



CRASH NEWSLETTER

December 2017

THE COMBINED RESIDENTS' ASSOCIATIONS OF SOUTH HAMPSTEAD

EXTRACT

100 AVENUE ROAD

Essential Living claim to have invited 1000 residents of the Swiss Cottage area to a public consultation meeting on Thursday, 19th October, to discuss their proposed Construction Management Plan for 100 Avenue Road.

Had they done as they claim, they would still only have reached a fraction of the number of people who will be adversely affected by their plans to demolish the existing building and replace it with a 24-storey tower block – work which will cause traffic chaos in the area and decimate much of Swiss Cottage Green for, at the very least, the next three years

The fact remains, however that if EL really did send out 1000 invitations they cannot have distributed them to the people most likely to be distressed by the works. Residents of Winchester Road, for example, - which will bear the brunt of the developer's ill-conceived plans for heavy goods vehicle access to the site – received no such notification. Many of their Eton Avenue neighbours

were similarly ignored, as were residents of Cresta House, which looks directly out across Finchley Road at the site, and whose lives will be equally disturbed. CRASH received no notification, despite our association having been, from the very beginning, one of the principal objectors to the plans.

Had it not been for the Save Swiss Cottage, CRASH and Belsize Residents' Associations grapevines, as well as the intervention of Roger Freeman and other local councillors, most residents would have remained totally unaware of the meeting. Despite EL's seemingly shady tactics, the 80 or more of us who showed up, let them know, in no uncertain terms, that we were less than impressed by their flagrant attempt to limit and manipulate the consultation to their advantage.

With the aim of mitigating, as much as possible, the disastrous effects EL's plans will have on the immediate area during demolition and construction CRASH, along with the other residents' associations, agreed to take part in a series of Construction Management Working Groups. The first of these - held on November 15th - was a predictably lively affair, with 40 to 50

PROTECTING OUR NEIGHBOURHOOD

people turning up to argue that, following the inadequacy and unsatisfactory nature of EL's initial notification of the consultation, the entire process should be restarted to allow a proper expression of the views and objections of all residents. The directors of the PR company representing EL, however, refused to acknowledge that there had been any problem and their only concession was that they would think about it.

EL have, over the two subsequent working group meetings, presented contradictory information on the volume and types of heavy goods vehicles, and their routes of access to the site. The number of vehicles using Winchester Road continues to be the cause of the greatest concern, particularly as many residents will have to contend with a continual stream of lorries on the street side, but also forced to endure the sight, sound, dust, pollution and general aggravation of demolition and construction going on just metres from the rear of their buildings.

Paragraph 3.5.3 of the 100 Avenue Road Section 106 Legal Agreement dated 24th August states that "The

Owner acknowledges and agrees that the Council will not approve the Construction Management Plan unless it demonstrates to the Council's reasonable satisfaction that the construction phase of the development can be carried out safely and with minimal possible impact on, and disturbance to, the surrounding environment and highway network". As detailed by EL in their latest draft CMP it certainly doesn't sound as though the works will have minimal impact on residents, the environment or the highway!

EL claim to have tried, since their first draft CMP, to reduce their estimate of the number of vehicles needing to use the Winchester Road access route but the revised version shows that, if anything, there will now be even more vehicle movements. Furthermore, there will be countless other heavy goods vehicles going to and from Swiss Cottage along the A41, from which a specially constructed 'pit lane', using the present bus stop bay in front of the existing building, will allow additional access to the site. In addition, up to 14 vehicles per day will be turning out from the Green Space onto the A41 near the library - so close to the proposed CS11 cycle lane that TfL have had to shift it over a few meters to avoid collision. EL continue to claim that the construction of CS11 forms an integral part of EL's CMP proposal.

A decision on the implementation of CS11, however, has yet to be made. Responding to Andrew Dismore, Labour London Assembly Member for Barnet and Camden, after he had queried the wisdom of TfL completing the Swiss Cottage section of the cycle superhighway before the rest of the project has been approved, the Mayor of London, Sadiq Khan, stated *"There has been no decision to complete construction of the Swiss Cottage Section only, and it remains my intention to deliver all of the Cycle Superhighway 11"*

Yet Essential Living base their entire CMP on the Swiss Cottage section of CS11 having been installed. If it does not go ahead before Essential Living's

projected start date of the middle of 2018, will they not be required to provide a completely revised CMP?

