the rooms will lose their view of sky.
  - 27 Oval Road, reception R2/699 will reduce from 73% lit to 30% lit
  - 27 Oval Road, reception R1/709 will reduce from 68% lit to 22% lit

## DAYLIGHT ANALYSIS

Project No:9333 (REL08)  
EvP\_IR24  
AHMM

CENTRIC CLOSE  
IR24 RECEIVED 24.11.16  
DAYLIGHT ANALYSIS

Nov 2016

Vertical Sky Component						
Room	Window	Room Use	Existing	Proposed	Loss	%
R1/612	W1/612	Stairwell	34.5	26.8	7.7	22.3
<b>27 OVAL ROAD</b>						
R1/699	W1/699	Bathroom	27.9	17.9	10	35.8
R2/699	W2/699	Reception	20.5	14.3	6.2	30.2
R1/700	W1/700	Reception	32	23.2	8.8	27.5
R1/701	W1/701	Unknown	35.2	26.8	8.4	23.9
R1/702	W1/702	Unknown	32	25.1	6.9	21.6
R1/709	W1/709	Reception	24.8	17.8	7	28.2
R1/710	W1/710	Unknown	34.6	25.7	8.9	25.7
R1/711	W1/711	Unknown	34.7	27.5	7.2	20.7

## DAYLIGHT DISTRIBUTION ANALYSIS

Project No:9333 (REL08)  
EvP\_IR24  
AHMM

CENTRIC CLOSE  
IR24 RECEIVED 24.11.16  
DAYLIGHT DISTRIBUTION ANALYSIS

Nov 2016

Room/ Floor	Room Use	Flat Number	Whole Room	Prev sq.ft	New sq.ft	Loss sq.ft	%Loss
<b>27 OVAL ROAD</b>							
R1/699	Bathroom		55.39	54.30	28.52	25.78	47.48
R2/699	Reception		136.44	99.90	40.62	59.29	59.34
R1/700	Reception		102.27	99.55	75.58	23.97	24.08
R1/701	Unknown		112.13	109.38	91.94	17.44	15.95
R1/702	Unknown		112.13	109.32	79.93	29.40	26.89
R1/709	Reception		99.78	67.97	22.03	45.94	67.59
R1/710	Unknown		79.99	78.57	45.42	33.15	42.19
R1/711	Unknown		79.99	78.53	57.83	20.70	26.36

## SUNLIGHT ANALYSIS

Project No:9333 (REL08)  
EvP\_IR24  
AHMM

CENTRIC CLOSE  
IR24 RECEIVED 24.11.16  
SUNLIGHT ANALYSIS

Nov 2016

Room	Window	Room Use	Flat Number	Orientation	Existing		Window Proposed		Existing		Room Proposed		Existing		Room Proposed			
					Winter APSH	Annual APSH	Winter APSH	Annual APSH	Winter Loss	Annual Loss	Winter %Loss	Annual %Loss	Winter APSH	Annual APSH	Winter APSH	Annual APSH	Winter %Loss	Annual %Loss
<b>27 OVAL ROAD</b>																		
R1/699	W1/699	Bathroom		-107.4179708	12	45	7	25	5	20	41.67	44.44	12	45	7	25	41.7	44
R2/699	W2/699	Reception		-110.0511173	0	38	0	8	0	10	0.00	55.56	0	18	0	8	0.0	56
R1/700	W1/700	Reception		-110.0511173	14	50	9	34	5	16	35.71	32.00	14	50	9	34	35.7	32
R1/701	W1/701	Unknown		-110.0511173	18	55	14	44	4	11	22.22	20.00	18	55	14	44	22.2	20
R1/702	W1/702	Unknown		-110.0511173	15	45	12	36	3	9	20.00	20.00	15	45	12	36	20.0	20
R1/709	W1/709	Reception		-110.0511173	0	27	0	16	0	11	0.00	40.74	0	27	0	16	0.0	41
R1/710	W1/710	Unknown		-110.0511173	18	55	13	41	5	14	27.78	25.45	18	55	13	41	27.8	25
R1/711	W1/711	Unknown		-110.0511173	18	53	15	44	3	9	16.67	16.98	18	53	15	44	16.7	17

### QUESTIONS TO FAIRVIEW’S ENGINEERING TEAM

- What is the depth of proposed Excavation?
- What are the subsurface conditions? Clay, plus sand or..?
- What is the Proposed Scope of Engineering? Steel Masonry, Concrete?
- The proposed Foundation?
- Will the developer pay for 27 to be monitored for subsidence and flooding?

### REASON TO ASK THESE QUESTIONS

HS2 Ltd will be tunneling 25 meters deep, almost underneath the existing trains behind the development, and underneath the Regent’s Canal. This creates huge pressure for any water there, as it is pushed away from the powerful boring machine. The Fleet and other rivers run underneath this area too. HS2 will move all the Thames waste pipes and all the Utilities from Primrose Hill to Oval Road. With the addition of the Centric Close development, plus the Morrison’s development, that is a lot of geotechnical activity in one small area, and ground water is an element to be accounted for.

**Germany 2009** - The Cologne state archive building dropped to the ground in a day, over tunnel. The collapse of the Cologne state archive building could have been prevented.

<https://www.wsws.org/en/articles/2009/04/colo-a01.html>



PRIMAVERA BOMAN-BEHRAM 27 OVAL ROAD LONDON NW1 7EA  
 tel: [REDACTED] email: [REDACTED]



## Rodwell, Dan

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**From:** Cotton, Richard (Councillor)  
**Sent:** 13 June 2017 18:02  
**To:** Rodwell, Dan  
**Cc:** Johnson, Heather (Councillor); Callaghan, Patricia (Councillor)  
**Subject:** PLANNING APPLICATION 2016/6891/P Centric Close NW1

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**note:** Saved

Dear Dan,

I am writing to support local residents in their objections to revised Planning Application 2016/6891/P (Centric Close), which will be dealt with by the Planning Committee on Thursday, 15<sup>th</sup> June 2017. I believe the application should be rejected because the application is out of character with the area and will reduce the amount of natural light available to existing residents in Oval Road.

I cannot attend the Planning Committee in person due to a mayoral engagement.

Kind regards,

Richard

Cllr Richard Cotton  
Labour Councillor for Camden Town  
with Primrose Hill Ward and Mayor of Camden 2017-18  
Tel: 07467 338857  
Twitter @richardcotton10

**Camden Town and Primrose Hill ward surgeries** – Cllr Lazzaro Pietragnoli, Cllr Richard Cotton & Cllr Patricia Callaghan

1st Friday of every month 6-7pm The Pirate Castle, Oval Road

1<sup>st</sup> Saturday of every month 11-12pm Primrose Hill Community Library, Sharpleshall Street

2<sup>nd</sup> Friday of every month 6-7pm Castlehaven Community Association

3<sup>rd</sup> Friday of every month 6-7 pm Primrose Hill Community Associatio, Hopkinsons Place

4<sup>th</sup> Friday of every month 6-7pm Buck Street



# BRIEFING SHEET



■ Computer generated image of proposal showing view from Highgate Road

## HIGHGATE CENTRE AND A&A SELF-STORAGE 19-37 HIGHGATE ROAD AND 19 GREENWOOD PLACE

This application seeks to directly address one of the key shortcomings identified by the Planning Committee in December 2013 when it resolved to grant a planning application for the redevelopment of the Highgate Centre and the development of the Greenwood Centre - namely the desired comprehensive regeneration of the site in line with the Local Development Framework.

This application, if approved, will achieve a high quality comprehensive approach across both the Highgate Centre and A&A Storage Site with the major benefit of an attractive pedestrian route between Highgate Road and the new Greenwood Centre for Independent Living.

Fortnum Developments have worked in close partnership with the Council and there has been an extensive and detailed scrutiny of the proposals by a range of professionals, external consultees and independent advisers. All have agreed that the comprehensive approach should be supported due to the broad range of benefits that result.

This is a unique opportunity to deliver on the Council's Site Allocation Plan (Site 39), as the inclusion of both sites can only be achieved due to the close involvement of the owners of the A&A site. They wish to remain in situ and operate the new self-storage facility that will be created. The independently assessed viability report shows that the estimated £4.5 million shortfall in developing the site comprehensively would not be undertaken by a third-party developer.

There have only been limited objections to the proposal locally and following the applicant's own local consultation, a several significant changes were made to the proposals, including reductions in the height and massing; design and materials changes; and improved landscaping and public realm.

The proposals are an important contribution to housing needs locally but at the same time retain, increase and enhance the existing employment uses at the site. Moreover, the inclusion of affordable supported units linked to the Greenwood Centre along with the community café underline the unique and innovative approach to the site.





■ Proposed view of new 'public route' from Highgate Road to the Greenwood Centre

After having considered the material planning considerations and Council policy, officers have concluded that the planning balance is in favour of the application. They conclude that it should be approved by members as it will provide numerous benefits to the local community without causing any adverse impacts significantly or demonstrably outweighing them. These benefits include:

- Compliance with National, Regional and Local planning policy including the comprehensive approach favoured by the Council's Site Allocation Plan;
- An attractive pedestrian route to the new Greenwood Centre allowing easy access and visibility to this important new community facility;
- The replacement of poor quality, dated buildings and public realm with high quality mixed-use regeneration proposals complementing nearby listed buildings;
- The provision of 8 affordable assisted living units linked intimately to the Greenwood Centre;
- A community café linked to the Greenwood Centre;
- Substantially increased and higher quality office space;
- Additional self-storage space relocated underground to reduce impact;
- 52 new residential units offering excellent living space to occupants without any unacceptable impacts on neighbours;
- Clear economic, social and environmental benefits underlining the sustainable nature of the proposed development; and
- Significant contributions to social infrastructure and facilities through the Community Infrastructure Levy, Section 106 contributions and public realm improvements.

## Rodwell, Dan

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**From:** Alan Fox [REDACTED]  
**Sent:** 08 June 2017 10:20  
**To:** PlanningCommittee  
**Subject:** 2016/6699P 100 Avenue Road

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**note:** Saved

Committee review discharge of Condition 31

I object to the officer recommendation to accept.

The council has not obtained and published an independent assessment/ report of the final, detailed foundation plans for 100 Avenue Road, from a trustworthy, independent, external civil engineering company.

To trust the Developers own "experts" is a dereliction of your civic duty.

Of course EL want to demolish to existing structure ASAP, so there is "no going back", and will leave a wasteland/ building site as an eyesore for years.

A M Fox

15 Makepace Ave N6 6EL



## 100 Avenue Road London NW3 3HF Application Number: 2016/2803/P.

Application to discharge condition 31 of planning permission 2014/1617/P dated

**Name :** Roland Grimm                      **Address:**                      22a Hilltop Rd NW62PY

### **WRITTEN SUBMISSION TO THE COMMITTEE IN OBJECTION TO THE APPLICATION/OFFICER'S RECOMMENDATION:**

#### **On behalf of himself and Save Swiss Cottage**

My name is Roland Grimm I live at 22a Hilltop Rd London NW62PY. I am an objector to this application. This matter directly affects me as a daily user of the Swiss Cottage Open Space and leisure facilities. I write as a member of Save Swiss Cottage. This is a campaign group open to all local people. Its aims include the protection of the amenities of the Swiss Cottage Area.<sup>1</sup>

#### **ISSUES TO BE RAISED**

*OR – Officer's Report*

#### **(A) Council's conflict of interest:**

The Council has a conflict of interest which it has not declared. If this scheme goes ahead, 'The Winch' will move out of its existing premises to the new development. Those premises will revert to the Council, who will become the sole owner. Given that there is this clear conflict of interest in terms of LB Camden's ownership of the premises currently occupied by 'The Winch', any decision should be referred directly to the Secretary of State.<sup>2</sup> This is entirely distinct from questions of planning gain as the Council is the owner of the existing premises. The Council stands to benefit financially from its ownership of the existing premises of 'The Winch'.

