

Comments to: 100 AVENUE ROAD (THEATRE SQUARE) DRAFT CMP
– CONSULTATION STATEMENT – 05/12/17. Ref: [2017/6638/CMP](#)

30/01/18

1. Preface

1.1. Proposal for alternative Construction Management Plan (CMP)

The only way to best mitigate any harm or blight to Swiss Cottage Open Space, the amenity and all its users, nearby residents and traders, is to limit all demolition/construction vehicles to the A41. [Please see proposal at end of this document 10.]

1.2. Dry-run

Before Camden make a decision on the 'Submitted CMP' 05/12/17, we request the Council insist upon a dry-run with one of EL's 34ft Muckaway/Tipper trucks and cement mixers to drive through Winchester Road, the pedestrian area of Eton Avenue and into the park - with the market set out as in Drawing Number 42437/5501/018 B [A]. This would be for both the council and the public to witness how feasible the route is - or not.

1.3. Unauthorised demolition [CLEUD] - Revised 12/02/2018

On the 8th November 2017 EL submitted a Notice for Demolition to Camden Council for removal of the steps and ramp from the main entrance of the 100 Avenue Road building, shortly after the CMP public consultation began - unbeknownst to the public. Again behind closed doors, on the 4th December, the day the revised CMP was due to be submitted, Camden Council issued a demand for the £5.2M Community Infrastructure Levy to EL, giving the green light for EL to demolish the steps and ramp the next day - the 5th December - the same day EL submitted their revised CMP to Camden. Subsequently EL applied for retrospective approval for partial demolition in order to implement full planning permissions [CLEUD], which Camden duly granted on the 5th February 2018 - **contrary to the bilateral section 106 legal agreement to first approve the CMP [3.5.2]**.

1.4. Unapproved plans

It should also be noted that the entire CMP is based, not on the original plans approved by the secretary of state, but on EL's proposed, as yet unapproved plans for the removal of two fire exits and reduced hallways [application ref: 2017/4036/P]. This shows yet further flagrant disregard for the planning process. The CMP should be resubmitted with the correct drawings.

1.5. **Lack of cooperation**

Around 55 people, most of whom were new to the CMP consultation (because Save Swiss Cottage notified them of the CMP consultation) attended the first CWG meeting on 15th November in a cramped room only meant for 20 people. So EL changed their venue for a larger space for the next 29th November meeting. Whilst it is understandable that EL would want a bigger room, this should not have warranted EL restricting the format to an unhelpful, virtual repeat of the original presentation, where EL talked at us instead of with us. We had requested to have chairs around a table so we could discuss and understand the plans together but EL chose not to do this even though it would have been possible to set the room up that way.

This time we did not manage to reach the same people who came to the previous meeting - so very few people turned up to the new venue, which was now outside the borough.

- 1.6. At the start of this meeting EL said that if we didn't want to be photographed we should go to the back of the room. Treating members of the community like school children on the one hand, and to have even contemplated such an invasion of privacy on the other, when doing so could have had nothing whatsoever to do with the proceedings shows utter contempt for both the community and the CMP consultation process.
- 1.7. It must also be noted here that EL had videotaped the first presentation on the 19th October. Although they'd told people about this at the very beginning of the meeting, many turned up a little late so did not know about this. Notices on the door were quite useless because no one who is late and rushing to arrive is going to spend time reading notices before entering. This video should now be published on EL'S website (as people had understood it would be) or EL should be challenged for contravening personal rights to privacy. Either way, this, and the above, is not the way to foster the kind of cooperation that Camden recommended for this public liaison.
- 1.8. **No notification of additions/amendments to CMP.** At each meeting we were obliged to instantly digest new information only presented at that meeting. We were not notified when new material was posted on the website, and the little that there was appeared only a few days before the meeting.
- 1.9. **No minutes of the meetings were published until now.** even though we were promised them each time.

- 1.10. From start to finish, representatives were not engaged with in a way that they could best cooperate with the developers to help improve the CMP.

2. Inadequate Consultation Process

- 2.1. This CMP consultation has not met with LBC'S requirements - by developers not notifying the public adequately and by not posting Appendix G (vehicle movement /frequency figures) online until the end of the consultation.
- 2.2. Developers Essential Living were obliged to notify *"Neighbouring residents, business, schools and organisations that will be affected by the demolition and construction of the development"* [CMP 1.3.]
- 2.3. The overwhelming feedback from the local community is that most of us living/working near to the site were not notified by the developers about this CMP Public Consultation. It was eventually publicised by local groups and local councillors who printed up and delivered leaflets. That so many turned up to meetings and sent in their comments was due to the efforts of the community.
- 2.4. We note that Camden says *"This consultation must include all of those individuals that stand to be affected by the proposed construction works. These individuals should be provided with draft CMP.... and given adequate time... To respond to the draft CMP and any amendments ..."*.
- 2.5. Residents in Fellows Road, Winchester Road, Eton Avenue, Crossfield Road, Strathray Gardens, Adamson Road, Buckland Crescent, Belsize Park, Northways - and from many other streets nearby - say they were not notified by the developers. Management of both the Swiss Cottage Library and the Swiss Cottage Community Centre say they were not notified. Other local businesses in Winchester Road and Northways Parade also report not being notified. Schools, and market traders report the same.
- 2.6. EL say they used their *"best endeavours to access all commercial and residential properties within the catchment, which had been specifically drawn up to address the Council's requirements to make neighbouring residents, business, schools and organisations that will be affected by the demolition and construction of the development aware of the draft CMP."*[D2 3.7]
- 2.7. Yet Principle Planning Officer Jonathan McClue informs us in his email [19/12/17] that: *"it was suggested that EL consult as per the original planning application as a minimum. The (EL) map.... was not produced by the Council."* Please compare

Camden's catchment area with EL's, and a list of all the streets that were notified about the original application 2014/1617/P. Note that Camden's Catchment area is more than 3 times the size of EL's. [\[See Appendix 1\]](#)

Whilst it could be argued that the streets west of Finchley Road might have only originally been consulted in regard to the Visual Impact of the tower, there still remain many streets east of the site, listed in the original notification, which the developers have admitted they had not notified.

2.8. Users of the Swiss Cottage Green Space should have been consulted with regular stalls at weekends. Users of the pedestrian space and market stall-holders at both Swiss Cottage market and the farmer's market have not been consulted either by the developers or Camden.

2.9. EL complain that *"the invited representatives had taken steps to extend invitations to members of public"* [D2. 3.18] to the first CWG meeting on 15 November. It is true, invitations were extended to ensure that as many local residents and businesses as possible - who would be affected by the CMP – could partake in the public consultation.

2.10. **Mora Burnet House**

EL say: *"Following concerns expressed by several consultees about potential impact on Mora Burnet House, an extra care sheltered housing facility (in Winchester Road), an approach was made on 28th November 2017 to the operators to offer a meeting to discuss any issues. A response has not been received from Housing and Care 21, the operators"*. [D2. 3.14]

2.11. Firstly Mora Burnet House has not been under the management of 'Housing and Care 21' for over a year now. 'ARK Healthcare' are the operators, and both managers Linda Darko and Andrew Hall, based at Mora Burnett House, say they have not been contacted by the developers about this CMP. EL should have at the very least made it their business to know who the operators are.

