

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/0022/P	T Ewing	14/02/2021 23:34:11	OBJ	<p>9c Lawn Road London NW3 2XS</p> <p>14th February 2021</p> <p>Mr. Jonathan McCue Planning Department London Borough of Camden Town Hall Judd Street London WC1H 8ND</p>

Dear Sir

100 AVENUE ROAD LONDON NW3 – APPLICATION NO 2021/0022/P

I write regarding the above applications by Essential Living (Swiss Cottage) submitted by Savills to vary the planning conditions imposed by the Planning Inspector in his decision dated 2016 regarding the use of cladding materials in condition 18.

As the Planning Inspector clearly considered the original cladding building material to be of the highest quality, it must follow that any departure from this would be detrimental to the street scene and will not be compliant with paragraph 12 of the NPPF requirement for “Achieving well-designed places”.

The Inspector considered in detail the scheme’s “Character and Appearance” at paragraphs 25-28 of his decision, and it is contended that the proposed changes to the materials will considerably undermine the Inspector’s findings in this part of the decision, and in effect will re-write it.

The Inspector also considered in detail the then proposed Section 106 Agreement at paragraph s 45-48, so again he had the requirements for the then proposed use of building materials in mind as an integral part of his decision making process.

Further, the Inspector at paragraph 49 of his decision stated that,

“In accordance with section 66(1) of the LBCA Act, the Secretary of State has paid special regard to the desirability of preserving listed structures or their settings or any features of special architectural or historic interest which they may possess. In accordance with Section 72 of the LBCA Act the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.”

The present proposals would further therefore undermine this important part of the Secretary of State’s decision as stated by the Inspector.

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In addition, the Applicant's scheme was put forward by the Applicant itself at the time as being a design of high quality modern architecture that would use the highest quality materials to give an imposing appearance to the scheme as possible. Now the Applicants propose renegeing on one of the fundamental aspects of their originally proposed scheme.

I consider that the proposed change of materials in this particular case will have a very serious detrimental effect on even the original scheme, notwithstanding that I considered that to have been dreadful in the first place and the proposed design as being "totally without merit".

Putting aside however whatever one's views on the original scheme were, the Planning Inspector was clearly concerned that the principles of good design should be maintained, and any departure to cheaper materials would clearly undermine his original intention and the imposition of his original condition.

It must also be taken into account that the proposed building is being erected in an extremely prominent position at 100 Avenue Road, and will be able to be seen from several vantage points from the surrounding roads.

It is therefore essential that the building materials should be of the highest quality, especially in summer with the increased sunlight on the sides of the building.

The present proposed amendments to the approved building material will have a very detrimental appearance when viewed in strong sunlight during the summer months therefore.

This application is in both substance and reality a completely new planning application with proposals different from those approved by the Planning Inspector.

As such, it is an abuse of the planning system to seek in effect by a side wind to circumvent the substantive conditions imposed by the Planning Inspector in this case.

The application should therefore be refused, and if the Applicants wish to pursue their scheme along the proposed amendment to the conditions, then they should be required to submit a completely fresh planning application, in which case the new proposals can be considered completely de novo.

They will then be able to make out their completely new case that their present scheme should be considered afresh in relation to the proposed change to the cladding materials and the now proposed lack of social housing.

This is especially so if as the Applicant maintains, their originally approved scheme is no longer financially viable in the present changed circumstances.

Unfortunately, a change of financial circumstances is not a valid planning reason for varying previously imposed planning conditions, and all of the arguments that they put forward to justify this here must not be taken into consideration by the council.

The Applicant ventured into the original scheme under the conditions prevailing at the time, and if they can no

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				<p>longer pursue the scheme along those lines, then they will have to withdraw and allow another developer to come along and submit a completely new costed scheme that will be both good design and financially viable for the site in accordance with the financial circumstances now prevailing.</p> <p>The Applicants should clearly have thought more carefully at the time whether or not their scheme was financially viable with the conditions that were imposed, and someone in Essential Living (Swiss Cottage) has got their figures wrong.</p> <p>However, they now have to bear the brunt of this and not the council and the local community. It may well turn out that they have been extremely badly advised by those advising them at the time regarding the viability of this scheme in the first place.</p> <p>It will then be for the council to consider whether such a proposal is satisfactory, although they will again have to have regard to the previous imposition of the planning conditions imposed in the original scheme, which were imposed as safeguards for both the council and the wider community.</p> <p>Yours faithfully</p> <p>Terence Ewing</p>
2021/0022/P	MC Seminario	12/02/2021 20:04:50	OBJ	<p>This application must be rejected. The materials being used for this development were an essential part of the original planning application. If EL cannot deliver the project under the agreed terms & conditions, that is an issue for them. Work on the site stopped well before the full pandemic took hold, suggesting EL finances were already in trouble. They also had many years to factor in any Brexit related issues. Changing fundamental materials & tweaking designs must be scrutinised thoroughly and not just waved through. What will EL skimp on next to save their pennies? Changing the exterior materials will also have a very visible detrimental effect on the local environment.</p>
2021/0022/P	JEAN FRENCH	12/02/2021 11:20:55	OBJ	<p>20021/0022/P</p> <p>I urge you to reject this application</p> <p>In order to cut costs and make the scheme more viable the applicants are applying to replace the Portland stone cladding. This stone was an important factor in the granting of planning consent eg in the consideration of the impact of this building on the listed library. The building has nothing to recommend it but the Portland stone was perhaps a mitigating factor. The proposed cladding is ugly and will make a hideous building even more appalling, exacerbating its negative impact on the environment. The developers had placed emphasis on the development being a landmark building of special architectural merit befitting its site. The proposed cladding confirms this as a speculative development built at cheapest cost and as circumstances have changed so may the developers plans for the use of this building. This is not sustainable development.</p> <p>If the developers decide not to proceed then they will have to explore other avenues which might be in the interests of long suffering local residents and Camden more widely.</p>

