

ANTHONY H. KAY LLB.
SOLICITOR
Non-practicing

26 Crossfield Road
Hampstead
London NW3 4NT

2nd February 2021

Jonathan McClue
Planning Solutions Team
London Borough of Camden

Dear Mr. McClue,

**100 Avenue Road NW3 3HF
Planning Application refs 2021/2025/P & 2021/2022/P
and Swiss Cottage Open Space 'Improvement' Proposals**

My wife and I live in Crossfield Road a few 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 previously to the Library. So we have taken a great interest over the years in everything that has been proposed including attending numerous public meetings such as those of the Planning Committee, various consultation exercises and the CWG.

For the reasons stated in this letter we are very opposed to the granting of the applications to remove the conditions on the number of affordable units and the requirement for Portland stone cladding. As you are the Planning Officer for both these applications, and to avoid duplication in registering our comments, I have included comments on both applications in this one letter. The proposals on the Open Space are very much related to the development itself at 100 Avenue Road, so I imagine you have some interest in that as well, even though you may not have any direct responsibility unlike with the other two applications; so comments on that have also been included in this letter, and I trust they will be passed on to the appropriate colleagues of yours in the Planning Dept..

The layout of this letter is an Introduction with some comments applicable to all the items and then specific comments on the two applications and the Open Space proposals concluding with a Summary.

Introduction

While approval for the development was given on appeal by the Planning Inspector; it was expressly subject to a number of strict conditions. This followed the Camden Planning Committee rejecting the recommendations of its planning officers, to approve the proposal subject to conditions which had no doubt been discussed and negotiated at length between the developers and the Planning Dept. So the condition on the small number of affordable homes to be provided, coupled with the requirement of a payment by the developer of a housing contribution of some eleven and a half million pounds; and the requirement for Portland stone cladding are quite fundamental and integral to the whole basis of permission being granted for this scheme in the first place. In the absence of these conditions it is extremely unlikely that any permission would have been granted; and certainly for the 24 storey tower, which was a matter of most contention, it would have been inconceivable.

Removal of Requirement for Affordable and Intermediate Housing Units in the s.106 Agreement (application ref. 2021/2025/P)

Application is being made to amend clause 3.2 of the s.106 Agreement by removing the requirement for any affordable and intermediate housing units. One of the major concerns in the community at the outset was that the layout of the individual 184 apartments, while superficially modern, were in many ways very impractical for proper homes, (which is what is really needed) which may explain why (with the exception of the limited number of 36 for social housing) the apartments are not intended to be sold on a long lease, which would normally be the case, but instead are to be let on

2.

short leases with the target market being young working professionals, who could be from either this country or abroad; and typically would be working for a time in the financial sector mainly in Canary Wharf. Even then there were great reservations and concerns on the actual use of the building in the future if ever built as to the real type of occupancy whether residential, and if so of what type being in many ways more akin to a large hotel complex, or commercial. The pandemic, with the questions it raises on the future need for offices for the whole financial sector, highlights these concerns.

The original requirement for just 36 homes of an affordable nature is a very small proportion of the total of 184, so clause 3.15 of the s.106 Agreement provided for a contribution by the developer of in the region of eleven and a half million pounds.

To summarise this section I have three specific comments:-

1. With the current Policy requiring a 50% allocation of affordable housing units, it would seem quite out of order and unacceptable to agree to any reduction in the already small number of units allocated for affordable and intermediate housing units.
2. As compensation for the small allocation in the first place, the developer agreed to make a contribution of some eleven and a half million pounds. While for the reasons given above, I do not consider there should be any change permitted to the existing clause 3.2, if there were any reduction it would seem both right and logical to insist on a proportionate increase in the amount of the developers' contribution above that already specified in clause 3.15.
3. The effect of deleting clause 3.2 might conceivably result in clause 3.15 being in effect emasculated. Such a result releasing the developer from both having to provide any social housing or to make any financial contribution would seem to be quite grotesque and unconscionable.