2.12. Secondly it should not have been down to 'consultees' to prompt EL to contact Mora Burnet House. That EL then did so on the *"28th November"*, six weeks later, ***when the consultation was over*** and not on the 11th Oct, when everyone was supposed to have been notified, shows a complete disregard, bordering on disdain, for the Managers and the 30 residents of Mora Burnet House.

2.13. The developers' approach to Mora Burnet House can be seen as indicative of how they have treated the whole neighbourhood in this so-called consultation.

2.14. Community Liaison

LBC say they *"want a policy of no valid complaints. No complaints should ever reach LBC that are investigated and deemed valid. These should have first come to EL and EL should keep residents informed at all times and mitigate before it gets to this point."* [D1 5.4] However many have complained about the inadequacy of this CMP and its lack of public notification - directly to both EL and LBC – yet nothing has so far been acknowledged or apparently actioned in any way. We feel our complaints are valid are being ignored.

3. Key Issue 1: Construction traffic/access/parking

3.1. Heavy construction vehicles should not use Winchester Road and Eton Avenue. Vehicles should be rerouted via Avenue Road exclusively.

3.2. Contrary to what EL says, residents and businesses from other than Eton Avenue and Winchester Road expressed the view to reroute vehicles to the A41 exclusively. Even those from Cresta House, who, if anything will suffer more from extra vehicles along the A41 expressed this view.

3.3. CS11 and TfL's agreement with EL

Contrary to what EL claim, it was well known in early 2014 that TfL were planning CS11 in conjunction with EL. The 2014 Officers Committee Report [7.3.] states: *"As part of Camden Councils Core Strategy for the promotion of sustainable travel, TfL are proposing major Highway modifications (CS11) to Avenue Road during 2015"*. We attended a TfL stakeholder presentation in November 2014 that showed the initial plans. In February 2014 the Mayor's Press Release announced it. So TfL and EL had plenty of time to work things out together. In fact, according to EL's Transport Plan by Vectos, February 2014, the developers were expected to help fund the project.

It is also clear from EL's original 2014 Draft CMP that they were already proposing the use of the A41, as shown in their Site Logistics diagrams on pages 35/36.

3.4. EL say they have *"safety concerns related to vehicle movements in areas of high pedestrian activity"* if the Northern end of the site were to be used as an access point from the A41. But where are their 'safety concerns in relation to vehicle movements in areas of high pedestrian activity' in Eton Avenue's Pedestrian/market area and for the many vulnerable residents, nursery children and the youth project in Winchester Rd?

- 3.5. It is unacceptable that 14 or 7 huge 34 ft Muckaway/Tipper trucks and cement mixers a day use the pedestrian area of Eton Avenue for any period of time. **This is a pedestrian area - meant only for pedestrians.** The concessionary halt of traffic during school times does nothing to mitigate any conflict for the many children in Winchester Road who are being collected/dropped off many times throughout the day.
- 3.6. *"EL has sought to negotiate (with TfL for) the use of the A41 Avenue Road and introduce a pit lane and egress point to the south of the site. It is EL's view that an extended demolition and construction process resulting from exclusive use of the A41 could compromise an agreement with TfL."* This is something that EL & TfL should have thought of at the beginning. The bulk of objections to the scheme in the first place were about the lack of feasible access to the site, especially via the amenity. The simplest solution is that EL and TfL make another agreement regarding accessing the development via the A41 only.
- 3.7. *"EL feels that this (2 year) extension of time (to service the site from the A41) would cause more impact on the neighbours than the solution of a highly managed vehicle movement strategy utilising two entrances."* EL's feelings are misplaced. The overwhelming consensus in the community is that local residents would prefer that the development take an extra 2 years if it means not using the Winchester Rd/Eton Ave access route. This is even the case for residents on the western side of the gyratory.
- 3.8. *"EL believes that such an extended programme would not be beneficial overall to the community around the site".* We disagree that extending the build by another 2 years would be *"contrary to the local authority's objective in its CMP guidance of mitigating impacts"*. It is not the case that the *"use of the A41 pit lane only (and) extending the programme"* would increase *"the impact of noise and vibration on residents, businesses, the open space and surrounding uses"* as EL claim. The impact would NOT be to the amenity or the Open Space. **The impact would be to the A41 only.**
- 3.9. Perhaps it would be worth asking the Winch how they would feel about waiting for another 2 years before decanting to the new development if it meant that the amenity would not have to be as blighted as this CMP currently proposes?
- 3.10. EL say that *"An extension of the programme by two years would also have a direct impact on the viability of the scheme and potentially the community benefits that could be provided."* 4,000 members of the community do not feel that this scheme

will provide any “community benefits” and obviously concerns about any negative ‘*impact on the viability of the scheme*’ are only those of the developers.

4. Appendix G - Vehicle Movements

- 4.1. In their Consultation Statement EL say “*During the draft CMP consultation process the access and egress options were explained fully and steps were taken to provide as much information as possible so that consultees could have this in a form which was as clear and intelligible as possible.*” and that “*at ... the commencement of the consultation process on the draft CMP and the public meeting, a full suite of draft CMP documents was made available at the Swiss Cottage Library and ... the documents could be downloaded electronically.*” [D2 3.10].
- 4.2. **This is not true** – EL did NOT make available online “*a full suite of draft CMP documents*”. The most critical CMP document, Appendix G, regarding vehicle movements to and from the site, was missing from the outset and was not available online until the 27th November, two days before the end of the consultation - despite repeated requests for it. Neither was it available at the library at the time of the first public consultation meeting.
- 4.3. The required information about “*the approximate frequency and times of day ... for each phase of construction (and) average daily number of vehicles during each major phase of the work*” [CMP 21a] was not online for most of the consultation. A set of drawings were handed out to us at the 15th November meeting and an illegible graph appeared online a few days prior. Since then there have been 4 different sets of drawings giving different figures and different vehicle movement configurations, and 4 different sets of graphs in different formats with different figures that did not tally with those given in the drawings. [\[Appendix 2\]](#)
- 4.4. After being questioned at both CWG meetings about whether the Phase 1 estimate of 7 vehicles per day via Winchester Road into the park meant a total for both directions or just for one way, EL finally admitted there would be 14 vehicles in total.
- 4.5. The latest figures in this ‘Submitted CMP’ also do not tally:

Compare daily totals in Appendix G with Appendix F

<u>Appendix G:</u>	Phase 1 = 7 per day	Phase 1b = 8 - 27 per day
<u>Appendix F:</u>	Phase 1 = 14 per day	Phase 1b = 57 per day.

Appendix G needs to be amended to reflect the 14 vehicles per day in Phase 1. The discrepancy of 30 extra vehicles per day for Phase 1b needs to be accounted for in both appendices. There may be other anomalies not spotted.

Also it is not clear in Appendix F, Phase 2, whether the maximum of 7 vehicles per day applies to just the Muckaway trucks or to both the Muckaway trucks and the concrete mixers. We need to know how many there will be of each.