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2021/0022/P	Mr E Peel	13/02/2021 15:04:32	COMMNT

Response:

Dear Mr McClue and Councillors on the Planning Committee,

100 Avenue Road: Objection to Planning Application 2021/0022/P

I am writing to object in the strongest possible terms to the proposals from Essential Living that they should now be allowed to renege on the binding Section 106 legal commitments, and other Conditions they agreed to, as part of the original, and protracted, planning consent process, to provide an already low number of 36 units of affordable housing out of a total development size of 184 flats (only some 20% against a presumption by Camden that there should normally be up to 50% of affordable housing in new private developments). I also strongly object to the replacment of the high quality Portland stone cladding with less expensive, drab-looking glass-reinforced concrete cladding. There would then be no aesthetic mitigation for the vastly excessive height, and massing effects of the tower.

During that planning process the seeking of consent was referred to a Planning Inspector and the Secretary of State, and both their assessments made clear that the consent was, to a very great extent, dependent on the S106 agreement, regarding the provision of the (already inappropriately) small proportion of affordable housing to local key workers and other deserving residents, and on the other material qualities of the proposed development, including the high quality of the originally-proposed Portland stone cladding that went at least a small way towards mitigating the colossal adverse environmental and aesthetic impact of a monstrous 24-storey tower.

In this respect, I fully support the detailed objections already submitted by the Belsize Society that the arguments made in the letter from Savills trying to justifying this proposed total abrogation of EL's earlier commitments, are wholly disingenuous and have no legal merit. I also support the comments and objections already submitted by CRASH (Community Residents Active in S. Hampstead) that developers enter into proposed developments fully aware of the risks, and potential rewards, and it is not incumbent on the Council Tax Payers of Camden to help 'bail them out' when their over-optimistic assumptions turn out to be wrong.

It is sadly often the case that developers sign-up to over-ambitious Section 106 commitments in regard to affordable housing provision simply to obtain planning consent, and then subsequently and cynically plead changed, and adverse, financial circumstances to the local authority as a reason for being allowed to wriggle out of them and to ditch the affordable housing element, and degrade the high-quality, aesthetically desirable, building finishes. This must not be allowed to happen here.

If EL cannot now afford to develop the site in line with their original proposals and provide the 36 units of affordable housing, and cannot afford to at least clad the monstrous tower in high-quality and visually-attractive Portland stone cladding, whilst still making their desired original level of financial return on the project for their overseas backers, then they have 3 simple choices. None of these choices should be allowed by Camden Council to adversely impact their own interests or those of the local community, which has objected for so long, and so vehemently, to this whole development. A development that had almost no other community or aesthetic merits. EL can either:

- 1) Reduce the scope and size of the development to reduce its capital cost (eg. perhaps a substantial reduction in height of the tower to a more tolerable 10 stories) in the face of likely reduced demand for luxury rented flats for relatively 'transient' professional renters, or,

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				<p>2) Accept a lower financial return in these unprecedentedly difficult times for many people and businesses, including many property companies and their pension-fund backers. Noting also that EL's original business case assumptions on demand for luxury short-term rented flats in the area may by now be significantly and adversely affected by the reduced numbers of 'transient' professional workers in the City/Canary Wharf financial sector, as a result of both Brexit and the coronavirus pandemic. Neither of these factors existed when EL conceived the original design and planning proposal in 2014. Or,</p> <p>3) EL can sell-on the site 'as is' to a more socially-aware British developer that truly has the interests of the local community at its heart, as well as seeking to make a reasonable but not excessive return for itself. The excellent example of Barratt Developments in building the very nearby replacement Swiss Cottage swimming pool and Sports Centre, as well as the Visage flats and GP surgery in the early 'Noughties', comes to mind as to how developers and Camden can work to their genuine mutual benefit.</p> <p>Camden and its Councillors must reject this self-interested application that shows a total disregard for the interests of local Camden residents and the Council itself, both socially and aesthetically.</p> <p>Yours sincerely,</p> <p>Eric Peel Goldhurst Terrace</p>

2021/0022/P	MJ Boettcher	12/02/2021 19:08:58	COMMENT	<p>This application to change fundamental materials of the building must be rejected. The bulk of this tower block is already controversial and aesthetically questionable. If the developer can not complete the project with agreed materials because they now think it's expensive, then it's their problem. Downgrading the materials will have a detrimental effect on the local environment and therefore this application must be refused. If it is not, who knows how many more obligations EL will try and go back on.</p>
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