Despite repeated requests, the Council has failed to acknowledge there is a conflict of interest. However, Essential Living has admitted in writing such a conflict exist: the existing premises will revert to the ownership of Camden Council.

#### **(B) Insufficient evidence that discharging the condition would not cause harm:**

There is insufficient evidence that discharging this condition would not cause significant harm to the amenity and safety of the Swiss Cottage Green Space, its residents and users. In the history of this application, the Council has adopted a contradictory and inconsistent policy: it cannot be said that a requirement to impose a contractor is 'more onerous' than current conditions'

#### **(C) Not a technical point:**

Condition 31 is not a technical condition. It was put there, not just to answer LU's objections, but to deal with the objections of many stakeholders. The concerns of stakeholders have still not been addressed.

#### **(D) Need for balance:**

These conditions were part of a total package. The permission was only granted by the Secretary of State because the benefits of the total package 'on balance' (emphasis on the words 'on balance') outweighed the harm. Looking at the case as a whole now, the harm would outweigh any benefits. This can be seen in the fact that Essential Living did not seek to vary condition 31 on the recent appeal. This is because they knew they would lose the total appeal if they did so. **The suggestion is that the Council agreed with Essential Living that it was not necessary to raise this as an amendment at the Appeal. This appears to substantiate that there is (see paragraph A) a clear conflict of interest.** None of the major Rule 6 parties at that hearing were informed of this 'agreement'.

<sup>1</sup> Save Swiss Cottage- Swiss Cottage Action Group's Constitution dated 18 June 2014.

<sup>2</sup> The applicant has stated the proposal involves the existing premises at the Winch becoming 'available to Camden Council to convert or offer for residential or other appropriate use'. See **Planning Statement prepared by Turley Associates (February 2014) paragraph 6.26.** The Council's potential interest does not appear to be mentioned in the OR.

**(E) Constitutional implications:**

This is a major constitutional issue. It affects the validity of the entire planning process and appeals if a developer can change conditions in collaboration with a Local Authority without going through the proper appeals process because Council representatives, with a clear conflict of interest, have agreed this. There is a real and urgent need for full transparency.

**(F) Inaccuracy of financial viability reports :**

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, including a hung parliament and the potential that the UK does not reach an agreement at the conclusion of the Article 50 negotiations with the European Union.

There are absolutely no assurances from Essential Living and their financial backers 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. It would be grossly irresponsible for Camden Council to proceed on a false factual basis that funding is in existence when there is every reason that it has ceased.

**(E) Camden Council's refusal to provide decision and reasons regarding the impact on decision making of the outcome of the Referendum on the United Kingdom's membership of the European Union:**

Camden Council were asked to provide in writing a copy of any decision together with any reasons that stated that in this matter they could not take into account the outcome of the Referendum on the United Kingdom's membership of the European Union. They have failed to do so.

**(F) Terrorism: need for updated view from the police/ security services**

No decision on demolition should be taken without taking into account the views of the police/security services as to whether the proposal will lead to increased terrorist threat following recent terrorist attacks.

On the face of it, the plans submitted by EL involve frequent access of lorries and vans to the Green Space area and Eton Avenue pedestrian space. Hundreds of young and old people use these spaces. This appears to be highly dangerous in view of the two terrorist attacks in 2017 involving a van and pedestrians. At the time of the Inspector's decision these risks were not considered because the attacks had not happened.

The Inspector recognized in his conditions that it was vital that people could continue to use the Green Space even through demolition. This is not a technical point.

Councillors ought to be informed before making a decision whatever the proper security advice is that:

(i) demolition should be accompanied by closing the Green Space entirely. It is submitted the Council could properly refuse discharge of the condition because it would be against the spirit of the Inspector's decision.

(ii) what is proportional and whether EL will agree to that (i.e whether EL will agree to the erection of concrete barriers (not hoardings which can easily be run through with a truck). It follows that there will need to be a proper police assessment before any demolition is agreed.

This is not simply a matter to be decided by a future construction management plan. Elected councilors are entitled to know the detail now. The need from recent events to prevent an obvious security breach is not a 'technical change' which can be ignored. Swiss Cottage was a victim of a terrorist attack in the 1970s from the IRA. It is the gateway to London from the North. This is the reason the law provides democratic control before demolition from elected councilors.

The threat to human life from this reckless ill thought-out plan is too serious to be brushed aside.

Our Ref: PR/JS/004/0001  
Your Ref: 2016/6699/P

Head of Legal Services  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AG

[www.templebright.com](http://www.templebright.com)

13 June 2017

Dear Sir

**Planning Objection -Application to discharge condition 31 ('the Condition') relating to Planning Application no. 2014/1617/P 'the Planning Permission'**

We are instructed by members of Save Swiss Cottage, an unincorporated umbrella association of individuals living in close proximity to the Site. This letter is necessarily brief and is only intended to provide a summary of our client's position. The contents of this letter should be read alongside a detailed letter of 13 June 2017 addressed to the planning officer, Michael Cassidy, the report dated 2 March 2017 from SD Structural Associates Limited together with subsequent letters dated 22 March and 13 June 2017.

The London Borough of Camden ('the Council') is due to consider the Application at a meeting of its planning committee on 15 June 2017. The Council has prepared a report in which it recommends granting approval of the Application to discharge the Condition. It is our view that a grant of consent in reliance on the details and information provided in support of the Application would be unlawful and amenable to challenge by way of judicial review proceedings. This letter is being provided to the Council at this stage to afford the Council with an opportunity to address the matters before the committee resolution is made.

The information provided to the Council in support of the Application was contained in a report by AECOM dated December 2016 ('the Report'). The Report makes it clear that the document relates to the impact of the works on LUL (London Underground Limited) assets only.

However, the condition is explicit in the need for detailed information to be provided not only for the structures over LU assets but **also** adjacent to LU assets, which will, by implication include neighbouring properties and structures not necessarily owned by LU. It is, therefore, incumbent upon the Council to carry its own assessment not only of LU's conclusion reached but also to satisfy itself that it has sufficient information and details to satisfy themselves that the condition can be approved. Plainly this exercise has not been carried out. The Council cannot simply reply upon the letter in support from LU without carrying out and verifying the information and ensuring that all details have been supplied not only to the satisfaction of LU but also to the Council in full compliance with the Condition. In doing so, the Council being the body charged with making decisions on applications and exercising them diligently and independently has effectively delegated its decision making function, or part of it, to a third party, namely LU. This action alone is unlawful. There is no power to delegate decision making functions.

Insufficient details and design and assessment report for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) have been supplied by the Applicant. The information provided should cover the detailed design of all of the permanent works, temporary works, specialist design such as piling, method statements, etc. It does not do that. The Council has erred in not requesting further information from the Applicant.

The law requires it to obtain sufficient information to discharge its duty the law required him to obtain sufficient information to discharge his duty: Secretary of State for Education v Tameside BC [1977] AC 1014.

The Council has taken an unlawfully narrow approach to the interpretation of the Condition and has failed to take reasonable steps to obtain sufficient information necessary to fulfil the requirements laid down in the Condition or to take into account all relevant considerations since it has relied upon LU's reasoning and approval.

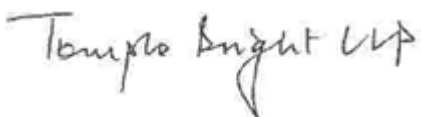
There is no power for the Council or its members to delegate decision making functions, or any part of them, to a third party, such as a LU. The Council has failed to provide sufficient justification for how it has reached its conclusion. It has, as such, failed to apply the appropriate degree of scrutiny to an important condition.

The Condition amounts to a condition precedent that goes to the heart of the permission. This conclusion is reached taking a holistic view of the planning permission read together with all of its conditions, and then considering both the purpose and effect. The Condition requires the submission of essential details before it can be granted. Development in breach of planning control will be ineffective to commence development because it is unlawful. The Condition is a condition precedent in so far as it engages the principle established in *F G Whitley & Sons v SSW and Clwyd CC* [1992] JPL 856 ("the Whitley principle")

The Council's approach in reaching a decision to recommend the approval of this condition is unlawful. It undermines the statutory purpose. Any purported attempt to sign off the condition by the Council will amount to irrationality on the basis that there is manifest non-compliance with the terms of the condition. Furthermore, any attempt by the Applicant to commence development of the Permission (should condition 31 be discharged in its current form) would amount to a breach of a condition precedent and commencement will not amount to lawful implementation.

For all the above reasons, in the event that the condition is approved, the Council will have acted unlawfully *inter alia* by disregarding its statutory duties, and failing to seek additional information from the Applicant necessary for it to reach a reasoned and rational planning judgement.

Yours faithfully



**Temple Bright LLP**

Bristol office

E: [REDACTED]

Betty + Roy Van Gelder  
4 Strathay Garden

~~ANTHONY H. KAY LLB~~  
~~SOLICITOR~~  
~~Non-practising~~  
~~ANT~~  
4 STRATHAY GARDENS, LONDON NW3 4NY  
TELEPHONE [REDACTED]  
26 Crossfield Road  
Hampstead  
London NW3

13 June 2017

VIA POST & EMAIL to ~~HYPERLINK~~ "mailto:DC@camden.gov.uk"  
~~DC@camden.gov.uk~~

Committee Clerk  
Committee Services  
Camden Town Hall  
Judd Street  
London WC1H 9JE

Dear Sir,

**100 Avenue Road NW3 3HF  
Planning Application ref 2016/6699/P**

Having recently read the Report I should like to submit this Written Statement objecting to the recommendations of the Planning Officer, and also request that a copy of this letter is included in the Supplemental Report for consideration by the members of the Planning Committee.

The major engineering feat of building a 81metre tower directly above Swiss Cottage tubes southbound tunnel on soft London clay with a tendency for subsidence and currently insufficient piles to take such a structure may turn out not to be feasible or viable for the planned development to go ahead at all, quite apart of the additional problems occasioned by the construction of HS2. If this condition were to be varied it may result in the demolition of the existing buildings, which could result in an empty site for many years, with all the adverse consequences; even though London Underground Ltd. chooses to ignore these. The recommendation that the variation in the condition should be granted subject to a Section 106 Agreement is flawed, as such an agreement is unlikely to provide any real protection once the existing buildings have been prematurely demolished.