- 4.6. The plan for the market [Appendix A Drawing Number 42437/5501/018 B] does not include the concrete mixers, as shown in Phase 2 drawings [Site Logistics Plan Appendix F].
- 4.7. **All this confusion does not inspire confidence in EL's ability to make accurate calculations nor instill trust that these figures might not conveniently multiply once the CMP is approved.**

5. Key Issue 2: Public Transport/Pedestrian Access

- 5.1. EL say: *"When exiting the pit lane or the southern access to the site, the construction vehicles will be held back until the route is clear, giving the buses and cycles priority."* At the 29th November CWG meeting EL acknowledged that there would be no barrier to the protect cyclists by Access 2 near the library. TfL have agreed to shift this section of the track over by a few meters because of the wide turning arc of lorries out of the park onto the A41 – to prevent collision. Is this going to be enough to protect cyclists from possible collision? Will banksmen always be able to catch a speeding cyclist in time? The combination of vulnerable cyclist and huge 34 ft lorries meeting at such close quarters should be of great concern and at least warrant some kind of protective barrier.

6. Key Issue 4: Swiss Cottage Street Market

6.1. No consultation

I understand [at time of writing on 20th Jan 2018] from London Farmers Market (LFM) that no stall-holder at Swiss Cottage has yet been informed, let alone consulted, either by the developers, Camden Council or LFM about this CMP. Neither have the regular market stall-holders been informed or consulted about a plan that proposes to route the heavy construction trucks through the pedestrian area of Eton Avenue - right next to where the market is to be squeezed in to the smaller space that EL are proposing. Those who will be the closest (you cant get any closer) to the demolition trucks have not been consulted.

6.2 Yet Camden's own Construction Management Plan policy says: ***"This consultation must include all of those individuals that stand to be affected by the proposed construction works. These individuals should be provided with a copy of the draft CMP, or a link to an online document"***.

6.3 Having spoken to many of the traders it is clear that they are not happy about the CMP or the lack of any communication about it from those in charge.

6.4 When will market traders be consulted? When will we know what their responses are? Why should they have been treated differently to any other local business as far as being able to comment on this public consultation? We request evidence of consultation meetings with all market stall- holders.

6.5 **Market plan**

There is no polite way to describe a plan that is designed to risk the safety of so many on a **busy, thriving pedestrian area**. It is hard to imagine how traffic banksmen can be counted upon to direct up to 14 (who knows - maybe more) construction trucks and cement mixers a day for 3 years and continually stem the flow of pedestrians from so many different sources: the Royal Central School of Speech & Drama (RCSSD), Hampstead Theatre, the Open Space and amenity, Swiss Cottage tube - a myriad of shoppers, visitors, local residents, theatre goers, library & Leisure Centre users, children - pedestrians coming from all directions. One cannot imagine a more inappropriate, ill-thought out plan.

6.6 It must be emphasized that this is a **pedestrian area**, a fact that has barely been acknowledged or recognized by the developers, and as such is designated for the use of **pedestrians only**, not large lorries. This fact alone should be enough to disallow traffic movement to the site via this street and convince LBC to insist upon EL rerouting all access to the site from the A41 only.

6.7 Even the pavement near the RCSSD will be taken up with market trucks, so it will not be available for pedestrians.

6.8 Of particular concern is where the farmers market is to extend beyond the pedestrian area next to the disabled bay on the theatre side and right up against the lorry route on the other side. It is an extremely tight squeeze and surely a dangerous one, especially without a protective barrier.

6.9 **Theatre trailer**

Whatever EL's one dimensional swept paths show – the sharp turning out of Winchester Road into Eton Avenue must be very tight for these 34 ft

Muckaway/Tipper trucks and cement mixers. There are a lot of parked cars in that section of Eton Avenue that will be at risk. Apparently the Theatre trailer does not even attempt that turn. Paul Mathew Transport, the owners of the Theatre trailer, say that drivers generally come down Eton Avenue (main), and sometimes use Adamson Road. This does not bode well for residents in these roads, or for the children in the 4 schools along Eton Avenue.

The Theatre trailer size varies from 9.3 meters to 13.6 meters. Having seen the 13.6 meter version in situ, minus its 3+ meter drivers' carriage - equivalent to the 10.2 meter Muckaway trucks & cement mixers (34 ft) - it is very hard to see how such a large vehicle could negotiate the Winchester Road/Eton Avenue corner at all.

6.10 Cranes

In a Meeting with Camden Environmental Health 10.11.17 [D1 6.3] it is suggested that it *"might be useful to inform residents of crane arrival in advance as this typically arrives at weekends and residents get upset by this."* There does not seem to be any reference in this CMP which access route crane delivery will use. This needs to be specified. Given the sheer size and weight of this machinery, one would sincerely hope that the Eton Avenue pedestrian route would be out of the question.

6.11 Loss of footfall

to the market is inevitable and would undermine the thriving commerce to the area. The very thing that EL claim they will be providing with their development.

6.12 There are two different market plans

in this 05/12/18 Submitted CMP:

- Camlin's Drawing Number LL443-250-1307 or
- Peter Brett's Drawing Number 42437/5501/018 B

We assume it's the more recent Peter Brett drawing? The other should be removed.

7. Winchester Road

- 7.1. This road is particularly sensitive as there are several nurseries, a youth centre, a community centre, an old age home plus social housing some of which is inhabited by people with special needs. This is not an appropriate route for the noise and pollution of heavy vehicles. The properties of many vulnerable and elderly residents in Winchester Road front straight on to the road, with no buffer between. Residents will also have to suffer the building site immediately on the other side of their homes.

7.2. Mora Burnet House

Care Home regularly uses the Ambulance Service which would certainly be in conflict with a regular stream of construction vehicles in Winchester Road.

7.3. Taplow and The Chalcots

are undergoing an 18 month recladding programme – due to be complete by October 2019. Large containers and Lorries will be using Winchester Road for Taplow. Surely no 100 Avenue construction vehicles could start using Winchester Road until this work is complete?

7.4. CS11 overflow traffic

will inevitably find a diversion route though roads in the Belsize area, particularly Winchester Road, to avoid the Finchley Road bottle neck that will ensue once CS11 works and operation have commenced. TfL'S refusal to acknowledge the Belsize area for any 'reassigned' traffic should not deter EL & Camden from factoring in what will be a very real problem of increased traffic in Winchester Road once CS11 commences.

7.5. Fire Services

would be hard pushed for access if construction vehicles are held up in this road.

7.6. Nurseries v school times

It is unacceptable that 7 to 14 x 34 foot lorries and cement mixers a day will use Winchester Road for 3 months or 3 years. The concessionary halt of traffic during school times does nothing to mitigate any potential harm to the nursery children who are being dropped off and collected many times throughout the day in Winchester Road. The flow of children to the youth club is similar. EL propose operating times for vehicles to be" *Mon-Fri (0800-1800 hrs) outside of school term times; Mon-Fri (0930-1430 and 1600-1800 hrs) during school term times; and Saturday (0800-1300 hrs).*" There are no term times for nursery schools.

8. [Key Issue 5: Open Space/Trees](#)

8.1. The Restrictive Covenant/public right of way

EL say *"Discussions are ongoing regarding the relevant covenants with Camden and Camden Parks and will be progressed during the Council's review of the submitted draft CMP"* and that they *"have been fully aware of the covenants in existence around the Theatre Square site long before the draft CMP consultation process"*. *Given this* - why has not any lawful application to grant temporary use of this area yet been made? We would expect to see evidence of any such application and if one has been made we request to see that application.

