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SOLICITOR
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28 October 2019

TO:
Essential Living c/o Barry Coltrini
100 Avenue Road CMP
Tulip Siddiq MP
Belsize Park and Swiss Cottage Ward Councillors

Dear Sirs,

100 Avenue Road NW3 3HF, Construction Management Plan

This letter sets out my thoughts and concerns on the latest proposals, which I consider to be so materially different to the existing CMP, and thus need to be considered fully afresh at a Meeting of the Planning Committee. I also raise a number of issues requiring more information and clarification, especially from TfL and LUL, which it would seem sensible to do beforehand. As background 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 and evening, to get to Finchley Road, Swiss Cottage Underground Station and to the Library. Ideally I would have hoped to be able to attend the next consultation meeting on the 30 October, but as we will be abroad then; I have had to prepare this letter already. However we attended the previous consultation meeting on the 10 October, and from what I have read since, I think it is unlikely that anything will be presented at the next meeting to materially alter any of my following comments.

Increase in Number & Size of Lorries

The new proposals are for the site to be serviced by 53 lorries a day, of which 25 are to enter into the site itself using the part of the parkland and open space taken over for the development. Eleven of the lorries entering the parkland/open space area are to be massive 54ft articulated lorries compared to the previous seven 33ft lorries. Taking the Parkland and Open Space alone as an example the increase in the number of lorries from 7 to 25 amounts to a 250% fold increase; even before the cumulative effect of the increase in lorry size is taken into account. It is understood that the wish for these massive articulated lorries arises from the chosen contractors, Mace, wishing to use a modular method of construction. From the latest published details it would seem that the daily limit on the number of 54ft articulated lorries unloading on the A41 pit lane is now 14; so that the daily total of all the 54ft articulated lorries to the site is now 25.

Pollution

The existing annual average nitrogen dioxide levels for the Open Space are between 40 and 66 ug/m³. With 40 being the EU permitted limit, the level is already often some 65% above this. The position is in fact worse as those figures were taken whilst the Open Space was still being screened by the old now demolished buildings from the A41. The concerns on the additional adverse effects of 25 lorries, eleven of which are to be 54ft articulated lorries, being driven adjacent to the open space and playgrounds used by a lot of children and babies, being one of the few facilities in the area for those without their own gardens, should not need to be elaborated on any further.

Swiss Cottage Station Avenue Road East Exit no.1

At the meeting it was explained that until recently EL and Mace were intending all unloading of the lorries to take place from the pit lane on the A41, but LUL have recently confirmed that they would not allow the crane needed for this to pass over the above exit. This has resulted in their new proposal for 25 lorries to go into the site as described above.

LUL have explained that their safety standards would not permit materials to be lifted over a station entrance/exit. The only surprise about this is that this has only now been appreciated.

However I am surprised that the suggestion from Save Swiss Cottage and CRASH to close the Swiss Cottage tube entrance/exit no.1 at Avenue Road, which would also help with a better and more efficient use of the A41 bus/ pit lane for full access, has not been much more seriously considered. This exit no.1 is just one of five available and has always been the least used compared to the nearby Eton Avenue Road exit, and is likely to be even much less used now. TfL and/or LUL do not appear to have given any rational reasons why it is essential to keep this exit open. Given that it would help everyone (including EL and Mace) removing the need for lorries to go into the open space/parkland, it seems incredible that more pressure has not been put on TfL and/or LUL in this regard. Accordingly before consideration of the proposals goes any further TfL and LUL need to be approached again on this and asked to reconsider and fully explain their position on the closure of this entrance/exit.

Traffic on the Gyratory

As explained at the meeting 53 lorries, of which twenty five are 54ft articulated lorries, are proposed to service the site every day, arriving from the north along the A41, and then leaving after going around the gyratory returning northwards along the A41. 25 of these lorries are intended to enter the site itself, but as they cannot do this directly from the pit lane they have to first make a complete circuit of the gyratory. (On this aspect the presentation from Mace was very full and clear.) This means that during the day there will in effect be 78 individual lorry journeys around the gyratory, (and even more for when they need to go around again when the site is full). Given that the A41 is a main arterial road to and from the north of London and the UK, it is open to debate whether the gyratory can cope with this amount of increased traffic.

There are also other factors which need to be taken into account such as the lorries required over the next 20 months for the cladding works at Chalcott Tower, and for HS2 when in addition Adelaide Road may also be closed for some time.

Accordingly it would seem imperative that TfL are consulted on this and their approval obtained before any decision is made on these proposals.

Concerns on the existing CMP Approval Process

It seems clear that the whole presentation, discussion, disclosures and approval of the CMP last November was on the basis that it was intended to apply throughout the whole of the development, and certainly not limited as now appears to be the case to the initial demolition phase. While it is accepted that during the course of a development there may be some circumstances arising requiring some changes to the CMP. This however should not cover either material substantial changes such as here to the access routes and to the number size and type of lorries; or which were known or foreseeable when the CMP was first approved.

On the latter between them Camden Planning Dept. and EL should have been aware that the Chalcott Tower re-cladding works were imminent during which for at least 20 months access to Winchester Road would be restricted. Similarly as professionals in this field it should hardly be a surprise that LUL would have concerns on a crane transporting material over an entrance/exit used by passengers and staff. Again with Mace being EL's preferred contractor, having been involved with the initial preparation of the project, both Camden Planning Dept. and EL should be well aware of Mace's method of modular construction necessitating 54ft articulated lorries through the open space and parkland rather than the 33ft ones specified in the CMP.

Clearly none of the above was disclosed to members of the community, who were led to believe that the CMP was prepared on the basis of applying throughout all phases of the development, and took

any subsequent actions on that basis. While I do not wish here to go into any more detail on this, it would I think be appropriate to mention that there may be potential consequences arising from what may be quite serious defects in the disclosure, procedures and administration last year with regard to the approval of the existing CMP.

However my main reason for going into some detail on this, especially in the second paragraph of this section above, is to try and ensure that this time around firstly that the members of the Planning Committee take the opportunity to consider this all afresh and also obtain the necessary prior information.

Alternatives

Just because EL and Mace have chosen one particular method of construction as being the most cost effective for them, does not mean that it has to be fully accepted without proper consideration being given to other possibilities even if they should take a bit more time, which anyway is likely to be not that material in the context of the whole project. For example using smaller lorries rather than 54ft articulated ones in the parkland/open space should be investigated.

If LUL could be persuaded to allow the Avenue Road East Exit 1 to be closed this would alleviate a lot of the concerns, with no lorries having to enter the open space/ parkland thus automatically helping to alleviate the level of noise and pollution directly adjacent to the children and babies play areas. This would also enable a more efficient use of the A41 pit/ bus lane.

Summary

To summarise these proposals are an enormous departure and increase on what was approved and discussed before, so need to be fully considered afresh by the members of the Planning Committee. Given the matters that need to be agreed by LUL and TfL it would seem counter productive for the Planning Committee to meet until all the issues with those bodies have been fully resolved.

In view of the issues covered in this letter I trust that the contents of this letter will be included by EL's on its website's comments tracker, and also by Camden on its bespoke CMP website

Yours faithfully,

A.H.Kay