

## The Planning Inspectorate

### QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/X5210/Q/21/3276844

Appeal By

ESSENTIAL LIVING (SWISS COTTAGE) LTD

Site Address

100 Avenue Road  
LONDON  
NW3 3HF  
Grid Ref Easting: 526715.0  
Grid Ref Northing: 184289.0

#### PART 1

1.a. Do you consider the written representation procedure to be suitable?

Yes

☐ No



*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

1.b. Do you wish to be heard by an Inspector at;

Inquiry ☒ Hearing ☐

1.c. How long do you expect an inquiry would last?

4 day(s)

1.d. How many witnesses do you intend to call?

2

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land?

Yes

☐ No



2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal?

Yes

☒ No



Please explain

Application in accordance with Section 106A, sub-sections (3) and (4), to amend clause 3.2 (and associated definitions) of S106 Agreement relating to 2014/1617/P dated 24/08/2015 (as amended by 2018/4239/P dated 04/08/2020 and 2019/1405/P dated 07/05/19) (for: redevelopment of site including a 24 storey and 7 storey building with a total of 184 residential units, 1,041sqm of retail/financial or professional services/café/restaurant and 1,350sqm of community use (summary)). The AMENDMENTS include REMOVING the requirement to provide 28 Affordable Rent units, 8 Intermediate Housing units and 18 Discounted Market Rent units (for a minimum of 15 years post completion), to be REPLACED with 18 Discounted Market Rent units in perpetuity. Modification of various relevant definitions - Disposal Viability Assessment, Original Viability Assessment and Surplus - to refer to Gross Development Value figure identified in the Financial Viability Assessment report dated 09/12/2020.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

## PART 2

4. Does the appeal relate to an application for approval of reserved matters?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
5. Was a site ownership certificate submitted with the application?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
6.a. If a press advert notice was published, please upload a copy <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
6.b. If any representations were received as a result of the notice, please upload copies <input checked="" type="checkbox"/> see 'Questionnaire Documents' section			
7. Does the appeal relate to a county matter?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>8. Please indicate the development type for the application to which the appeal relates.</b>			
Major Developments			<input type="checkbox"/>
Minor Developments			<input checked="" type="checkbox"/>
Other Developments			<input type="checkbox"/>
<b>8.b. Minor Developments</b>			
Dwellings			<input type="checkbox"/>
Offices/R and D/light industry			<input type="checkbox"/>
General industry/storage/warehousing			<input type="checkbox"/>
Retail and services			<input type="checkbox"/>
Traveller caravan pitches			<input type="checkbox"/>
All other minor developments			<input checked="" type="checkbox"/>
<b>Is the appeal site within:</b>			
9.a. A Green Belt?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
9.b. An Area of Outstanding Natural Beauty?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

## PART 3

11. Would the development require the stopping up or diverting of a public right of way?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
12.a. Is the site in a Conservation Area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

12.b. Is the site adjacent to a Conservation Area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
13.b. Would the proposed development affect the setting of a listed building?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
16. Is any part of the site subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.b. Are any protected species likely to be affected by the proposals?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

#### PART 4

##### Environmental Impact Assessment - Schedule 1

20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?

Yes

☐ No



##### Environmental Impact Assessment - Schedule 2

20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?

Yes

☐ No



20.c.i. Have you issued a screening opinion (SO)

Yes

☐ No



##### Environmental Impact Assessment - Environmental Statement (ES)

20.d. Has the appellant supplied an environmental statement?

Yes

☐ No



##### Environmental Impact Assessment - Publicity

20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development.

Applies ☐ N/A



21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?

Yes

☒ No



Please attach copies of any comments that you have received in response.

☒ see 'Questionnaire Documents' section

## PART 5

22. Do you wish to attach your statement of case?

Yes

☐ No



### For appeals dealt with by written representations only

23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal?

Yes

☒ No



### Copies of the following documents must, if appropriate, be attached to this questionnaire

24.a. a copy of the letter with which you notified people about the appeal;



☒ see 'Questionnaire Documents' section

24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us;



☒ see 'Questionnaire Documents' section

Deadline

16/08/2021

24.c. all representations received from interested parties about the original application;



☒ see 'Questionnaire Documents' section

24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;



☒ see 'Questionnaire Documents' section

24.e. any representations received as a result of a service of a site ownership notification;



24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);



*You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.*

☒ see 'Questionnaire Documents' section

☒ see 'Questionnaire Documents' section

List of policies

A1, A2, A4, CC4, CC5, D1, D2, DM1, G1, H4, H5, T1, T3, T4

24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;



24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;



☒ see 'Questionnaire Documents' section

24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;



*In the case of emerging documents, please state what stage they have reached.*

24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;



*Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.*

24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the



DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued; ☐

24.m. your Authority's CIL charging schedule is being/has been examined; ☐

24.n. your Authority's CIL charging schedule has been/is likely to be adopted; ☐

24.o. any other relevant information or correspondence you consider we should know about. ☐