- 8.2. There is also evidence in EL's original 2014 Draft CMP of knowledge of "*Areas Impacted Beyond the Site Boundary*," as shown in their Site Logistics diagrams on pages 35/36.
- 8.3. This restrictive Covenant stipulates: "***Not to any time to use permit allow or suffer to be used that part of the Retained Property shown ... on the Plan otherwise than as a public open space and amenity area***" [Land Registry NGL 760900].
- 8.4. EL believe that "*on balance that temporary use of a small section of the Swiss Cottage Open Space to avoid significantly increased vehicle movements in residential streets is a better solution. The decision on this matter resides with LBC and further detailed discussions will take place with the Council following the submission of the draft CMP.*" and that "*Without this land a through route for construction vehicles could not be provided resulting in movements on Eton Avenue and Winchester Road becoming two-way for the duration of the build and as a consequence, substantially increasing construction vehicle movements on these roads.*
- 8.5. But this threat to reroute all vehicles to and from the site via only Winchester Road and Eton Avenue - should the Covenant area and strip of park land not be granted for temporary access - is clearly absurd [[Appendix 2: A previous Appendix G: "Vehicle Movements Without Park Land Access"](#)]. How will 60 x 55ft articulated lorries negotiate these small roads and the pedestrian area of Eton Avenue, through the market, for a day let alone 3 years? In addition they would be very hard pressed to turn around on site in the small space behind the hoarding and not over the fragile basement area.
- 8.6. **This CMP should never have been presented to the public or submitted to the council without first there being clarification as to future use of the Restrictive Covenant area for construction traffic through the park.**
If permission cannot be granted, then the submitted CMP will be meaningless and have to be completely redrawn. Covenant NGL760900 is not only the domain of Camden and Camden Parks. Other parties are involved.
- 8.7. **The 3 Cherry trees**
Our previous comments that "The proposed felling of 3 category 'A' cherry trees ... should not be allowed and should be the subject of a planning application" still stand. The cherry trees in question are not situated on the covenant area NGL 760900, as far as we know. So their felling should not be dependent on the

granting of temporary use of the covenant area. It is dependent on an application to the council to vary the original planning application which does not allow for these trees to be removed. Why has this this application not been made?

8.8. The London Plane - root protection

The request for details of root protection for the Ginko Biloba tree on Avenue Road near the library was a mistake. We had meant the large 'London Plane' that is closer i.e. at Access 3, the very edge of the lorry route that turns out of the park onto the A41 We had acknowledged this mistake to EL at the last meeting. We would still expect to see EL's details of the *"tree protection barrier (that) is proposed around the base of the mature tree (i.e the London Plane) to just to the south of the site access as a precaution"*. The barrier currently proposed only closely surrounds the base and barely covers the extent of the root area. Heavy lorries will be going over the roots for 3-4 years. So we need to see clear details of how the roots of this very fine tree will be adequately protected.

8.9. For the Open Space – the beauty of rerouting all demolition and construction traffic to the A41 would mean:

- The Open Space can be kept more or less intact.
- All works would take place behind a hoarding with no vehicles needed over park pathways.
- Safe pedestrian access into and through the open space along the main pathway from the Theatre to the library, with plenty of room for buggies.
- All hedges are kept intact.
- Preserving all the cherry trees by the library
- Preserving the large and ancient London Plane tree by the library and the A41
- Avoiding heavy vehicular traffic on public rights of way, including over the restrictive covenant area and strip of parkland to the south of the building.
- A better environment for the children's playground near the library.
- Keeping the listed Hampstead Figure where it is - opposite the library
- Reduced pollution from construction vehicles.
- The opportunity for all of us to continue to enjoy this cherished open space in relative peace and complete safety during demolition and construction of the new development.

9. [Key Issue 6: HS2](#)

9.1. We still request written assurances from HS2 that HS2 works will not adversely affect the proposed build.

9.2. Tim Hartlib from Robert Bird Group says *"Consultation with HS2 has revealed that works are not expected to commence in the vicinity of the site until 2021. Structural engineers have estimated that the Theatre Square redevelopment will have an impact on the HS2 tunnel of less than 0.1 mm and vice versa."* [D1 4.6]. It is not clear what "vice versa" means. Only the impact to the HS2 tunnel is described here. What we are asking is **what will be the impact of the HS2 tunneling to the foundations of the southern section of the 100 Avenue Road building that abuts the HS2 safeguarding zone?**

9.3. **Condition 17**

According to D1. 2.1, an *"HS2 Impact Statement ... has been prepared for submission to Camden Planning in response to Condition 17. Any comments will be considered and fed into a revised report that will then be issued to Camden Planning. The report was issued to HS2 for review prior to the meeting on the 11th October 2017."* Anthony Friis (InnC) *"stated that the Impact Statement would be updated as agreed and issued to the Planners. The revised report will be issued to HS2 via the statutory process."*

9.4. **EL have changed the words of HS2's condition**

So the 'statutory process' is now in question because it has become apparent that EL have changed the wording of HS2's condition to mean the condition can be discharged **after** demolition, instead of **before** demolition, which is what HS2 requested in the original planning application 2014/1717/P, March 8 2014.. <http://camdocs.camden.gov.uk/HPRMWebDrawer/Record/4138843/file/document?inline>. There is no evidence that HS2 are happy for EL to have made these changes. We request HS2's confirmation that they were/are happy with this change of wording.

9.5. EL have supplanted HS2's original wording which says: ***"None of the development hereby permitted shall be commenced until ..."*** with their own words which says: ***"Works below ground level shall not start until ..."***.

9.6. It is not apparent, in all the FOI correspondence dating from 15/03/2014 to 25/11/17 that HS2 have at any time agreed to or even knew/know about this change of wording - either before or after condition 17 was confirmed by the inspector. [FOI17-1846 – Annex C - L]

9.7. In fact, according to FOI documents received up until 25/11/17, the last, and apparently only reference to EL's condition 17 in their correspondence with HS2 was on 03/10/17, where Senior Technical Manager, Anthony Friis (InnC), is asking HS2 to approve condition 17 for discharge and has literally chopped off the first

line: "***Works below ground level shall not start until....***" from that condition, so that condition 17 now conveniently only reads as: "***Detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any structures below ground level, including piling (temporary and permanent) have been submitted to and approved in writing by the Local Planning Authority***" instead of how Condition 17 should read:

9.8. **Condition 17 wording**

"Works below ground level shall not start until ^{scissors} detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any structures below ground level, including piling (temporary and permanent) have been submitted to and approved in writing by the Local Planning Authority".... [\[Appendix 3: HS2 - FOI17-1846 - Annex L\]](#) .

9.9. **HS2 condition wording**

"None of the development hereby permitted shall be commenced on those parts of the site shown on the site as shown as falling within the 'Limits of Land Subject to the Safeguarding Direction' until detailed design ..." [\[Appendix 4: Full conditions\]](#)

9.10. The importance of clarifying whether there is likely to be any negative impact on the development by HS2 works ***before*** demolition is to preempt any unnecessary demolition and a long term demolition site if it is found to be unsafe to proceed with the development. That HS2 "***works are not expected to commence in the vicinity of the site until 2021***" does not preclude possible impact to the development.