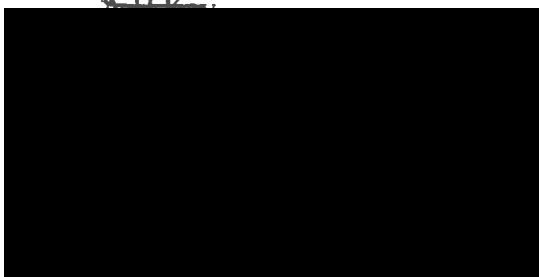
In addition it is now proposed that the Eton Avenue and Avenue Road entrances of Swiss Cottage Underground station are to be closed for an unspecified period, which will mean only limited access will be possible from the other western side of Finchley Road. Also it is proposed that all the demolition trucks will access the site from Avenue Road near the library and exit through the pedestrianised area at the western end of Eton Avenue. On a personal note my wife and I live in Crossfield Road about a minutes walk away from the above site, and we are continually walking through this area at all times of the day, to Swiss Cottage Underground Station, to the Library, and to get to Finchley Road and its shops. Given our circumstances my wife and I will be greatly affected by all the above, which will considerably adversely affect our own ability to safely get about. In addition

reverse of the most used entrance to the underground station

the closure of several of the most used exits to a busy underground station could have safety implications, as well as HGVs going through a busy pedestrianised area, quite apart from how this is going to tie in with the functioning of the market. The recommendation that this can be dealt with in the Construction Management Plan is again flawed especially as it would not appear that any progress has been made with preparing such a plan.

Generally I consider it is important that all planning conditions are strictly adhered to, prior to Essential Living being allowed to start any development such as the demolition of the existing buildings, which should not be allowed until it is clear that Essential Living will in fact be able to fulfil all the planning conditions, so piece meal applications for amendments such as this should be refused.

Yours faithfully,



PS We are respectively 85 + 83 yrs old +  
regularly use the tube entrance + the square, climbing  
stairs + <sup>crossing</sup> very busy roads will make life much more  
difficult for us.

# WRITTEN SUBMISSION: BELSIZE RESIDENTS ASSOCIATION

## 100 Avenue Road application

### INFORMATION ABOUT US:

This submission is on behalf of Belsize Residents Association, [www.belsize.org.uk](http://www.belsize.org.uk), [REDACTED], by Prabhat Vaze, BRA Chair, [REDACTED]. It is for the Camden Development Committee meeting, 15 Jun 2017 considering **application 2016/6699/P, 100 Avenue Road London NW3 3HF**. We **object** to this application.

### Submission

We would like to raise two points in objection to the application:

1. BRA is concerned about this application and that the evidence put to Camden is not sufficiently detailed for the Council to discharge the obligation.
  - The Association notes the comment from a study by SDStructures, sponsored by several resident bodies, including Belsize Residents Association: "Both the applicant's engineer AECOM and London Underground fully acknowledge in their documentation that detailed design is very clearly not complete and in some instances on critical sections not even started on the development of the design."
  - The study is submitted to the committee as part of the Save Swiss Cottage submission separately.
2. We would ask the Committee to confirm that officers have not allowed a low level of detail in the applicant's submission because there are further scrutiny stages, especially the Construction Management Plan.
  - Paragraph 7.4 of the Officer's report notes that "The Construction Management Plan (CMP) must be submitted and discharged before works can commence on site. As part of the CMP consultation must be undertaken with residents on the proposed details of how the demolition will take place/how the development will be constructed/transport and environmental issues. The Council are aware that consultation has not yet commenced and a CMP has not been submitted, so even if this condition is discharged there are further steps required before demolition can start. Officers have reminded the developer of this obligation."
  - The requirements for the CMP are in the first and second schedules of the s106 agreement. There are numerous references to Essential Living providing "detailed" proposals to address construction and demolition impacts (on pedestrian and cyclist safety, traffic associated with the Development, traffic reduction measures, measures to control demolition and construction related emissions and dust). We are concerned that this application is setting a precedent of not providing detail.
  - We are concerned that the applicant is setting a low bar in terms of the detail they are providing planning authorities as they meet important requirements.

**100 Avenue Road NW3 3HF (2016/6699/P) to discharge Condition 31 for planning permission 2014/1617/P**

---

Edie Raff 15/06/2017

Last year developers Essential Living tried three times to vary condition 31 in order to demolish the existing 100 Avenue Road building before all foundation plans were complete. Two applications were withdrawn and one was refused.

Camden's Reason for Refusal in May 2016 no. 2016/2128/P was that to grant it "**would result in the risk of significant harm to visual amenity and the amenities of neighbouring occupiers**". We cannot see why circumstances are any different now.

Essential Living is now attempting to vary condition 31 for the fourth time, but this time under the guise of a discharge.

It is unconscionable that both Camden and LU are colluding with this application by maintaining that only 'outline method statements' for the foundations are needed, whilst condition 31 clearly states that **full details** are required before development is allowed to commence.

Demolishing the current building *before* all the foundation plans are complete can give **no guarantee** as to when the rest of the plans will be ready in order for the building to go ahead, which means the amenity could be left with a vast demolition site for an indeterminate period with little protection from the noise and air pollution from the gyratory [2.4 metre hoardings are insufficient].

A precedent for this is Essential Living's track record in Sittingbourne, Kent. In 2012, trading as Essential Land (see footer of applicant's reports), they left a vast demolition site for **four years** before selling it off.

- <http://www.kentonline.co.uk/sittingbourne/news/paper-mill-site-set-for-44133/>
- <http://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZVSSKJTA298>

Can Camden Council be certain that a similar scenario will not be played out here in Swiss Cottage?

The Council say they have "powers to encourage development to progress" [7.5], but they cannot make anything happen if the foundations have not been completed.

Would it not be more practical for Camden to "encourage" the developers to progress with their foundation plans to completion, so that condition 31 can be **lawfully** discharged?

Very little has been added to these plans since July 2016 last year when the applicant's variation no. 2016/2803/P was withdrawn. Nor has there been any progression since this application was submitted six months ago in December 2016. In fact not much has been added since February 2016 when the Secretary of State granted this development.



If the developers are genuinely intending to build immediately following demolition, why, then, are their foundation plans still only approximately 50% complete, in terms of piling, boreholes, ground movement etc. [ref SDStructures Report] - even according to their own engineers' AECOM's report [Part 1].

Why this unremitting push for premature demolition?

Is it possible that Camden's willingness, even eagerness, is based on the necessity that all the detritus of the demolition of 100 Avenue Road needs to have come and gone before LU and TfL can start construction on the CS11 and Camden can begin to bank CIL and Section 106 funds?

There is another important matter that arises concerning the premature discharge of Condition 31, summarised in the bullet points below:

- If and when Condition 31 is discharged, the Applicant/developer will be at liberty to demolish the existing building on the site.
- Under this Planning Permission, as granted by the Secretary of State, the commencement of demolition is the commencement of development.
- Therefore, by achieving the premature discharge of Condition 31 and by subsequently commencing the demolition, the Applicant/developer removes the 3-year time limit for commencement of the development, as contained in Condition 1.
- By this means the Applicant/developer would prematurely achieve a "non time limited Planning Permission", without satisfying the specific requirements of the Secretary of State in Condition 31, as drafted.
- Under those circumstances, post demolition, the Applicant/developer would be able to delay the start of construction without restriction, and/or sell the site to others who would also be within their legal rights to delay construction for an indefinite period.
- Also, the Applicant/developer would benefit financially from the premature discharge of Condition 31, because the site at 100 Avenue Road would be more valuable and easier to sell without the 3-year time limit for commencement as imposed in Condition 1.
- Therefore, the concern of the local community (and LB Camden last year in their reason for refusal for varying Condition 31) is based on very real concern about a site left empty, post demolition, for an unspecified and potentially indefinite period.

***In conclusion***, there is no reason why LB Camden should discharge Condition 31 under current circumstances where, by the Applicant's own admission in the Application details, the Application does **NOT** meet the requirements of Condition 31 as drafted and as approved by the Secretary of State. In fact the Council has a duty to refuse this Planning Application.

For the avoidance of doubt, we are not trying to overturn the Secretary of State's decision to grant Planning Permission for this development. What we are trying to do is uphold the specific requirements of Condition 31 as drafted.

Edie Raff - Chair of Cresta House Residents Association  
Former Chair of Save Swiss Cottage

Deput.plan c'tee.for15/06/2017

FAO Planning Committee Judd St 15<sup>th</sup> June 2017.

The impact of the demolition of 100Ave rd on the Residents of Winchester Rd Resident Assoc and the users of Swiss Cottage Green, their well being and the amenities

It should be noted by the present members of the Planning C/tee that the area under discussion here has moral implications and therefore responsibilities which **can still** be discharged while considering their legal obligations. Camden (quietly, i.e.with minimum public contact) designated this area as a Town Centre and **THEN** set about placing residential family homes along with homes for vulnerable people in close proximity to the surround of this site. This ill conceived planning debacle has consequences for the residents and the developers today.

Swiss Cottage Green lies directly in front of the rear of the building that is at 100 Avenue Road, NW3 3HF. The building in question is just 75m from the rear of Winchester rd NW3 3NR where I live. This Victorian terraced row situated in Swiss Cottage ward, but simultaneously in the Belsize Conservation Area is the first point of impact that this development will have on the Conservation area, a fact much obscured by Essential Living (E.L.) during the entire planning application. EL have persistently used the name Belsize Park, much further away from 100 Avenue Road to mean the entire Belsize Conservation Area (BCA) so avoiding the observation that BCA actually faces 100 Avenue Road at a mere 75m.

Swiss Cottage Green is a much used area of tranquillity and joy for both the residents who live on the periphery of this Green and the local people who frequent it. 100 Avenue Road encloses it from the general hubbub of the outer environment. There is a playground full of children, a water feature that attracts paddling toddlers. Students study here on the grass, office workers lunch here, all protected to a large degree from the traffic noises and the massive carcinogenic diesel fumes from our local buses.

The considerations relating to early demolition of 100 Avenue Road so far has been only concerned around its potential impact on the underground. Now that London Underground Ltd is satisfied with EL's account of how it will proceed, the Council imagines the matter is resolved. I trust the Planning Committee will offer a more comprehensive understanding of its impact, giving full consideration to the residents who will be unable to avoid the contamination from diesel fumes and noise for an indeterminate period of time whilst awaiting detailed foundation plans to be completed.

Residential properties around the periphery of Swiss Cottage Green form a rectangle that enclose the open space. This protection will be void during a period of time when 100 Avenue Road is demolished. The area will be subjected to traffic noise and a massively larger impact from fumes that are already over the statutory limit. It is therefore essential that assurances are given as to how long it will take to approve

the foundation plans, before demolition is allowed, in order to keep the gap between the demolition of 100 Avenue Road and the rebuild to a minimum. A guarantee will be needed to ensure the site will not remain in a state of dereliction.

No rule of thumb, vague promises or measurements depending on the length of a piece of string can be offered as reassurance when faced with the poisonous impact this exposure will cause to these residents some of whom are in specialist trusts set up for people with health problems and some are senior citizens.

Mental health issues with regard to noise will be monitored by the residents. Physical health of those residing in close proximity to this proposed development will be monitored by the support of Friends of the Earth. Monitors have been requested to provide for use *before* demolition commences in order to make comparisons with the level of pollution *during* demolition and construction. Daily reports, including tweets, will be available to Camden, EL, LU and the local media. It will clearly be necessary for all to have their 'Ts' crossed and 'Ts' dotted before permission is given for this development to go ahead.