#### **For the Mayor of London cases only**

25.a. Was it necessary to notify the Mayor of London about the application? Yes ☐ No ☒

25.b. Did the Mayor of London issue a direction to refuse planning permission? Yes ☐ No ☒

#### **LPA Details**

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today. ☒

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

**Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.**

## QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/X5210/Q/21/3276844

Appeal By ESSENTIAL LIVING (SWISS COTTAGE) LTD

Site Address  
 100 Avenue Road  
 LONDON  
 NW3 3HF  
 Grid Ref Easting: 526715.0  
 Grid Ref Northing: 184289.0

### The documents listed below were uploaded with this form:

**Relates to Section:** PART 2  
**Document Description:** 6.a. A copy of the notice published.  
**File name:** Press Advert.pdf  
**File name:** Site Notice.jpeg

**Relates to Section:** PART 2  
**Document Description:** 6.b. Any representations received as a result of that notice.  
**File name:** 1 response (Redacted).pdf  
**File name:** Relevant to applications numbers 2021 0025 P and 2021 0022 P (Redacted).pdf  
**File name:** 1 x response.pdf  
**File name:** 1 x response-.pdf  
**File name:** 1 response (Redacted)--.pdf  
**File name:** 22 x responses.pdf  
**File name:** 1 x objection from Belsize Society.pdf  
**File name:** 24 x Responses.pdf  
**File name:** 1 x response (Redacted).pdf  
**File name:** 1 x response (Redacted)-.pdf  
**File name:** 2021 0025 P (Redacted).pdf  
**File name:** 100 Avenue Road Belsize Society Submission.pdf  
**File name:** planning applications 2021 0025 P and 2021 0022 P- objection (Redacted).pdf  
**File name:** 1 x response S Howard (Redacted).pdf  
**File name:** 1 x Response - Objection - T Ewing (Redacted).pdf  
**File name:** Planning 2021 0022 & 2021 0025 (Redacted).pdf  
**File name:** FW Application 2021 0025 P - Re 100 Avenue Rd. affordable housing (Redacted).pdf  
**File name:** Application 2021 0025 P (Redacted).pdf  
**File name:** Re 2021 0025 p (Redacted).pdf  
**File name:** 1 x Response - Objection - R Jackman (Redacted).pdf  
**File name:** 100 Avenue Road applications 2021 0025 P and 2021 0022 P (Redacted).pdf  
**File name:** Objection to planning application 2021 0025 P - 100 Avenue Road (Redacted).pdf  
**File name:** 1 x Response - Objection - Cllr Pearson (Redacted).pdf  
**File name:** Letter of Objection to Application 2021 0025 P (Redacted).pdf  
**File name:** 1 x response (Redacted) (1).pdf  
**File name:** 3 x responses (Redacted).pdf  
**File name:** 1 X Response - objection - E Raff Chair CHRA (Redacted).pdf  
**File name:** 1 x Response - Objection - J Sachs (Redacted)-.pdf  
**File name:** 1 x Response - A Sivan (Redacted).pdf