9.11. **It is essential that the public see written confirmation from HS2 that HS2 works and its operation will not adversely impact the new 100 Avenue Road development before development commences. And, all things considered, we request to see HS2's Impact Statement before this CMP is approved.**

10. **A CMP alternative.**

10.1. Given the level of traffic that has been traversing the A41 for the last 60 years has done so without collapsing into the Swiss Cottage Tube subway beneath, then, by the same token, EL can either reinforce the pavement area above the subway for their construction trucks to access the northern end of the building. Or they can erect a ramp in that area with enough loading points to spread sufficiently to prevent any collapse - either into the subway or the 100 Avenue Road basement. We had asked about this at the 29th November CWG meeting and **one of the engineers** drew a diagram showing only 3 loading points.

- 10.2. The Peter Bret [PBA] drawing, figure 2, in appendix A shows a Pit lane option near the (preferred) northern end of development. But this lane is proposed to indent to the extent it would run over the steps of the front entrance and therefore would not be feasible. If this pit lane were more in line with the proposed pit lane at bus stop D it would be over less of LU's pedestrian subway, and only run across a corner of the subway and only over the deepest part. Siting an alternative pit lane such as PBA's figure 2 but further away from the structures and foundations of the build would mean more room for 'point loads' for a "floating raft/ bridge deck" of some kind to help reinforce the area for construction access.
- 10.3. Using the same or similar pit lane dimensions as proposed to go at bus stop D, i.e. with 4 meters for vehicles and 2.5 meters for a public foot path and gantry – an alternative pit lane could be sited, similarly to PBA's Figure 2 from just south of the Eton Avenue Road tube entrance, at the northern end of the building and up to the Avenue Road tube entrance – with the hoarding pushed in a few meters to match the southern section to give room for pedestrians. The kiosk by the Avenue Road tube entrance could be temporarily re-sited if need be.
- 10.4. This could be the best solution all-round as EL has said it would be easier for them to access the development from this point in any case. The bus stop that is proposed to go at the end of Eton Avenue could be moved back to its original position at bus stop D. One way or another, reinforcement of this area should be doable, if EL are prepared to invest in the project.
- 10.5. Alternatively, as already acknowledged by EL at the 15th November CWG meeting, the development can be conducted entirely from the proposed pit lane D. That it would take longer and cost more should matter less to the Council than the protection of the open space and all its users.
- 10.6. The argument that EL have given about being able to minimize the traffic to Winchester Road and Eton Avenue because of the recent introduction of CS11 to the A41 is specious because CS11 has been on the table since early 2014 [see 7.4].
- 10.7. The argument that TfL would not allow the extra 7-4 trucks per day on their roads for an extra 2 years is even more specious, why would/could they not? If it were not feasible to build from the main road, then by the same argument it would not be feasible to build most developments. Has TfL said they will not/cannot do this?
- 10.8. The construction and operation of CS11 obviously has to be considered in this proposal. Might CS11 wait for the development to finish, or Vice versa? Or, given

that EL already plan to carry out most of their programme in conjunction with the operation of CS11, what difference would another year or two make? Though, frankly, given the undesirable combination of construction vehicles and cyclists, perhaps it would make more sense for CS11 to wait until after the build is complete (should CS11 ever get the green light from Royal Parks and Westminster).

Conclusion

The only way to best mitigate any harm or blight to the Swiss Cottage Open Space, the amenity and all its users, is to limit all demolition/construction vehicles to the A41.

This CMP was in too much of a preliminary state to be presented to the public in October. It was and still is incomplete and inaccurate by its own standards. Representatives should not have had to be the sounding board for EL to correct their errors. Nor still should they be. Given this, and the significant lack of public notification by EL in the first instance, the best thing would be for EL to go back to their drawing board to get their CMP right, and then call for a proper CMP Public Consultation.

Given the glaring unworkability of using Winchester Road, the pedestrian area of Eton Avenue, and the Open Space for site access, Camden should insist upon an entirely new proposal for how the development can best proceed from the A41 only.

Taking all the above into consideration, we do not believe that Camden can, in all conscience or with any justification, approve this 'Submitted CMP' (05/15/15), therefore we ask that it be refused.

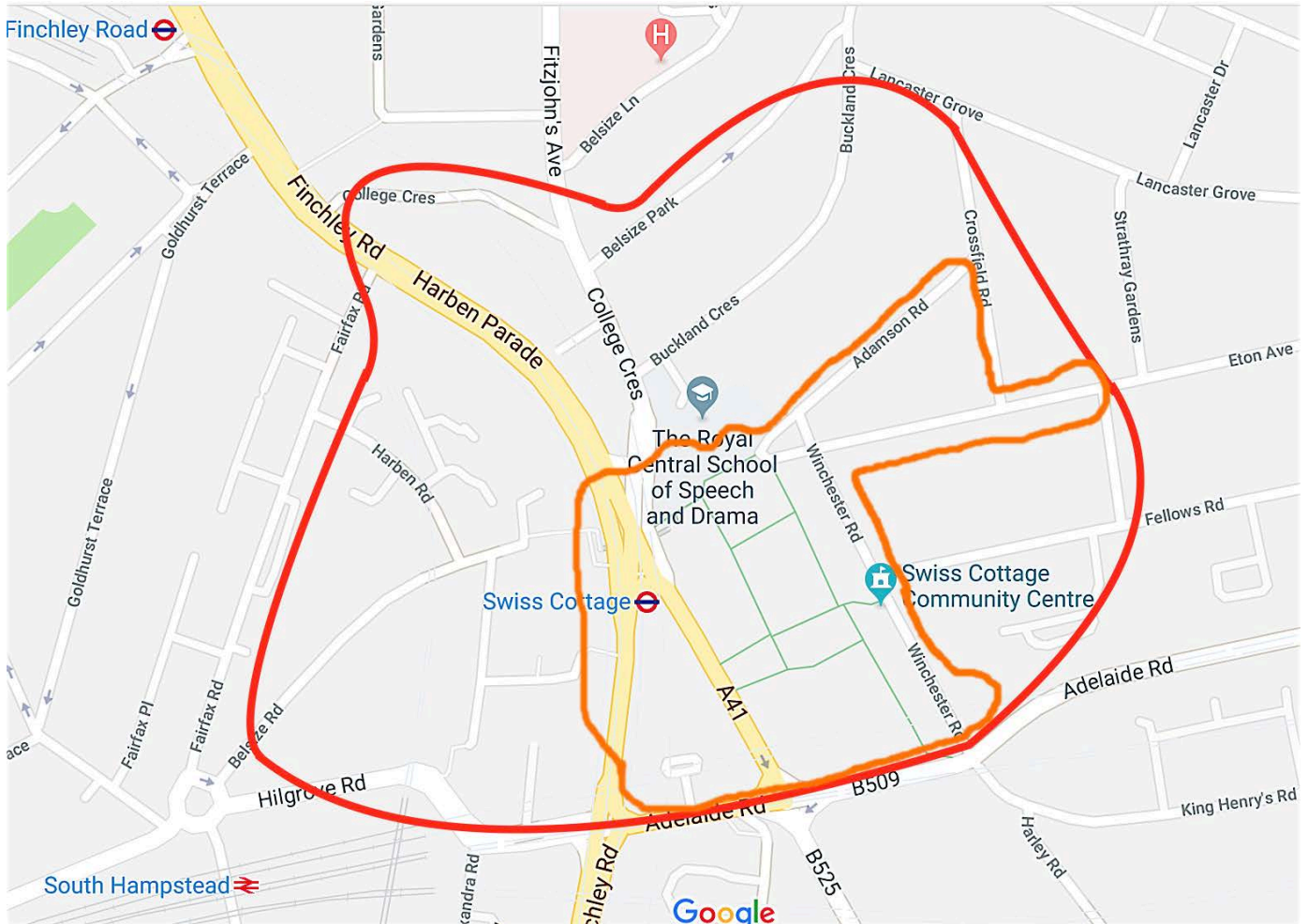
Janine Sachs
Chair of SAVE SWISS COTTAGE