Elaine Chambers, Chair Winchester Rd Residents Association (WRRRA)  
13th June 2017

**Re: 100 Avenue `road – Application 2016/6699/P**

Please refer to Save Swiss Cottage’s objections as written up in the Officers’ Report .

It is being argued by Camden Officers;’ that because LU requested condition 31 to protect there own and adjacent structures there is justification for them to change it without properly applying to do so. Three attempts were made by the developers last year to vary condition 31, but because their applications failed, they are trying once again to split condition 31 in two in order that they can proceed with demolition prior to all foundation plans are complete. [see Edie Raff’s submission].

What has been left out of the equation in the Officer’s Report is that condition 31 is also for “adjacent structures” – as pointed out in solicitor Poly Reynold’s letter to Michael Cassidy - see supplementary pack.

**Reason for condition 31**

”To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

London Plan 2011 Table 6.1 states that “London should be a city where it is easy, safe and convenient for every one to access jobs, opportunities and facilities”

Condition 31 was also informed, in part, by objectors to the developers’ original application (2016/1617/P) when they expressed safety concerns regarding the plan to build a 24 story building above the Swiss cottages jubilee line southbound tunnel – as summarised in David Fowler’s Officers Report in 2014

**Construction Management Plan**

The final Construction Management Plan (CMP) should be incorporated within this discharge to implement planning permissions because the crucial issues of access and egress for demolition of the existing building are ingral to protecting the London Underground infrastructure their assets, adjacent structures and the safety of all tube and amenity users. Condition 31 and a final Construction Management plan are integral to each other. [sds ....]

**HS2**

In addition the extremely import issue of the potential impact that HS2 may have on this development has been relegated to the CMP – yet HS2 is one of the adjacent structures that has been given Royal Assent to proceed earlier this year.

The developers own engineers’ AECOM say that, due to “*Potential for damage to new building from future HS2 tunnel construction*”, HS2 is a ‘High Hazard’ issue that requires discussion with the developers.

While condition 17 is to protect HS2 only and is only concerned with below ground works, resolving the effects of HS2 on the development prior to discharge is essential because if it were to transpire that HS2 works will have an adverse impact on the development, then how could demolition reasonably proceed?

Whilst condition 17 is for the protection of HS2, the protection of 100 Avenue road assets and infrastructure and adjacent structures comes under condition 31, therefore the impact of HS2 ought to be dealt with in this application and not in the CMP.

Janine Sachs  
Save Swiss Cottage

Fig 1. Essential Living's (Land's) demolition site at Sittingbourne, Kent. 2012 - 2017

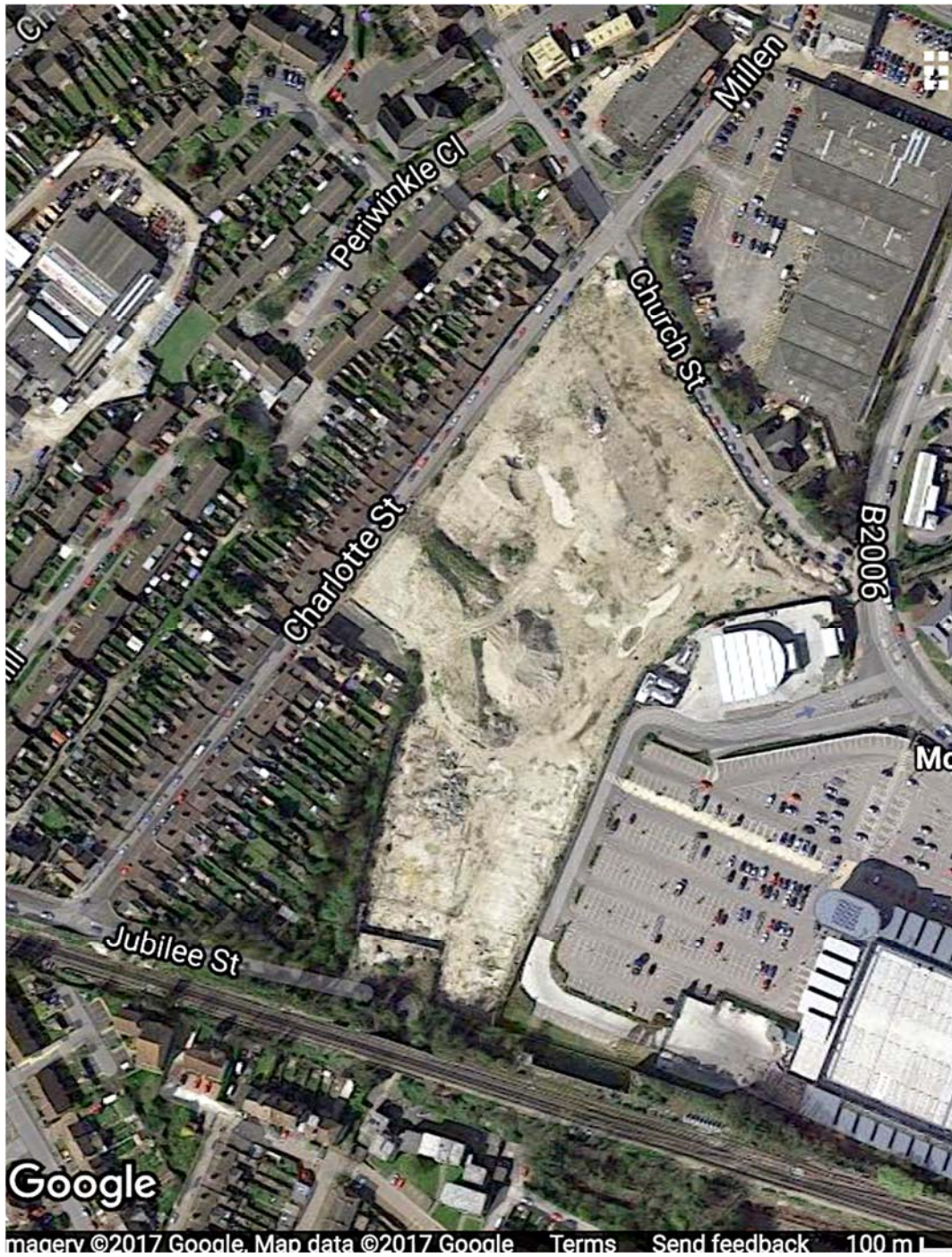


Fig 2. 'Essential Land, Sittingbourne Mill, Residential Block layout'.  
Page 49





**bptw partnership**  
 Hiltons Wharf, Norman Rd, Greenwich, London SE10 9QX  
 telephone 020 8293 5175 facsimile 020 8293 5146  
 email post@bptw.co.uk website www.bptw.co.uk

Rev	Date	Drawn	Checked
Notes: All works outside the red line are indicative only. Do Not Scale. All dimensions to be checked on site. This drawing is copyright of bptw partnership.			

Date: 02-11	Client: ESSENTIAL LAND
Drawn: CB	Project: SITTINGBOURNE MILL
Checked: J	Title: RESIDENTIAL BLOCK LAYOUT
Scale: 1:1250 @ A3	Pages: 10-127 / D12





Fig 3. Swiss Cottage Open Space 2017





**Rodwell, Dan**

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**From:** [REDACTED]  
**Sent:** 13 June 2017 12:54  
**To:** PlanningCommittee  
**Subject:** Planning Application ref 2016/6699/P

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam,

I understand that the developers of 100 Avenue Rd. are applying for the conditions of their planning permission to be varied or to be excused one of the conditions of that planning application approval.

**I strongly object to this.** What is the point of the planning process if, after extensive consideration and argument, the developer is allowed to escape one of the main restrictions imposed as part of the granting of that planning permission.

The planned building is an extremely risky engineering project. It is being built above an underground line and underground station. Once demolition of the existing building begins, there will be huge inconvenience to local residents. Two entrances to the underground will be closed and the popular Farmers' Market will also be closed. The access to the popular Hampstead theatre will become difficult as will access to the Central School of Speech and Drama -- both highly valued local facilities. The building and the demolition process of the existing structure will greatly damage the small existing "Swiss Cottage Open Space". This tiny park is the only open space within walking distance of my home. Consideration must also be given to the planned work on HS2, which I believe will also run very close to the foundations of the planned building.

**Collusion and Corruption:**

Local residents are appalled at the extremely short notice provided concerning this meeting and concerning the previous application for the variation of the conditions under the planning permission. The general feeling is that there has throughout been collusion between the planning authorities and the developers of 100 Avenue Rd.. The planned building will clearly harm the neighbourhood. It is ugly and totally out of place. The planning committee of the Council rejected the initial application and the fact that it has now been approved has caused great dismay.

Gabriel Balint-Kurti  
40 Eton Court  
Eton Avenue  
London  
NW3 3HJ  
Tel: [REDACTED]



Susan O'Hare.

FLAT 10 GABRIELLE COURT  
1-3 LANCASTER GROVE  
LONDON NW4 4EU

12 th June 2017

VIA EMAIL to [DC@camden.gov.uk](mailto:DC@camden.gov.uk)  
Committee Clerk  
Committee Services  
Camden Town Hall  
Judd Street  
London WC1H 9JE

Dear Sir,

**100 Avenue Road NW3 3HF**  
**Planning Application ref 2016/6699/P**

Having recently read the Report I should like to submit this Written Statement objecting to the recommendations of the Planning Officer, and also request that a copy of this letter is included in the Supplemental Report for consideration by the members of the Planning Committee.

This tower if built will be visible from my flat as it looks down the gardens of Crossfield Road and Adamson Road it will be an eye sore in a conservation area.

The knocking down of any building before an approved solution puts pressure on the councils to approve plans and as this is locally an unwanted building then we need to carefully consider what will replace it before its demolished - I would ask what is the hurry as the building is sound? The hurry is to then to force authorities to approve bad plans I suggest.

The major engineering feat of building a 81metre tower directly above Swiss Cottage tubes southbound tunnel on soft London clay with a tendency for subsidence and currently insufficient piles to take such a structure may turn out not to be feasible or viable for the planned development to go ahead at all, quite apart of the additional problems occasioned by the construction of HS2. If this condition were to be varied it may result in the demolition of the existing buildings, which could result in an empty site for many years, with all the adverse consequences; even though London Underground Ltd. chooses to ignore these. The recommendation that the variation in the condition should be granted subject to a Section 106 Agreement is flawed, as such an agreement is unlikely to provide any real protection once the existing buildings have been prematurely demolished.

In addition it is now proposed that the Eton Avenue and Avenue Road entrances of Swiss Cottage Underground station are to be closed for an unspecified period, which will mean only limited access will be possible from the other western side of Finchley Road. Also it is proposed that all the demolition trucks will access the site from Avenue Road near the library and exit through the pedestrianised area at the western end of Eton Avenue.

In addition the closure of several of the most used exits to a busy underground station will personally effect me and could have safety implications, as well as HGVs going through a busy pedestrianised area, quite apart from how this is going to tie in with the functioning of the market.

The recommendation that this can be dealt with in the Construction Management Plan is

again flawed especially as it would not appear that any progress has been made with preparing such a plan.

Generally I consider it is important that all planning conditions are strictly adhered to, prior to Essential Living being allowed to start any development such as the demolition of the existing buildings, which should not be allowed until it is clear that Essential Living will in fact be able to fulfil all the planning conditions, so piece meal applications for amendments such as this should be refused.