<b>File name:</b>	objection (re-uploaded) (Redacted).pdf
<b>File name:</b>	1 x Response - Objection - T Ewing (Redacted) (Redacted).pdf
<b>File name:</b>	1 x Response - Objection - J Sachs (Redacted).pdf
<b>File name:</b>	1 x Response - Objection - P Symonds (Redacted) (Redacted).pdf
<b>File name:</b>	ME+100 Avenue Road LB Camden.pdf
<b>Relates to Section:</b>	PART 4
<b>Document Description:</b>	21. Copies of any comments that you have received in response.
<b>File name:</b>	Notification of an appeal letter.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.a. A copy of the letter with which you notified people about the appeal.
<b>File name:</b>	Notification of an appeal letter.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.b. A document containing a list of the people you notified of the appeal.
<b>File name:</b>	appeal app - letters in & unsol (mailsmart).pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.c. Copies of all representations received from interested parties about the original application.
<b>File name:</b>	1 response (Redacted)--.pdf
<b>File name:</b>	Relevant to applications numbers 2021 0025 P and 2021 0022 P (Redacted).pdf
<b>File name:</b>	1 response (Redacted).pdf
<b>File name:</b>	1 x response.pdf
<b>File name:</b>	24 x Responses.pdf
<b>File name:</b>	1 x response-.pdf
<b>File name:</b>	22 x responses.pdf
<b>File name:</b>	1 x objection from Belsize Society.pdf
<b>File name:</b>	1 x response (Redacted).pdf
<b>File name:</b>	100 Avenue Road Belsize Society Submission.pdf
<b>File name:</b>	1 x response S Howard (Redacted).pdf
<b>File name:</b>	Planning 2021 0022 & 2021 0025 (Redacted).pdf
<b>File name:</b>	1 x Response - Objection - T Ewing (Redacted).pdf
<b>File name:</b>	1 x Response - Objection - Cllr Pearson (Redacted).pdf
<b>File name:</b>	100 Avenue Road applications 2021 0025 P and 20021 0022 P (Redacted).pdf
<b>File name:</b>	2021 0025 P (Redacted).pdf
<b>File name:</b>	1 x response (Redacted)-.pdf
<b>File name:</b>	Letter of Objection to Application 2021 0025 P (Redacted).pdf
<b>File name:</b>	FW Application 2021 0025 P - Re 100 Avenue Rd. affordable housing (Redacted).pdf
<b>File name:</b>	1 x response (Redacted) (1).pdf
<b>File name:</b>	Re 2021 0025 p (Redacted).pdf
<b>File name:</b>	planning applications 2021 0025 P and 2021 0022 P- objection (Redacted).pdf
<b>File name:</b>	1 X Response - objection - E Raff Chair CHRA (Redacted).pdf
<b>File name:</b>	1 x Response - Objection - P Symonds (Redacted) (Redacted).pdf
<b>File name:</b>	3 x responses (Redacted).pdf
<b>File name:</b>	1 x Response - Objection - J Sachs (Redacted).pdf
<b>File name:</b>	1 x Response - Objection - T Ewing (Redacted) (Redacted).pdf
<b>File name:</b>	Application 2021 0025 P (Redacted).pdf
<b>File name:</b>	ME+100 Avenue Road LB Camden.pdf
<b>File name:</b>	objection (re-uploaded) (Redacted).pdf
<b>File name:</b>	Objection to planning application 2021 0025 P - 100 Avenue Road (Redacted).pdf
<b>File name:</b>	1 x Response - A Sivan (Redacted).pdf
<b>File name:</b>	1 x Response - Objection - J Sachs (Redacted)-.pdf
<b>File name:</b>	1 x Response - Objection - R Jackman (Redacted).pdf

<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.
<b>File name:</b>	Officer Delegated Report - Final with Appendices.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.f. Copies of extracts from any relevant statutory development plan policies.
<b>File name:</b>	T4 - Sustainable Movement of Goods and Materials.pdf
<b>File name:</b>	A4 - Noise and vibration.pdf
<b>File name:</b>	CC5 - Waste.pdf
<b>File name:</b>	CC4 - Air Quality.pdf
<b>File name:</b>	D1 - Design - Copy.pdf
<b>File name:</b>	A1- Managing the Impact of Development.pdf
<b>File name:</b>	T3 - Transport Infrastructure.pdf
<b>File name:</b>	T1 - Prioritising Walking, Cycling and Public Transport - Copy.pdf
<b>File name:</b>	D2 - Heritage - Copy.pdf
<b>File name:</b>	A2 - Open Space.pdf
<b>File name:</b>	DM1 - Delivering and Monitoring.pdf
<b>File name:</b>	GI - Delivery and Location of GrowthPart-1.pdf
<b>File name:</b>	GI - Delivery and Location of GrowthPart-2.pdf
<b>File name:</b>	H4 - Maximising the Supply of Affordable Housing.pdf
<b>File name:</b>	H5 - Protecting and Improving Affordable Housing.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.f. Copies of extracts from any relevant statutory development plan policies.
<b>File name:</b>	CC4 - Air Quality.pdf
<b>File name:</b>	T4 - Sustainable Movement of Goods and Materials.pdf
<b>File name:</b>	CC5 - Waste.pdf
<b>File name:</b>	D1 - Design - Copy.pdf
<b>File name:</b>	A4 - Noise and vibration.pdf
<b>File name:</b>	A1- Managing the Impact of Development.pdf
<b>File name:</b>	T3 - Transport Infrastructure.pdf
<b>File name:</b>	H5 - Protecting and Improving Affordable Housing.pdf
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<b>File name:</b>	A2 - Open Space.pdf
<b>File name:</b>	H4 - Maximising the Supply of Affordable Housing.pdf
<b>File name:</b>	GI - Delivery and Location of GrowthPart-2.pdf
<b>File name:</b>	DM1 - Delivering and Monitoring.pdf
<b>File name:</b>	GI - Delivery and Location of GrowthPart-1.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.h. Copies of extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when.
<b>File name:</b>	Developer contributions CPG March 2019.pdf
<b>File name:</b>	Amenity CPG Jan 2021.pdf
<b>File name:</b>	Appendix 12 Design CPGv2.pdf
<b>File name:</b>	Transport CPG Jan 2021.pdf
<b>File name:</b>	Public open space CPG Jan 2021.pdf
<b>File name:</b>	Housing CPG 2021.pdf
<b>File name:</b>	Air Quality CPG Jan 2021.pdf
<b>File name:</b>	Trees CPG March 2019.pdf
<b>Completed by</b>	Not Set



**Date**

15/07/2021 08:32:16

**LPA**

London Borough of Camden