Appendix 1

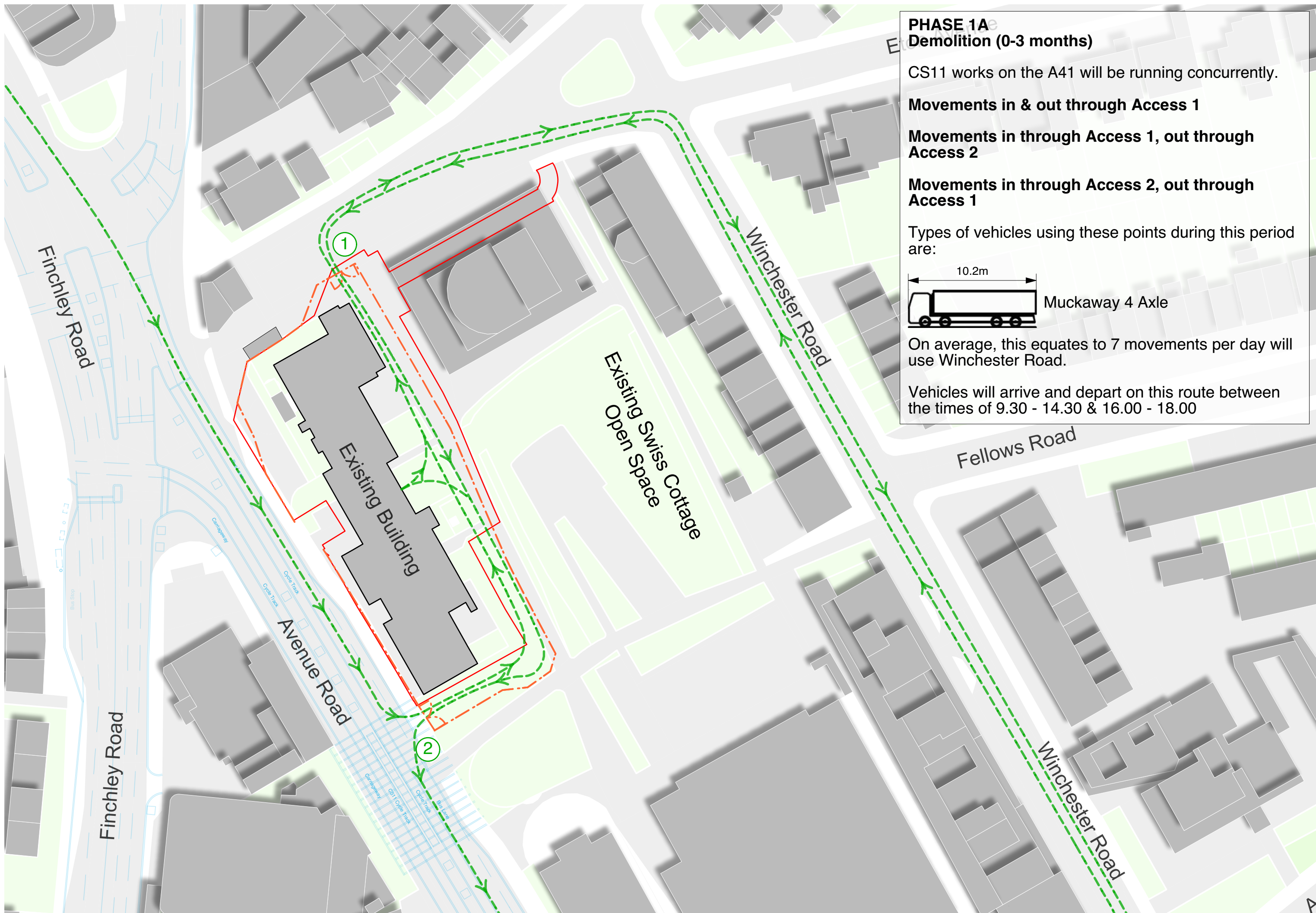
Camden Council's Neighbour details for Planning Application - 2014/1617/P. Location 100 Avenue Road London NW3 3HF [extract of streets notified]