Yours faithfully,  
Susan O'Hare

**Rodwell, Dan**

---

**From:** ANTHONY KAY [REDACTED]  
**Sent:** 12 June 2017 19:32  
**To:** PlanningCommittee  
**Subject:** 100 Avenue Road NW3 3HF ref 2016/6699/P

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

ANTHONY H. KAY LLB.  
SOLICITOR  
Non-practicing

26 Crossfield Road  
Hampstead  
London NW3 4NT  
[REDACTED]

12 June 2017

VIA POST & EMAIL to [DC@camden.gov.uk](mailto:DC@camden.gov.uk)

Committee Clerk  
Committee Services  
Camden Town Hall  
Judd Street  
London WC1H 9JE

Dear Sir,

**100 Avenue Road NW3 3HF  
Planning Application ref 2016/6699/P**

Having recently read the Report I should like to submit this Written Statement objecting to the recommendations of the Planning Officer, and also request that a copy of this letter is included in the Supplemental Report for consideration by the members of the Planning Committee.

The major engineering feat of building a 81metre tower directly above Swiss Cottage tubes southbound tunnel on soft London clay with a tendency for subsidence and currently insufficient piles to take such a structure may turn out not to be feasible or viable for the planned development to go ahead at all, quite apart of the additional problems occasioned by the construction of HS2. If this condition were to be varied it may result in the demolition of the existing buildings, which could result in an empty site for many years, with all the adverse consequences; even though London Underground Ltd. chooses to ignore these. The recommendation that the variation in the condition should be granted subject to a Section 106 Agreement is flawed, as such an agreement is unlikely to provide any real protection once the existing buildings have been prematurely demolished.

In addition it is now proposed that the Eton Avenue and Avenue Road entrances of Swiss Cottage Underground station are to be closed for an unspecified period, which will mean only limited access will be possible from the other western side of Finchley Road. Also it is proposed that all the demolition trucks will access the site from Avenue Road near the library and exit through the pedestrianised area at the western end of Eton Avenue. On a personal note my wife and I live in Crossfield Road about a minutes walk away from the above site, and we are continually walking through this area at all times of the day, to Swiss Cottage Underground Station, to the Library, and to get to Finchley Road and its shops. Given our circumstances my wife and I will be greatly affected by all the above, which will considerably adversely affect our own ability to safely get about. In addition the closure of several of the most used exits to a busy underground station could have safety implications, as well as HGVs going through a busy pedestrianised area, quite apart from how this is going to tie in with the functioning of the market. The recommendation that this can be dealt with in the Construction Management Plan is again flawed especially as it would not appear that any progress has been made with preparing such a plan.

Generally I consider it is important that all planning conditions are strictly adhered to, prior to Essential Living being allowed to start any development such as the demolition of the existing buildings, which should not be allowed until it is clear that Essential Living will in fact be able to fulfil all the planning conditions, so piece meal applications for amendments such as this should be refused.

Yours faithfully,

A.H.Kay

**Rodwell, Dan**

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**From:** Genie Lee [REDACTED]  
**Sent:** 12 June 2017 18:19  
**To:** PlanningCommittee  
**Subject:** 100 Avenue Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Genie Lee

16, Lancaster Grove

London NW34PB

12June 2017

[DC@camden.gov.uk](mailto:DC@camden.gov.uk)

Committee Clerk

Committee Services

Camden Town Hall

Judd Street

London WC1H 9JE

Dear Sir,

**100 Avenue Road NW3 3HF**

**Planning Application ref 2016/6699/P**

Having recently read the Report I should like to submit this Written Statement objecting to the recommendations of the Planning Officer, and also request that a copy of this letter is included in the Supplemental Report for consideration by the members of the Planning Committee.

The major engineering feat of building a 81metre tower directly above Swiss Cottage tubes southbound tunnel on soft London clay with a tendency for subsidence and currently insufficient piles to take such a

structure may turn out not to be feasible or viable for the planned development to go ahead at all, quite apart of the additional problems occasioned by the construction of HS2. If this condition were to be varied it may result in the demolition of the existing buildings, which could result in an empty site for many years, with all the adverse consequences; even though London Underground Ltd. chooses to ignore these. The recommendation that the variation in the condition should be granted subject to a Section 106 Agreement is flawed, as such an agreement is unlikely to provide any real protection once the existing buildings have been prematurely demolished.

In addition it is now proposed that the Eton Avenue and Avenue Road entrances of Swiss Cottage Underground station are to be closed for an unspecified period, which will mean only limited access will be possible from the other western side of Finchley Road. Also it is proposed that all the demolition trucks will access the site from Avenue Road near the library and exit through the pedestrianised area at the western end of Eton Avenue. On a personal I wish to reiterate my dismay at such a development threatening the welfare of the entire local community.

As a local resident for many years paying council tax I wish to appeal to the common sense of those concerned and hope they will reconsider this development and the blight it will cause on a wide scale..

Yours faithfully,

Genie Lee

-----  
Genie Poretzky-Lee

Website 2016: [REDACTED]

Website 2014: [REDACTED]

Instagram: [REDACTED]

Facebook: [REDACTED]

**Rodwell, Dan**

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**From:** Shelley Katz [REDACTED]  
**Sent:** 13 June 2017 08:45  
**To:** PlanningCommittee  
**Subject:** Planning Application ref 2016/6699/P 100 Avenue Road NW3 3HF

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir

I object to beginning the works which will supposedly lead to a 81 metre tower directly over Swiss Cottage Tubes. The soft clay ground may very possibly not be sufficient to build such a structure. Moreover it may lead to even more subsidence (which is a major problem in this area and to our building on Eton Avenue, the Swiss Cottage end.) In fact the whole project may turn out not to be feasible and we will be left with a major hole in the centre of our community. This is not to mention the severe disruption the digging of this hole will cause to an already traffic heavy, highly polluted area. To add to the major disruption there is the possible construction of HS2, causing additional problems.

All this for a very flawed project that may never be constructed.

The recommendation that variation in the condition should be granted subject to a Section 106 Agreement is faulty, as such an agreement is unlikely to provide any real protection once the existing buildings have been prematurely demolished. It is crucial that all planning conditions should be strictly adhered to, prior to Essential Living being allowed to start any development such as the demolition of the existing buildings. It must not be allowed until it is clear that Essential Living will in fact be able to fulfil ALL the planning conditions.

Yours truly,

Shelley Katz

56 Eton Avenue NW3 £HN

*Colleen Woodcock  
18 Crossfield Road  
London NW3 4NT*

Committee Clerk  
Committee Services  
Camden Town Hall  
Judd Street  
London WC1H 9JE

Dear Sir,

**Re: 100 Avenue Road NW3 3HF  
Planning Application ref 2016/6699/P**

I would like to submit this Written Statement objecting to the recommendations of the Planning Officer, and also request that a copy of this letter is included in the Supplemental Report for consideration by the members of the Planning Committee.

The major engineering feat of building an 81metre tower directly above Swiss Cottage underground's southbound tunnel on soft London clay with a tendency for subsidence, and currently insufficient piles to take such a structure, may turn out not to be feasible or viable for the planned development to go ahead at all, quite apart of the additional problems occasioned by the construction of HS2. If this condition were to be varied it may result in the demolition of the existing buildings, which could result in an empty site for many years, with all the adverse consequences; even though London Underground Ltd. chooses to ignore these. The recommendation that the variation in the condition should be granted subject to a Section 106 Agreement is flawed, as such an agreement is unlikely to provide any real protection once the existing buildings have been prematurely demolished.

It is also proposed that the Eton Avenue and Avenue Road entrances of Swiss Cottage Underground station are to be closed for an unspecified period. As a daily user of the underground, this will cause a major inconvenience to myself and for anyone who travels from the Western side. Finally, it is proposed that all the demolition trucks will access the site from Avenue Road near the library and exit through the pedestrianised area at the western end of Eton Avenue. I have a small child and we cross that area daily. I feel strongly that it would pose significant danger to pedestrian traffic, not to mention the impact on the market.

I feel strongly that it is imperative that all planning conditions are strictly adhered to, prior to Essential Living being allowed to start any development such as the demolition of the existing buildings, which should not be allowed until it is clear that Essential Living will in fact be able to fulfil all the planning conditions, so piece meal applications for amendments such as this should be refused.

Yours sincerely,

Colleen Woodcock



**Rodwell, Dan**

---

**From:** Ali Hammad [REDACTED]  
**Sent:** 13 June 2017 12:07  
**To:** PlanningCommittee  
**Cc:** Selina Poon  
**Subject:** 100 Avenue Road NW3 3HF/Planning Application ref 2016/6699/P

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Committee Clerk  
Committee Services  
Camden Town Hall  
[Judd Street](#)  
[London WC1H 9JE](#)

Dear Sir,

**[100 Avenue Road NW3 3HF](#)**  
**[Planning Application](#) ref 2016/6699/P**

May I submit this Written Statement objecting to the recommendations of the Planning Officer, and also request that a copy of this letter is included in the Supplemental Report for consideration by the members of the Planning Committee.

It is a major concern to me that this potential new building is not sustainable directly above Swiss Cottage tubes southbound tunnel on soft London clay and will also not be viable in conjunction with the planned and parallel construction of HS2. If this condition were to be varied it may result in the demolition of the existing buildings, which could result in an empty site for many years, with all the adverse consequences; even though London Underground Ltd. chooses to ignore these. The recommendation that the variation in the condition should be granted subject to a Section 106 Agreement is flawed, as such an agreement is unlikely to provide any real protection once the existing buildings have been prematurely demolished.

In addition it is now proposed that the Eton Avenue and Avenue Road entrances of Swiss Cottage Underground station are to be closed for an unspecified period, which will mean only limited access will be possible from the other western side of Finchley Road. Also it is proposed that all the demolition trucks will access the site from Avenue Road near the library and exit through the pedestrianised area at the western end of Eton Avenue. On a personal note, I live with my wife and teenage son in Strathray Gardens about a 2 minute walk away from the above site, and we are continually walking through this area at all times of the day, to Swiss Cottage Underground Station, to the Library, and to get to Finchley Road and its shops. Given our circumstances my family will be greatly affected by all the above, which will considerably adversely affect our own ability to safely get about. In addition the closure of several of the most used exits to a busy underground station could have safety implications, as well as HGVs going through a busy pedestrianised area, quite apart from how this is going to tie in with the functioning of the market. The recommendation that this can be dealt with in the Construction Management Plan is again flawed especially as it would not appear that any progress has been made with preparing such a plan.

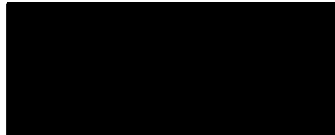
Generally I consider it is important that all planning conditions are strictly adhered to, prior to Essential Living being allowed to start any development such as the demolition of the existing buildings, which should not be allowed until it is clear that Essential Living will in fact be able to fulfil all the planning conditions, so piece meal applications for amendments such as this should be refused.