There remains very real concern - indeed anger - at EL's intention to fell three Swiss Cottage Green cherry trees simply to enable them to exit their construction site onto Avenue Road. It was only at the last Working Group meeting, on 29th November, that EL even acknowledged that they will need permission from Camden Parks to permit this act of vandalism, and that a restrictive covenant exists which allows for use of Swiss Cottage Green only as a public space.

Having been forced to admit initially that they had not consulted the market traders, EL had, by the last meeting, come up with a revised plan to allow the farmers market to continue to operate in a fenced-off part of the space, thereby allowing the developer's 35-foot Muckaway trucks and cement mixers to access the site around the back of the market. Concerns remain, however, over the practicality and safety of such an arrangement given the footfall from people accessing Eton Avenue and the tube station, farmers' market customers, theatre-goers, school children and Central School of Speech and Drama students. Once again, EL's response to a genuine safety concern is a perfunctory and ill-thought-through remedy.

Roger Freeman was responsible for seeing that all Camden councillors were made aware of the many objections to EL's CMP. He promised to try to ensure that councillors have an input into the decision about whether the 'so-called' consultation has been properly conducted and that the demolition/construction plan is acceptable. Subsequently, Camden appears to have finally been made aware - in a way that it has not acknowledged previously - the depth of concern about EL's cavalier dealing with the local community and that their CMP will need to be examined in rather more detail than has been the case with previous CMP applications. It will go, in the first instance, to the Members

Briefing panel and it is our hope that, due to its serious implications for the Swiss Cottage area it will, in turn, be referred to a full Camden Planning Committee meeting.

We have been encouraged by Camden's having created a special format for the public to respond to EL's application for approval of the CMP. This can be found by going online to the Camden Planning website and keying in application reference number 2017/6638/CMP 100 Avenue Road, London, NW3 3HF. Construction Management Plan (CMP) for a mixed-use development (24-storey and 7-storey buildings with residential units, flexible retail/café/restaurant space and community use) approved under 2014/1617/P dated 18/02/2016, Registered 07/12/2017

CRASH is again asking all members to lodge their objections to this application - even if you have previously written on the subject. An impressive number of objections will help focus the Planning Committee's attention on the inevitable traffic chaos that will ensue in the entire Swiss Cottage area and the distress that will be inflicted on all residents, most particularly on those living in Winchester Road and Eton Avenue.

After Christmas, once all the information contained in EL's 'submitted' version of their CMP has been properly digested, Janine Sachs of Save Swiss Cottage will, through CRASH, circulate a list of suggested comments to help you frame your objection. In the short term, however, our immediate response to the present CMP is that, to protect the Swiss Cottage Green Space, local amenity and Swiss Cottage generally from harm, there must be no 100 Avenue Road demolition and construction vehicles along Winchester road, Eton Avenue or through the Open Space. All Vehicle Access/Egress must be via the A41 only.

If, in the meantime, you feel moved to write to object you can email your comments to Camden Council at: 100AvenueroadCMP@camden.gov.uk. Please copy your email or letter to: theatresquare@essentialliving.uk.com

Non-email members can write directly to Camden Council at the Town Hall, Judd Street, London WC1 8ND. You could also send a bcc copy of your email to the Chair of CRASH at: symondsph@yahoo.co.uk and to saveswisscottage@icloud.com, or a hard copy of your letter to him at 48 Canfield Gardens NW6 3EB, or in this way we can keep a check that these comments are being posted on Camden's website. It would also be helpful if all previous objections could be resent in the same way.

PLEASE REMEMBER THAT THERE IS NO POINT IN OBJECTING TO THE 100 AVENUE ROAD SCHEME ITSELF. EL HAVE THE SECRETARY OF STATE'S PERMISSION TO BUILD AND, NO MATTER HOW MUCH YOU MAY DISLIKE THE PROPOSAL, OBJECTING TO IT, AT THIS STAGE, BY SAYING HOW AWFUL IT IS, AND THAT IT SHOULD BE STOPPED WILL ONLY INVALIDATE YOUR OBJECTION.

EL have acknowledged receiving more than 72 emails thus far and 995 views on their website. We suspect there may have been many more.

Camden's guidance for developers and contractors such as Essential Living sets out its expectation that developers will *"consult with the local community before submitting your draft Construction Management Plan to the Council. If you do not include evidence of the consultation with your submission or we are not satisfied with the level of liaison undertaken, we will not review the CMP"*. On that basis, and in conjunction with the requirements of paragraph 3.5.3 of the Section 106 Legal Agreement, quoted earlier, it is hard to believe that Camden could find that EL's draft CMP has been conducted in a constructive and fair manner that complies with that requirement, or that the CMP, if approved, will have anything but a disastrous impact on the Swiss Cottage community.