Replacement of Portland Stone Cladding (application ref.2021/2022/P)

As part of the original application, in particular for the 24 storey tower, great emphasis was made by the developer that this would be a landmark building of special architectural merit befitting its site. While one had a great deal of scepticism that the 24 storey tower would really be attractive in any way or have any architectural merit, the application to replace the Portland stone cladding with much cheaper glass reinforced concrete panels, removes any pretence on the part of the developers that the building would be special in any way, and so in reality it will be a typical speculative type development built at the cheapest possible cost. Again if this had been the clearly described position at the outset, it is extremely unlikely that any permission would have been granted, and especially not for the 24 storey tower.

In the previous section I have commented on the individual apartments being generally not suited as a long term home, especially for families. With the market from those working in the financial sector and Canary Wharf being quite likely to be much reduced, it may well be that the developers in downgrading the appearance and finish of the tower are already thinking of a future use as a relatively cheap hotel or even student accommodation.

Open Space Proposals

To describe these as 'Improvements' is a complete misdescription and misnomer to what in reality would be quite a reduction in the available open space facilities; although the extent of this is not made clear in the Consultation documents, and only becomes apparent after fairly detailed investigation.

The current pandemic has demonstrated the importance and necessity for the provision of open spaces, so that individuals are able to take some exercise, get some sun and build up their vitamin D etc. As an example over the last year both my wife and I have made much more use of the Swiss Cottage Open Space to be able to catch some rays of sunshine (the small patio of our house being completely in the shade in the afternoon) especially when short of time or the conditions are too extreme or wintry to go further afield to Primrose Hill/Regents Park.

3.

The mass of the proposed new buildings at 100 Avenue Road, and particularly the 24 storey tower, will seriously reduce the amount of daylight and sunlight at varying times throughout the day, to large parts of the neighbourhood, and particularly to the adjoining Open Space. So it is of critical importance that the amount of area where it is possible to catch some sunlight is not further restricted by the new proposals, and that it remains in essence a quiet peaceful area for the use of local residents.

Given the above, I do not understand why the boarded area adjoining the Hampstead Theatre has been increased reducing quite considerably the overall green aspect. I am not aware of any reason having been advanced to justify this; the need for the existing terrace being itself debatable. Also felling trees at the north end, and replacing them by new ones at the other end might seem harmless, but unfortunately combining this with the construction of a 24 storey tower will have the effect of reducing the area available to enjoy the sun in the late afternoon. Finally the suggestion of skateboard park seems out of place, in destroying the atmosphere in what should be a tranquil and peaceful area. In addition skateboarding generally does not seem to be so fashionable or popular any more, so would not seem to merit special attention.

Summary

Immediately above in this letter I have set out my reasons for opposing the recommendations in the Open Space Consultation, and that these need to be thought through again with a view to ensuring that as much space and sunlight is retained as possible, given the likely adverse impact of whatever might happen at 100 Avenue Road.

The main issues dealt with in this letter are however the two applications made by the developer to remove major conditions governing the development of the site. As I have tried to set out these conditions are very major fundamental ones integral to the whole planning permission, and were of critical importance in the determining of the application, and in their absence the permission would not have been granted, and especially not for the 24 storey tower. So the conditions requiring the provision of affordable housing and for a substantial contribution from the developer and for Portland stone cladding should all remain unamended.

The developers Essential Living, have the benefit of having obtained a planning permission, so they are entitled to proceed with that subject to all its conditions. What I consider would be unacceptable is for them to be able to take advantage of all the benefits in the permission at the same time as being able to get rid of what they regard as adverse obligations.

If they do not wish to proceed on this basis, that leaves open the future use of the site. Given the likely changes resulting from the pandemic, it would be no bad thing to have the opportunity of again fully considering what would be the best overall use of the site both from the type of buildings to be constructed there and their actual use. While being open minded on this, and would not be adverse to a mixed use, so far as any residential use is concerned, whether public or private sector or most likely a mixture, the homes should be designed with the intention of being suitable for long term family occupation, which I consider is what is really needed, and not what in the present scheme can best be described as pied-a- terres. So far as any new buildings are concerned they should be designed to complement the open space as much as possible and minimise the adverse effects of blocking out the sun and increasing the wind flow. So it probably does not need saying but any new proposal involving a 24 storey tower or even a less substantial skyscraper is unlikely to be welcomed by the local community.

Yours faithfully,

A.H.Kay