Yours faithfully,

A H Hammad  
Page 61

Flat 5  
56 Eton Avenue  
London  
NW3 3HN

Home Tel:  
Office Tel:  
Fax:  
e-mail



Committee Clerk  
Committee Services  
Camden Town Hall  
Judd Street  
London WC1H 9JE

13 June 2017

BY POST & EMAIL to [DC@Camden.gov.uk](mailto:DC@Camden.gov.uk)

Dear Sir,

**100 Avenue Road NW3 3HF – Planning Application ref: 2016/6699/P**

As a result of the Report I am writing to object to recommendations of the Planning Officer; kindly procure that a copy of this letter is included in the Supplemental Report to be seen by the Planning Committee.

1. The proposed project is enormous and having had experience at our above building of subsidence I question whether the proposed structure is feasible.
2. In the event that the condition is varied then this could well result in demolition of the existing building leaving an empty site for very many years. The recommendation relating to a Section 106 Agreement makes no sense and would not provide any protection once demolition takes place.

The chaos that would be caused to the area with closure of the Eton Avenue and Avenue Road entrances to the station would create considerable difficulties. The proposal that trucks will access the site from Avenue Road (near the library) and exit through the pedestrian area at the end of our road bears no consideration to our existing community and to our entitlement to existing facilities and quiet enjoyment.

3. 56 Eton Avenue is at the west end of Eton Avenue and all occupiers would be considerably adversely affected by these proposals. I have absolutely no confidence in the reference to the Construction Management Plan as this has not even been drafted.

The Committee's responsibilities must be to the existing community to ensure that planning conditions are strictly adhered to.

The application should be refused.

Kindly acknowledge receipt.

Yours faithfully,

  
BRIAN B. HARRIS

## Rodwell, Dan

---

**From:** Nandita Khanna [REDACTED]  
**Sent:** 13 June 2017 14:51  
**To:** PlanningCommittee  
**Cc:** mayor@london.gov.uk  
**Subject:** Planning application ref 2016/6699/P

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**note:** Saved

Dear Sir/Madam

I am writing with reference to the above planning application which we were told had been rejected but seems to have been revived yet again under appeal. The above project will cause huge disruption to the neighbourhood with no additional benefit- the reason it was turned down in the first place. Construction vehicles etc will also clash with the proposed HS2 works causing severe disruption to everyone living in this locality. There are several primary schools in the area...the through traffic on Eton Avenue will be dangerous and disruptive.

The residential tower proposed will once again be marketed primarily outside the U.K. And yet another 'ghost' development will get built with overseas landlords treating U.K. Real estate like a bank deposit/fund and staying empty like the dozens of others in London. The new building will add no value to the neighbourhood and will be an eyesore in a predominantly residential area.

If this city is to function as a true democracy, the views of the residents must be heard and we should not have yet another previously rejected planning approval slip through. We cannot keep attending meetings/ writing letters for the same project over and over again. Greedy developers count on the ultimate exhaustion in fighting such plans in order to fulfill their own agenda

Regards

Nandita Khanna  
Eton Avenue  
NW33HJ

14<sup>th</sup> June 2017

Clerk to the Planning Committee  
Committee Services  
Town Hall  
Judd Street  
London  
WC1H 9JE

Dear Sir

**100 AVENUE ROAD LONDON NW3 – CONDITION NO 31 –APPLICATION NO  
2016/6699/P – PLANNING COMMITTEE ITEM NO 8(3) – 15/06/17**

According to the engineer's report submitted by Mr. Ian Stephenson, of Stephenson Davenport Structural Associations Ltd. dated 2<sup>nd</sup> March 2017, the Applicant has failed to comply with the conditions of condition no. 31 in its entirety.

This is essential to the fulfilment of this planning application and is not a mere peripheral issue but a condition precedent in accordance with the principles set out in Whitely & Sons v. Secretary of State for Wales and anor. [1990] 64 P. & C.R. 296, as recently considered and approved in Greyfort Properties Ltd. v. Secretary of State for Communities and Local Government [2011] 3 E.G.L.R. 93.

A non-compliance with a condition of this nature is a failure to comply with a “condition precedent”, rendering any grant of permission subsequently unlawful, and any steps to implement such permission by the Applicant, also unlawful.

In particular, there has been non-compliance with the piling information, and detailed plans for the effect on surrounding structures, apart from LU ones.

Whilst accepting that Condition 31 may well originally have been agreed between the Inspector at the Inquiry in 2015 and London Underground and for its benefit, once it has become a main condition, it has to be enforced and complied with in the same manner as any other condition.

London Underground have not in fact responded to any of the issues identified in Mr Stephenson's reports in their various letters and the Applicant has itself conceded in correspondence that the conditions have not been complied with, giving the excuse that outline compliance is sufficient.

It has therefore been incumbent on the LB Camden to oversee the compliance with condition 31 in the overall public interest and in the interests of the community and general public safety, and in this, they have patently failed to comply with their obligations under planning law. LB Camden also do not have any statutory powers to delegate this matter to London Underground, being a third party, under section 101 of the Local Government Act 1972.

The excuse that the LB Camden will be able to issue enforcement notices if the subsequent planned building fails to materialise is not a valid excuse in this instance, as building work

cannot take place until full demolition has taken place and for this to occur, full compliance with condition 31 is necessary.

It will not be sufficient to grant permission and then for the Applicant to seek to remedy any plans for the demolition beforehand as they seem to be proposing.

In addition, there also should be consideration of the accommodation of “the proposed location of the HS2 structures and tunnels” under condition 17 to be complied with, and although a separate condition, it would seem that all of the conditions must be read as one, so that the plans in respect of that should also be complete before permission can be given under condition 31.

It would also seem premature to permit demolition take place until the plans are in place for remaining parts of the project such as condition 4 for instance and the other conditions that are required before the new building may be constructed on site.

Finally, although part of the access issues in the Construction Management Plan, it has emerged that there is a restrictive covenant regarding access to part of the open space on the side of the site facing the open space, which is currently owned by the LB Camden.

Whilst the conduct of the Construction Management Plan dated 23<sup>rd</sup> May 2014 is not technically before the committee for consideration, the Committee may wish to know about this, and whether LB Camden intend to waive this covenant and if so, who in the LB Camden will be making this decision. It may be that the matter should be referred to the committee.

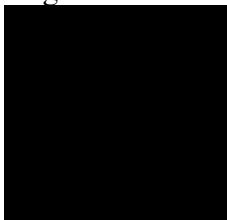
This matter was not canvassed during the Inquiry by either the Applicant or LB Camden, and appears now to have produced a *lacuna* in the project not foreseen at the time of the Inquiry by either the LB Camden, the Applicant or the Inspector.

It is contended that this restrictive covenant should not be waived regarding the use of the open space area, as it is currently for the public benefit.

The Committee may wish to ask the council officer for full information regarding this restrictive covenant and consider withholding the grant of permission if not satisfied that access may be obtained to the site by the Applicant without trespassing on the area currently the subject of the restrictive covenant.

It may also be necessary for the Applicant to have to submit a fresh application to vary the current conditions, in order to be permitted to have access to the site over the current area served on the Land Registry map currently covered by the restrictive covenant.

Signed





Application  
**2016/7069/P**  
**Admiral Mann**  
**9 and 9a Hargrave Place**  
**London N7 0BP**

item 4:  
**Planning Committee**  
**15 June 2017**

### Members:

The Admiral Mann was sold by a Hertfordshire brewery divesting itself of a city property at a residential price. The developer expected to raze the pub to the ground to build a companion block of flats to mirror those 'in build' next door – on his site recently acquired from the Council. Thanks to an ACV, to Officers, Members and the Inspectorate, the Admiral Mann has so far survived total destruction, a sham shop, closure for two years, enforcement actions and three applications. With this application Officers have included conditions [no.3] and legal agreements to ensure that the PH, which is a community facility, is protected from changes of use and demolition which do not require planning permission for which we are very grateful. It is also partially protected by an ACV.

The emerging Camden Plan has substantial weight at this time as it went to Cabinet yesterday 14 June 2017; C4 Public houses offers at paragraph 4.82 *an outline of all the objections that have been put forward by campaigners over the last two years.*

### Partial loss of a public house

*4.82 The partial loss of a pub and ancillary facilities may be detrimental to its character, community value or future viability. Outdoor amenity spaces, gardens, cellars and parking areas attached to pubs can also be subject to pressures for residential development. **These changes can lead to a pub becoming less profitable and as a consequence, more vulnerable to further redevelopment, potentially leading to a pub being lost altogether. In determining whether the loss of floorspace is acceptable, the Council will take into account the effect of changes to the pub's layout and reduction in its trading area on its continuing ability to operate successfully. We will also consider whether these changes would adversely impact on the pub's community, historic and townscape value.** In some cases the loss of part of a pub may lead to its continuing operation being undermined by the greater likelihood of complaints relating to noise and nuisance from occupants of new non-ancillary uses. A particular problem is the potential harm to residential amenity which cannot be overcome through mitigation measures to the building's fabric, for example where the loss of a pub's garden is proposed. Camden Planning Guidance will provide advice on evidence the Council will require to justify the loss of pub facilities.*

We are asking members not to approve the, real and calculated, **loss of pub floorspace, including facilities ancillary to the operation of the public house**, which policy says will now **be resisted where this will adversely affect the operation of the public house.**

*We feel that, by chance, this is the first test for the 'new' Camden Plan.*

The Officer's report notes in *Modifications to ground floor and basement of the pub* (in the previous application): [8.8] the Inspector noted a small increase in the floor area provided in the bar area of the PH; [8.9] he noted the moving of the toilets to the basement was acceptable; Officers note that ancillary storage space on the ground floor/cellars was not highlighted by the Inspector. We believe the reduction of this ancillary storage space is seriously detrimental to the pub's ability to operate; removing floor area from the bar is detrimental to the viability of the pub – both of these issues are supported on the emerging Camden Plan.

Officers, in writing the report for the previous Application/Appeal, illustrated how the all the ancillary facilities were being removed while refusing.

The Inspector noted the lack of kitchen facilities and **pointed to the emerging Camden Local Plan C4: Public Houses – to which he afforded 'some' weight.** A kitchen has been included.

A vital part of 'ancillary facilities' is the safe storage facilities for alcoholic [and non alcoholic] goods in barrels, bottles and cans, snacks and glasses. Why would they not be – ask any publican, ask the writers of your Policy document.



### Facilities ancillary to the operation of the public house: storage facilities

The existing storage space for the PH at ground level is 20.6sq.m at 3.1m height – plus at cellar level storage space of 22.4sq.m at 1.58m height, a **total 43sq.m**, and additionally beer cellars of 35sq.m. This application proposes **3sq.m** at ground level [labelled store/office actually **1.75sq.m** allowing the door to open], beer storage of 35sq.m and no dedicated commercial waste storage [see below].