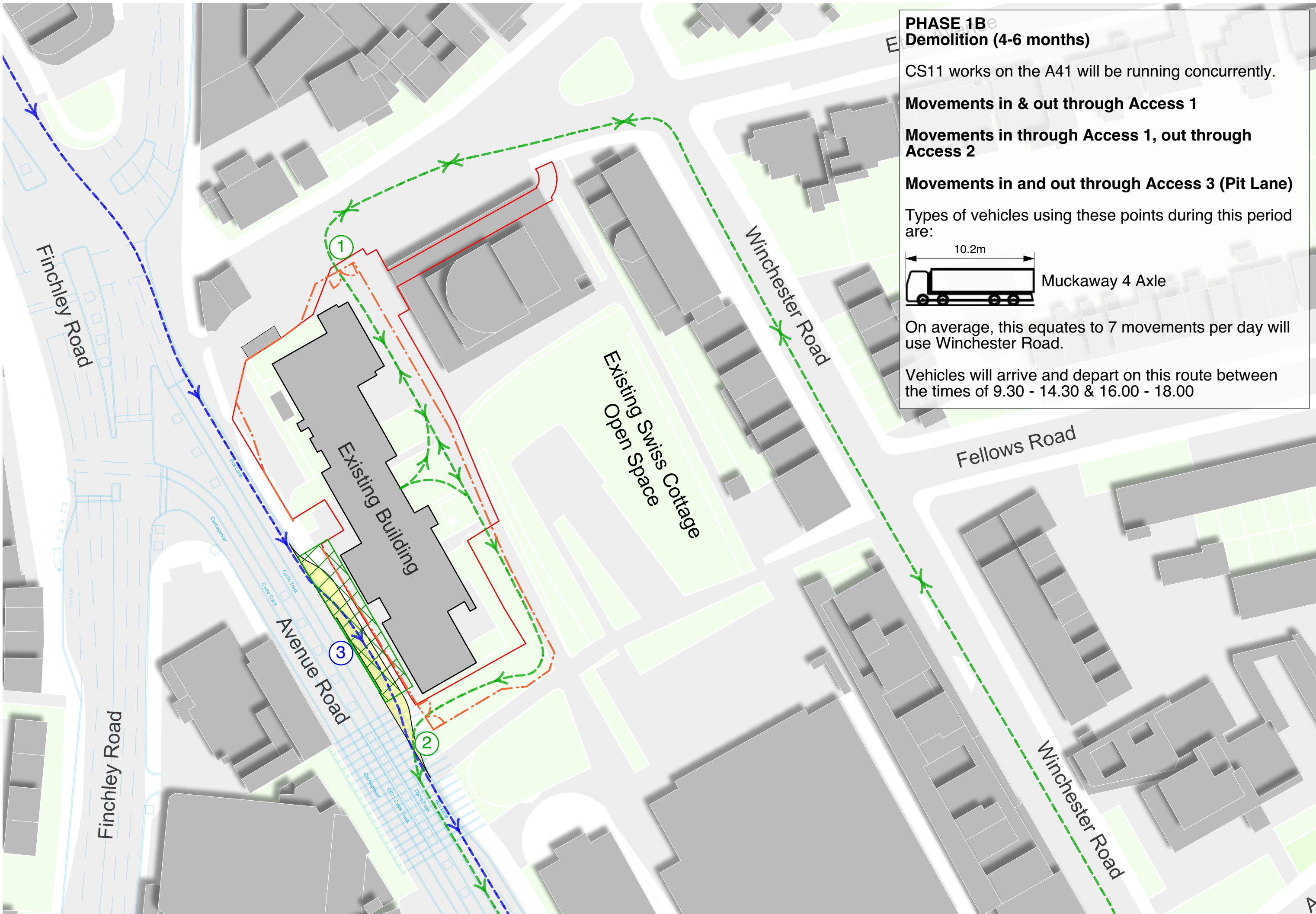
Adamfields, Adamson Road
Adamson Road
Belsize Park
Buckland Crescent
Burnham, Fellows Road
Centre Heights, Finchley Road
Cresta house, Finchley Road
Crossfield Road
Dobson close
Eton Avenue
Eton Court, Eton Avenue
Fellows Road
Harben parade
Harrold House, Finchley Road
Hickes house, Harben parade
Hilgrove Estate
Hilgrove Road
Kings College Road
Kings College Villa, Kings College Road
Maxwell Court, Eton Avenue
Melrose Apartments, Winchester Road
Mora Burnett house, Winchester Road
Northway's Parade, Finchley Road
Northways College Crescent
Northways Parade
Regency Lodge, Adelaide Road
Swiss Terrace
Visage apartments, Winchester Road
Winchester Mews
Winchester Road
Central School of Speech and Drama, Eton Avenue
Costa Coffee, Finchley Road
Embassy Theatre, Eton Avenue
Eton Avenue Street market
McDonald's restaurant, Harben Parade
Offices, shops and premises, Avenue Road
Shops and premises, College Crescent
Shops and premises, Regency Parade Finchley Road
Swiss Cottage Community Centre, Winchester Road
Swiss Cottage Library, Avenue Road
Swiss Cottage Leisure Centre, Adelaide Road
Old Winchester Arms , 21 Winchester Road

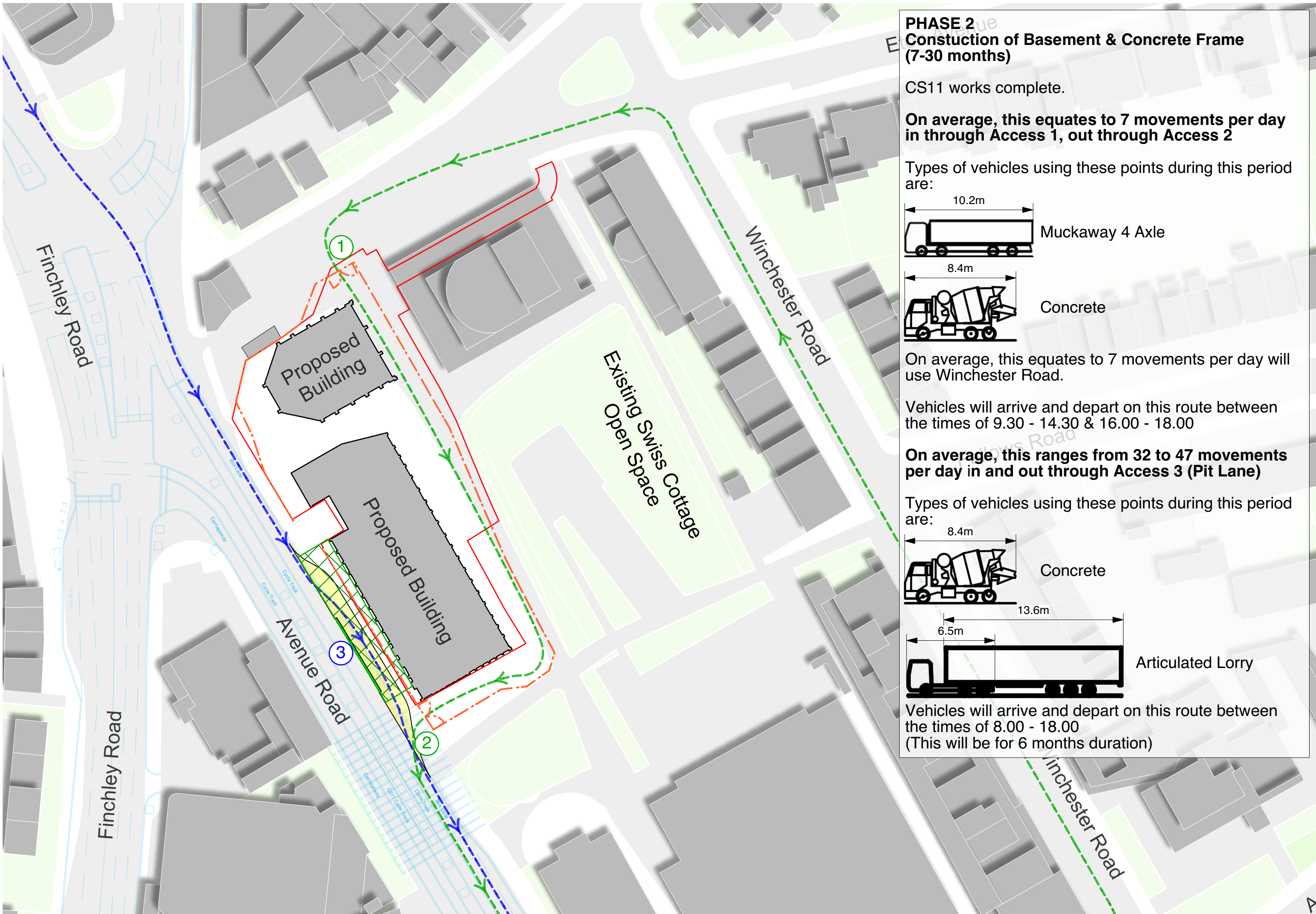
**Comparison of Camden Council's Neighbour details for Planning Application - 2014/1617/P.
and EL's Catchment Area for CMP - 100 Avenue Road London NW3 3HF**



- Camden's Catchment Area for notification for Original Planning Application 2014/1627/P
- EL's Catchment Area for CMP they claim they notified [Appendix D2]





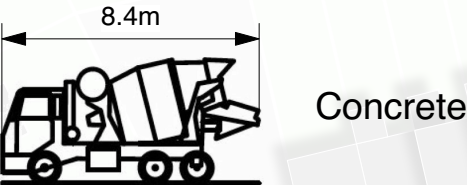
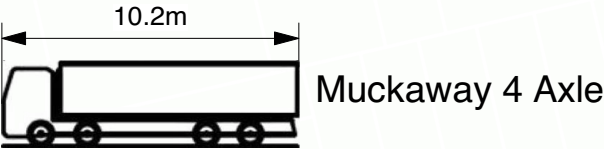


PHASE 2
Constuction of Basement & Concrete Frame
(7-30 months)

CS11 works complete.