The latest demonstration of Essential Living's vindictive determination to impose their will on the residents of Swiss Cottage is that they have started

demolition at 100 Avenue Road by removing the front steps to the existing building. They are claiming merely to have implemented planning and are retrospectively applying to Camden for approval. It is perfectly clear that this application - registered on the 18th December in the hope, one suspects, that in the run-up to Christmas no one would notice! - is nothing less than a pre-emptive strike to enable them to claim, whatever hold-ups may occur in Camden's planning process, that work was started on site before the three-year time limit of their permission runs out in February 2019.

It is to be hoped that Camden - who have given assurances that Essential Living's CMP would be examined in detail and only allowed to proceed if, and when, all the necessary conditions had been met - will see the developer's latest action for what it is, and respond as they would to any unscrupulous applicant who deliberately flouts the planning regulations to do what he wants, when he wants, and to hell with everyone else.

Camden tell us they are reviewing the current situation and consulting with their legal team. But if there is not a strong enough case to refuse the retrospective application to discharge Condition 1, it is likely EL would go to appeal and Camden would lose.

Residents must insist that Camden refuse the retrospective application even if it risks the likelihood of an appeal. Our Council would have the wholehearted support of the entire local community who have, throughout, been consistently and vociferously opposed to Essential Living's plans and the tactics they have employed to achieve their goal.

You can see the application by going to Camden Planning search and keying in 2017/6884/P.

Essential Living's persistently underhand methods will surely convince every CRASH member of the importance of standing up against this kind of unscrupulous developer. We ask

that every member writes or emails to let Essential Living and Camden know of their objections to this disastrous Construction Management Plan.



AND HOW WILL ESSENTIAL LIVING GET AROUND THIS?

The Mayor, Sadiq Khan, has called on the government to 'step up' as he sets about boosting fire safety in his new London Plan. For the first time, this will require new development proposals to go beyond the minimum and achieve the 'highest standards' of fire safety to ensure the best possible protection for all building users should a fire break out.

The Mayor's plan aims to ensure at the planning stage that development proposals are designed to incorporate appropriate features which reduce the risk to life in the event of a fire, are constructed in an appropriate way to minimize the risk of fire spread, provide suitable and convenient means of escape for all building users and adopt a robust strategy for evacuation in which all building users can have confidence, and that they provide suitable access and equipment for firefighting

Essential Living's 100 Avenue Road development, while not technically a "new proposal", hasn't started yet so in effect should be subject to these new regulations. Save Swiss Cottage believes the mayor's plans can be cited as a reason for objection to EL's application 2017/4036/P which seeks approval of various changes to the internal construction, including 'fire door removal'. Consideration of this application by the planning committee has been rescheduled for the new year. For further information on the Mayor's plans please go to: <https://www.london.gov.uk/press-releases/mayoral/mayor-boosts-fire-safety-in-new-draft-london-plan>.

Councillor Phil Jones and Turley

Phil Jones was, until September of this year when he took up a post as a planning consultant with Turley Associates, Camden's Cabinet Member for Regeneration, Transport and Planning - a role which afforded him considerable influence over Camden's planning policy and which brought him into professional contact with a number of major developers and consultants whose planning applications were being considered by Camden. Among them Essential Living and their planning consultants Turley Associates, with whom Mr. Jones liaised on their projects at 100 Avenue Road and Somers Town.

Mr. Jones claims that he has long held an ambition to take up a full-time post with a commercial planning consultancy but, because of the amount of time required by council business, few commercial organisations are prepared to allow their employees the flexibility required to serve as a local councillor.

How convenient, then, that Mr. Jones was, through his Camden Council duties, able to make the acquaintance of Turley Associates. How fortunate, too, that Turley were public spirited enough to make the sacrifice that allowed this Camden Planning Committee member, who had voted in favour of some of Essential Living's more contentious planning applications, to fulfill his ambition and take up a post in the Turley organization.

Camden residents deserve better than a councillor who claims to represent their interests and concerns while, at the same time, feathering his own nest by acquiring a job with the very planning consultancy he's been dealing with on some of the most controversial property developments in the borough.

We understand that Phil Jones will be standing down at the council elections next May. It is right that he should do so. The question is, why did he not think of resigning the minute he accepted the job with Turley?

<http://www.southhampstead.info>