Officers contend that the loss of storage is ‘balanced by an increase in pub floorspace’. 3sq.m of storage/office. The applicant has ignored storage. **A loss of 40sq.m of ancillary storage can not be balanced against an increase of 20sq.m of floorspace; Officers and Members are well aware that they give planning permission ‘in principle’ for a space which can be sub divided in any way after permission. This nominal increase is not ‘real’.**

Officers conclude that ‘the loss of storage space is necessary to provide dedicated cycle and waste stores for residential use (and is not considered to harm the function nor the viability of the public house)’. *[Members should note that this proposal is to be carried out, on the ground floor, under the small first floor flat (existing/occupied) in 9a previously used by the PH for ancillary storage; there is no indication of how the occupants of 9a will be protected from the odours, sound [and fire risk] and from the possibility of use any time – 24 hours – by the applicant’s three flat owners over the PH].* **A loss of ancillary storage in this place, replacing it with a private waste storage and cycle area, diminishes the quality of life of the tiny flat dweller at 9a above (which is not a planning issue). Removing all the PH storage space seriously effects function and the viability of this back street PH.**

### Facilities ancillary to the operation of the public house: kitchen

The Inspector noted that kitchen facilities were not included in the previous application; a kitchen has been included. **It is a mean space of 17sq.m; because of its convoluted [around a staircase] and un-ergonomic space it is unsuitable for quantity food preparation – defying the intention of the Inspector who had recognised the need to support ‘community events’ held in this pub. The commercial kitchen surfaces need to be large enough to prepare and set out quantities of food [average 80-100 people].**

### Commercial waste and storage

Officers within the Council’s Environmental Services stated that Camden’s preference is for a *commercial waste bin store at street level*; the police would also prefer PH waste not to be left in Eurobins blocking and occupying the whole width of the footway – they have been used to ram-raid. Changes to the design of the ground floor to accommodate bins will require exterior access and loss of floor space area in the PH. If this point was put to the Applicant it did not produce any change in plans.

Members should note that the Applicant has in previous application drawings provided commercial waste stores, a larger amount of ancillary storage and a kitchen above ground level.

This application has prioritised the maximisation of residential space and services at the expense of the commercial area, the PH; the commercial part of this application has been reduced and rearranged. Putting in an Application which includes ancillary storage space of **1.75 sq.m** should have alerted Officers and now Members to a lack of knowledge of pub operations. Insufficient space for an appropriate kitchen. No housed-refuse-storage. All three of which will adversely affect the operation of the Admiral Mann.

No evidence has been published, whereby the Applicant seeks to justify the loss of pub facilities – the necessity to provide space for dedicated residential service use – is not a relevant justification. Justification of loss of a PH is a Council requirement. **An analysis of the effect of changes to the pub’s layout and reduction in its trading area on its continuing ability to operate successfully particularly in relation to its locality [back street, high street, city] – is crucial. Non of this appears to have been carried out.**

Camden has worked hard to ‘maintain’ the Admiral Mann; an adverse affect on the operation of the PH *needs to be addressed*. We ask that this application is refused and the Applicant asked to put in a new application paying attention, as the Inspector did, to the emerging Camden Local Plan [C4].

Gill Scott  
**Save Admiral Mann  
Campaign**  
48 Rochester Place  
London NW1 9JX



Submission from George Hanna on Application  
2016/7069/P Admiral Mann 9 and 9a Hargrave Place  
item 4: Planning Committee 15 June 2017

George Hanna  
22c Huddleston Road  
N7 0AG

### Intentions of developer

- The present owners of the Admiral Mann have a track record of converting pubs to residential use. Developer's LinkedIn profile latterly emphasised his experience in "Pub conversions in North London", and he has a history of closing Camden pubs eg Queens, Queens Terrace NW1; Neptune, Werrington St NW1; Admiral Mann, N7.
- Planning Agent seeking approval for Application 2016/7069/P has acted on behalf of a number of clients, including those responsible for the unlawful demolition of the Carlton Tavern in Kilburn NW6, and other 'Trojan Horse' developments eg the Winchester Tavern Highgate N6.

### Grounds to refuse application

In my opinion, Emerging Camden Plan, Policy CP4, paragraph 4.83 on Partial loss of a Public House, which has recently been considered by Camden Cabinet, contains sufficient grounds for Members to REFUSE consent for the Application before them.

Other Policy grounds for refusal will be familiar to Members/officers:

- NPPF 69, 70;
- London Plan 3.1B, 3.16, 4.8, 4.48A, 7.1 and
- Camden Local Plan Policy C3 on [protection of] Cultural and leisure facilities], and C4 Public Houses and various supporting texts including.
- Kentish Town Neighbourhood Plan POLICY CC3: PROTECTION OF PUBLIC HOUSES, [which] strongly supports the retention of the following public houses, and the retention of their internal floorspace, because of value to the local community.

### Attrition of Kentish Town pubs

Since compilation of the Kentish Town Neighbourhood Plan commenced in ~2012, Kentish Town has lost 4 of its 16 pubs. The nearest traditional pub to the Admiral Mann – the Leighton Arms recently closed down for redevelopment. At present rates of attrition, Kentish Town could have no pubs by 2025

### Recent Camden 'Trojan Horse' applications

- Not all members may be familiar with recent 'Trojan Horse' applications submitted with the aim of turning whole Pubs into flats. These include
- Leighton Arms on Brecknock Road N7 (nearest alternative traditional pub to the Admiral Mann) where a previously granted application including a bar at ground floor has now been changed to lose the proposed 'bar' which will shortly become a convenience store.
- The historic Magdala Tavern, which was sold in summer of 2014 to offshore property developers. After a year long closure, it re-opened for some 2 months in summer 2015, but lessees were unable to agree a long enough lease to secure a sustainable future, and despite being an ACV the Magdala has now been permanently lost.
- Dartmouth Arms reopened recently as a ground floor bar with basement kitchen after a two and a half year closure. Since agreeing their lease, current operators have had to install a disabled toilet and kitchen. Kitchen is a space approximately half the size of that on approved plans; with almost no ancillary storage on site, considerable effort is required to manage stock and waste disposal, which is removed via on-street bins.



Former **Admiral Mann**  
9 Hargrave Place N7 0BP

aka Bargains r Us (sham shop)



Former **Leighton Arms**  
101 Brecknock Road N7 0DA

Soon to be a convenience store rather than a pub



# **DEPUTATION REQUESTS**



Adam Shaw  
19 Oval Road, London NW1 7EA

## OBJECTION TO THE FAIRVIEW DEVELOPMENT AT CENTRIC CLOSE

Dear Planning Committee,

The planning application for the re-development of Centric Close is significantly detrimental to the local residents and is being met with fierce opposition. Camden Council's Policy DP26 as outlined in the Public Reports Pack - states that "*the Council would only grant permission for development that does not cause harm to amenity. It states that the Council should consider the impact on daylight/sunlight, outlook, an increased sense of enclosure, privacy, noise and odour/cooking fumes.*"

The Centric Close proposed development clearly contravenes this policy and should be rejected in its current state.

The Council Official's own summary of evidence notes at least 19 contraventions of BRE guidelines which have been highlighted in the following paragraphs of the Council's own Public Reports Pack 15062017 1900 Planning Committee. Contraventions of guidelines include those highlighted by the Council in paragraphs: 14.8, 14.10, 14.12, 14.14, 14.17, 14.19, 14.22, 14.24, 14.27, 14.28, 14.31, 14.32, 14.36, 14.38, 14.42, 14.44, 14.46, 14.48 and 14.49.

In Paragraph 14.7 of the Public Reports Pack it incorrectly states "*This analysis demonstrates that, taking into account the urban location within which the site is located and the under developed nature of the site, the aims of the BRE Guidelines are achieved.*" In fact the Council's own report, the developer's Planning Application and the Independent Report commissioned by the Oval Road residents all highlight the numerous contraventions of the BRE guidelines in so many instances that to claim the aims of the guidelines have been achieved is clearly without basis and would lead to any decision based on this conclusion open to challenge by the Local Government Ombudsman and Judicial Review.

The comments of the Council official in paragraph 14.50 that: "*The proposal will relate satisfactorily to the neighbouring residential properties in terms of daylight and sunlight amenity. Where there are derogations from the BRE guidance these are considered to be acceptable.*" – is clearly not supported by the facts outlined in the numerous contraventions of BRE guidelines outlined above.

The comment that the contraventions are "*acceptable*" is also not supported by the Council's own report which states in its conclusion that "*The rear of the Oval Road properties are affected with a range of negligible to **major adverse effects**.*" Source: Independent Daylight and Sunlight Review report by Delva Patman Redlar 26.5.17

I am therefore at a loss to understand why the official considers it acceptable when the Council's commissioned independent report says the development will have "***...major adverse effects.***"

The conclusion of the document seeks to set aside Camden's own stated policy guidance in CPG 6 and DP26 by claiming that these policies should be overridden in an urban environment. The policies were clearly drafted to take into account an urban situation – it cannot be claimed that Camden is anything other than a dense urban environment. Therefore to try and stretch beyond the existing policy framework to the detriment of a number of current homeowners is not acceptable.

Not only do these omissions and errors lead to a potential misleading understanding of the development – it also leaves the council's decision liable to a Judicial Review.

Local residents are not alone in their objections. The Primrose Hill CACC formerly objected: "*We have concerns of overlooking of existing habitable rooms in the houses in Oval Road, and are not satisfied that this has been adequately addressed. This is one of the grounds on which we formally object to the present application.*"

## **PROCEDURAL FAULTS, ERRORS & OMISSIONS**

We asked the developers to meet the residents most affected by the project. It was suggested that they come to 19 Oval Road where all the local residents could gather in one place. However, after initially agreeing, the developers then refused to attend. This meant the local residents most affected had no chance to talk directly to the developers and inadequate consultation has taken place.

An independent analysis of the proposal conducted by Anstey Horne highlights the numerous breaches of guidelines and faults in the application. We have referred to some, but not all, of those breaches in this letter. The independent analysts also say that “...no commentary is given on the results of the no-sky line test, which is a rather startling omission, in my view. One is left to wonder what the reason for that omission is. From my clients’ point of view, it is the no-sky line results that highlight the greatest adverse impacts on their daylight.”

The independent report by Anstey Horne also highlights the following:

- The vast majority of rooms used by local resident for their main living room will be so badly affected as to fall below the nationally recommended levels of daylight. “85% serving habitable rooms will fail the BRE numerical guidelines. 74% will fail the BRE guidelines for no-sky line (daylight distribution).”
- The independent analysts conclude that: “...the proposed development will cause numerous daylight and sunlight impacts that will be in excess of the BRE guidelines and will result in widespread, noticeable, adverse loss of light... **This will result in a material reduction in residential amenity.**”
- The independent analysis says that: “...the Report fails to present any assessment of these effects [on gardens and play areas], which we suggest should be addressed by the applicant.”

## **OTHER AREAS OF CONCERN**

Since many of the rooms facing the development are the bedrooms of children – the new flats will look directly into their bedrooms, leading to an intrusive invasion of privacy.

The report fails to fully assess all material planning considerations against the relevant planning policies, namely planning policy as set out in CPG 6 in respect of overlooking, privacy and outlook as well as daylight and sunlight.

Failure to fully assess the proposal against the policies of the development plan would be contrary to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 which requires that proposals for development must be determined in accordance with the development plan unless material considerations indicate otherwise. Not only does the report not fully assess impact it fails to detail the material considerations that indicate why the clear conflict with policy is acceptable in this instance.

I do not believe that full consideration has been given to our concerns regarding the planning proposal and a full assessment of the likely impact of the development has been neglected in respect of our properties that are clearly likely to be disadvantaged by the development as currently proposed. As a result we consider that we have been unfairly disadvantaged in the process.

If this continues to be the case then we will escalate any necessary action via the relevant Local Authority complaints procedure and, if necessary, involve the Local Government Ombudsman in the process.

Yours faithfully

Adam Shaw

**From:** [Elizabeth Tomlin](#)  
**To:** [PlanningCommittee](#)  
**Cc:** [Sarah Wardle](#); [David Chalmers](#)  
**Subject:** RE: Centric Close - Planning Committee  
**Date:** 04 May 2017 15:51:23

---

Hi Dan,

Many thanks for your email and quick response.

Mike Walker, Main Board Development Director, at Fairview will address the Committee should anyone register to speak.

Best,

Lizzy

**Elizabeth Tomlin, Account Manager**

Curtin&Co, 299 Oxford Street, London, W1C 2DZ | T : [REDACTED] | M : [REDACTED]

E : [REDACTED] | W : [www.curtinandco.com](http://www.curtinandco.com)  [Follow Curtin&Co on Twitter](#)



## Stephenson Davenport Structural Associates Limited

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

13<sup>th</sup> June 2017

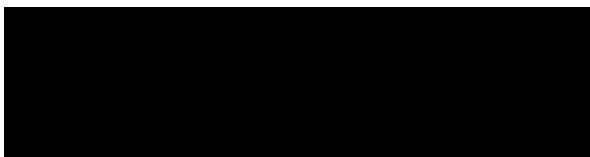
**SD0171.0 100 Avenue Road, London NW3 3HF. Camden Planning Application no. 2016/6699/P**

**Comments on the Planning Officers report in relation to the above application dated produced in June 2017.**

**This note specifically addresses the requirements required by Condition 31 in terms of the design development and the current state of the design of the basement structure. This includes the piling, pile caps and basement slabs, walls and columns and the ground floor structure.**

- 1.0 Condition 31 states very clearly the following:  
*Before development can commence detailed design and assessment reports and outline method statements (in consultation with London Underground) for all of the foundations, basements and ground floor structures, or for any structures below ground level, including piling(temporary and permanent), shall be submitted to and approved in writing by the Local Planning Authority, ....*
- 2.0 Detailed design of the structural elements on a project can be deemed to be complete when all of the design to the structure is designed in sufficient detail that the works can proceed on site and the structural works can be completed. This includes the method strategy for the demolition of the existing building and the temporary works that would be required to undertake the works.
- 3.0 Both the applicant's engineer AECOM and London Underground fully acknowledge in their documentation that detailed design is very clearly not complete and in some instances on critical sections not even started on the development of the design.
- 4.0 Specifically AECOM acknowledge that the design work to the temporary works and the piling design have not commenced.
- 5.0 In our view, whilst there is a basement design produced that includes basement slabs, columns and walls and the ground floor slab, in the writer's opinion this is very much at scheme design level and none of the detail has been developed.
- 6.0 It should also be noted that it would appear that the super structure has yet to be designed. In carrying out that exercise, there is every likelihood that positions of columns and walls at basement level will be required to be moved, load paths changed, etc., all of which would all have an impact on the basement design.
- 7.0 The package of information provided for the demolition works is no more than a submission that has been provided by a demolition contractor as part of a response to a tender enquiry. Much of the response is generic and it does not deal in any great detail with the challenging issues that will need to be addressed on a project like this in a busy part of London.

- 8.0 A critical element in the development of the design of a basement such as this the carrying out of a finite element analysis of the soil. In a project such as this, and as accepted by AECOM, this has not happened. This is a fundamental part of the design process.
- 9.0 The soil investigation has only been undertaken on four boreholes instead of the originally planned six. On a projects of this scale six would be far more appropriate. It would appear that the information provided from these boreholes has been included in the movement information.
- 10.0 Currently London Underground have reviewed the information that has been provided by AECOM in terms of the likely ground movements and the impact on the tunnels and other LU infrastructure. They have indicated that they are happy with the information that has been provided.
- 11.0 We do not agree with this view as AECOM indicate that the information provided in terms of the movement was based on no more than a 'desk study'. In our view for a project of this scale and impact on the tube infrastructure, this is woefully inadequate. It is important that a full ground modelling exercise needs to be undertaken and it is the results of that exercise that an assessment can be made.
- 12.0 Many of the points listed above regarding design progress have been acknowledged in the AECOM report where they state the level of progress on each item. These vary significantly from 0% to 100% with the average at 50% or below. Ground modelling is stated as being only 50% complete. Overall therefore, it is reasonable to state that the basement design is no more than 50% complete.
- 13.0 The analysis of the Ground modelling calculations (Appendix C – Impact of Building Demolition and Construction Report) appears to focus solely on the impact of the scheme on the LUL infrastructure and not on any neighbouring properties. However a brief review of the output shows that some of the settlements/ground movements could have an impact on neighbouring properties.
- 14.0 AECOM's Geotechnical Interpretive Report highlights that "the (High Hazard) impact of HS2 should be reviewed as part of the design process. There appears to be no evidence in the documents that this has been taken on board.



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

This report has been prepared for Save Swiss Cottage, SSCAGG, CAASP, CRASH, Elsworthy Residents Association, Netherhall Neighbourhood Association, Cresta House Residents Association (CHRA), Winchester Road Residents Association (WRRRA), Eton Avenue Housing Association (HA) Group, Belsize Residents Association (BRA), Centre Heights Residents Association and the Belsize Conservation Area Advisory committee (BCAAC).

I am Peter Symonds, Chairman of CRASH speaking on behalf of Save Swiss Cottage and other local groups and residents associations

Before we commissioned our structural engineers report, which highlighted the shortcomings of this application, we asked Camden to conduct its own review of the information provided by the developer to support a discharge of Condition 31. Camden has chosen, instead, to rely, unquestioningly, on a short letter from London Underground which, in four brief bullet points, disregards the 20 pages of detailed deficiencies listed in the structural engineer's report. It is upon London Underground's assessment alone that Camden now recommends the granting of consent.

In their report, officers say that the council has powers to encourage development to progress following demolition but until all the foundations plans are complete we can have no guarantee that the community won't be left with a demolition site in the heart of Swiss Cottage for an indeterminate period. A precedence for this is Essential Living's track record in Sittingbourne, Kent, where they left a vast demolition site for four years before selling it off. To allow this to happen would mean that Camden is failing in its legal duty, would be acting unreasonably and disregarding its own procedures. By recommending approval as a valid discharge an application which, by their own admission, they know to be incomplete, Camden is clearly in breach of its own planning regulations.

I ask councillors to pay particular attention to the submission made by our solicitors, Temple Bright. It sets out the serious legal implications of granting consent, if Camden relies only on the insufficiently detailed information provided by Essential Living and London Underground to support such a decision. Such action would be deemed unlawful and amenable to challenge by way of judicial review.



## Rodwell, Dan

---

**From:** Kiran Ubbi [REDACTED]  
**Sent:** 07 June 2017 15:14  
**To:** PlanningCommittee  
**Subject:** Planning Committee 15 June 2017

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Dan,

Turley are agent to application reference 2016/6699/P – agenda item 3, re 100 Avenue Road. I would like to register my colleague Michael Lowndes to speak on behalf of the applicant, Essential Living.

Please can you confirm that Mike has been registered to speak on behalf of the applicant?

Kind Regards  
Kiran

**Kiran Ubbi**  
Senior Planner

**Turley**

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Request to speak on Application 2016/7069/P  
Admiral Mann 9 and 9a Hargrave Place London N7 0BP  
item 4: Planning Committee 15 June 2017

By Richard Lewis  
Chair, Community Group to  
Save the Admiral Mann

Items to be covered:

### 1) Admiral Mann Community

Until the Admiral Mann was closed in August 2014 none of our Community had ever been involved in a pub preservation campaign. We are 'ordinary' Londoners, some of us 2<sup>nd</sup> and third generation users of the pub; With the support of our local Councillors, we are trying to save this pub for current, and more importantly, future residents of Kentish Town.

### 2) Recent history of pub conversions in Camden

The Applicant is a serial redeveloper of pubs in Camden. Since 2011, he/his associates have closed and converted the Queens Arms, Neptune and Admiral Mann pubs. The Neptune remains in a sorry state with the ground floor hidden behind a hoarding since 2013.

His agent represented the developers responsible for the demolition of the Carlton Tavern in Maida Vale NW6; and is closely involved in the redevelopment of the Winchester Tavern, Archway Road N6 which is being salami sliced into oblivion.



Former **Admiral Mann**  
9 Hargrave Place N7 0BP

aka Bargains r Us (sham shop)

### 3) Effects of the proposal on The Admiral Mann

In our view the application does not propose a sustainable future for the Admiral Mann. The proposed development will

- provide 3 flats to be built in the current ancillary space directly above the pub;
- radically change 9 Hargrave Place PH, with most of its interior, and the rear wall being demolished;
- lose the traditional ancillary Landlord's accommodation above the bar area
- lose the ancillary function room (when at least 6 Camden and many other London pubs have recently reinstated them)
- remove any possibility of the existing Function Room/ancillary space ever being restored as public space
- lose virtually all the ancillary storage space;
- provide a kitchen too small and with insufficient storage/serving space to service functions for 80-100 people
- strangle the Admiral Mann and immediately render it unviable
- with the ultimate aim of turning the whole building into flats



Former **Neptune** PH  
51 Werrington St NW1 1QN

Behind hoarding since 2013

### 4) Noting the Inspectors report on the Refused Appeal affording some weight to the emerging Camden Plan, Policy CP4, in relation to putting in a kitchen

*In his rejection of the Applicants appeal, the Planning Inspector gave some weight to the lack of kitchen facilities and pointed to the emerging Camden Local Plan to which he afforded some weight.*

We will draw members attention to the written submission by Gill Scott which notes "the emerging Camden Plan has substantial weight at this time as it went to Cabinet yesterday 14 June 2017; C4 Public houses offers at paragraph 4.83 an outline of all the objections that have been put forward by campaigners over the last two years.

In our view Camden Plan C4 para 4.83 offers sufficient grounds to REFUSE consent.



Former **Leighton Arms**  
101 Brecknock Road N7 0DA

Soon to be a convenience store rather than a pub

### 5) View of Campaign for Real Ale (CRA) 78

<p>As James Watson, Pub Preservation Officer of the Campaign for Real Ale (CAMRA) wrote recently to “ask Members and Officers to hold their nerve here and make the developer realise his asset is not worth what he paid for it. We need the planning system to robustly protect pub use, including ancillary accommodation, at this site and let the vibrant London pub market do the rest”.</p>	
<p><b>6) Trojan Horse Planning Applications in Camden</b></p> <p>Members &amp; Officials have considerable experience in dealing with ‘Trojan Horse’ applications. However despite best efforts, pubs such as the Leighton Arms on Brecknock Road N7 (nearest alternative traditional pub to the Admiral Mann), and Magdala Tavern NW3 have recently been lost.</p>	
<p><b>Richard Lewis, Chair, Community Group to Save the Admiral Mann</b></p>	

## Rodwell, Dan

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**From:** Kieran Rafferty [REDACTED]  
**Sent:** 13 June 2017 14:13  
**To:** PlanningCommittee  
**Subject:** Admiral Mann

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**note:** Saved

Dear Dan

Please accept this as notice that I intend to speak in favour of the scheme

KR

--

Kieran Rafferty  
Urban Planner  
[REDACTED]