On average, this equates to 7 movements per day in through Access 1, out through Access 2

Types of vehicles using these points during this period are:

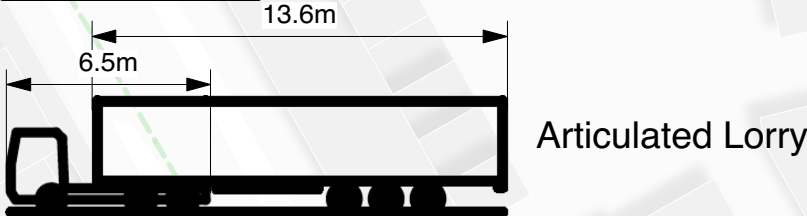
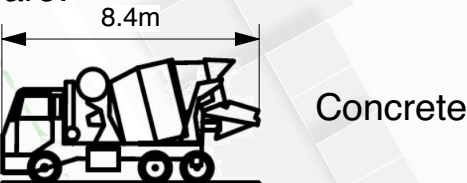


On average, this equates to 7 movements per day will use Winchester Road.

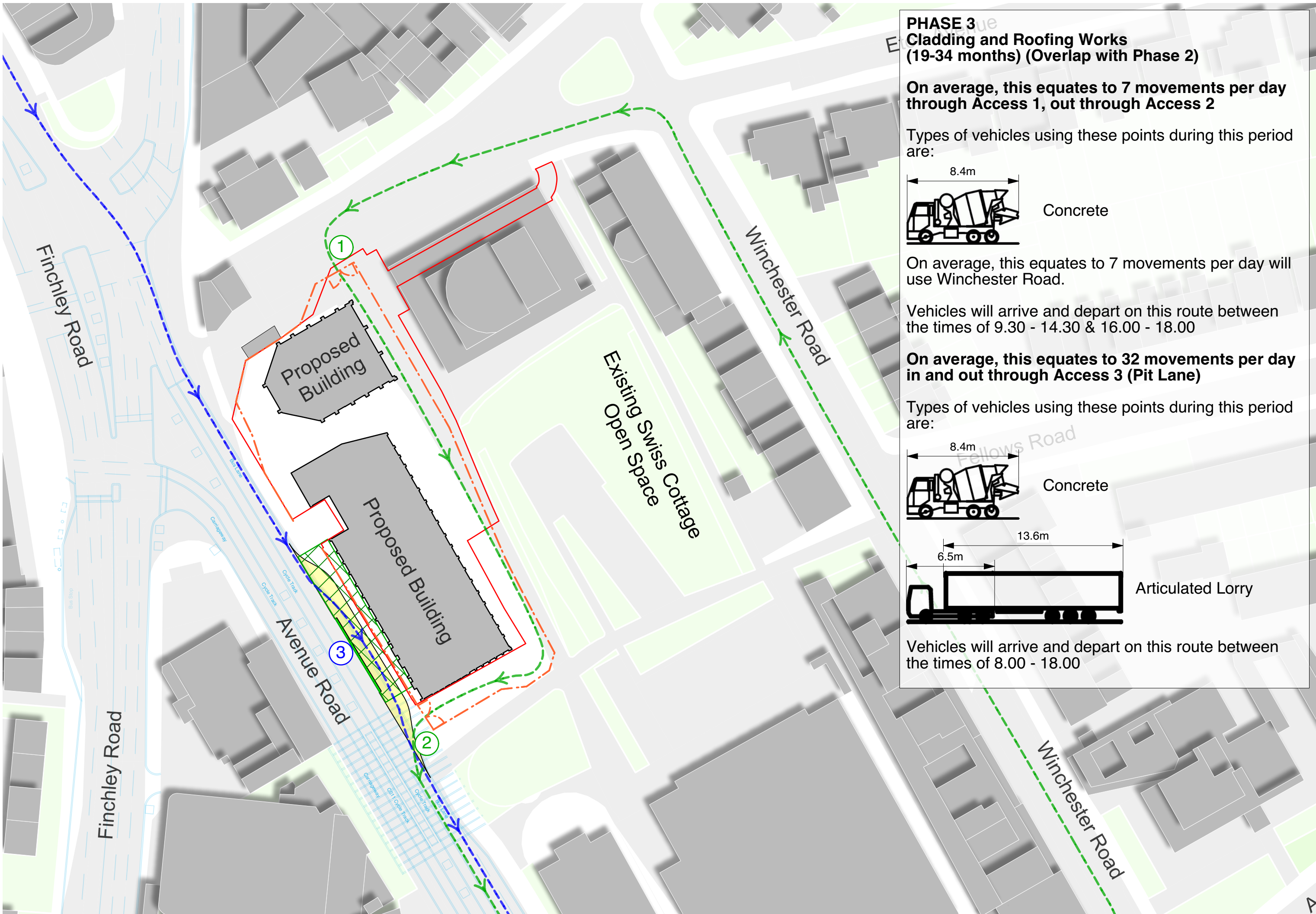
Vehicles will arrive and depart on this route between the times of 9.30 - 14.30 & 16.00 - 18.00

On average, this ranges from 32 to 47 movements per day in and out through Access 3 (Pit Lane)

Types of vehicles using these points during this period are:



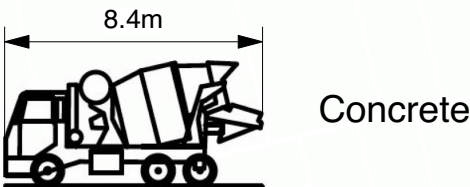
Vehicles will arrive and depart on this route between the times of 8.00 - 18.00
(This will be for 6 months duration)



PHASE 3
Cladding and Roofing Works
(19-34 months) (Overlap with Phase 2)

On average, this equates to 7 movements per day through Access 1, out through Access 2

Types of vehicles using these points during this period are:

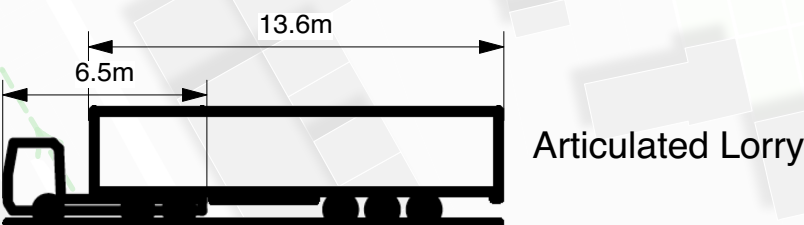
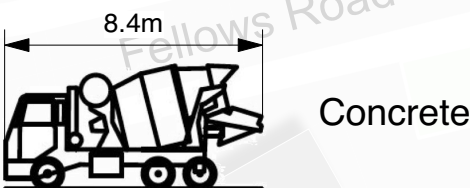


On average, this equates to 7 movements per day will use Winchester Road.

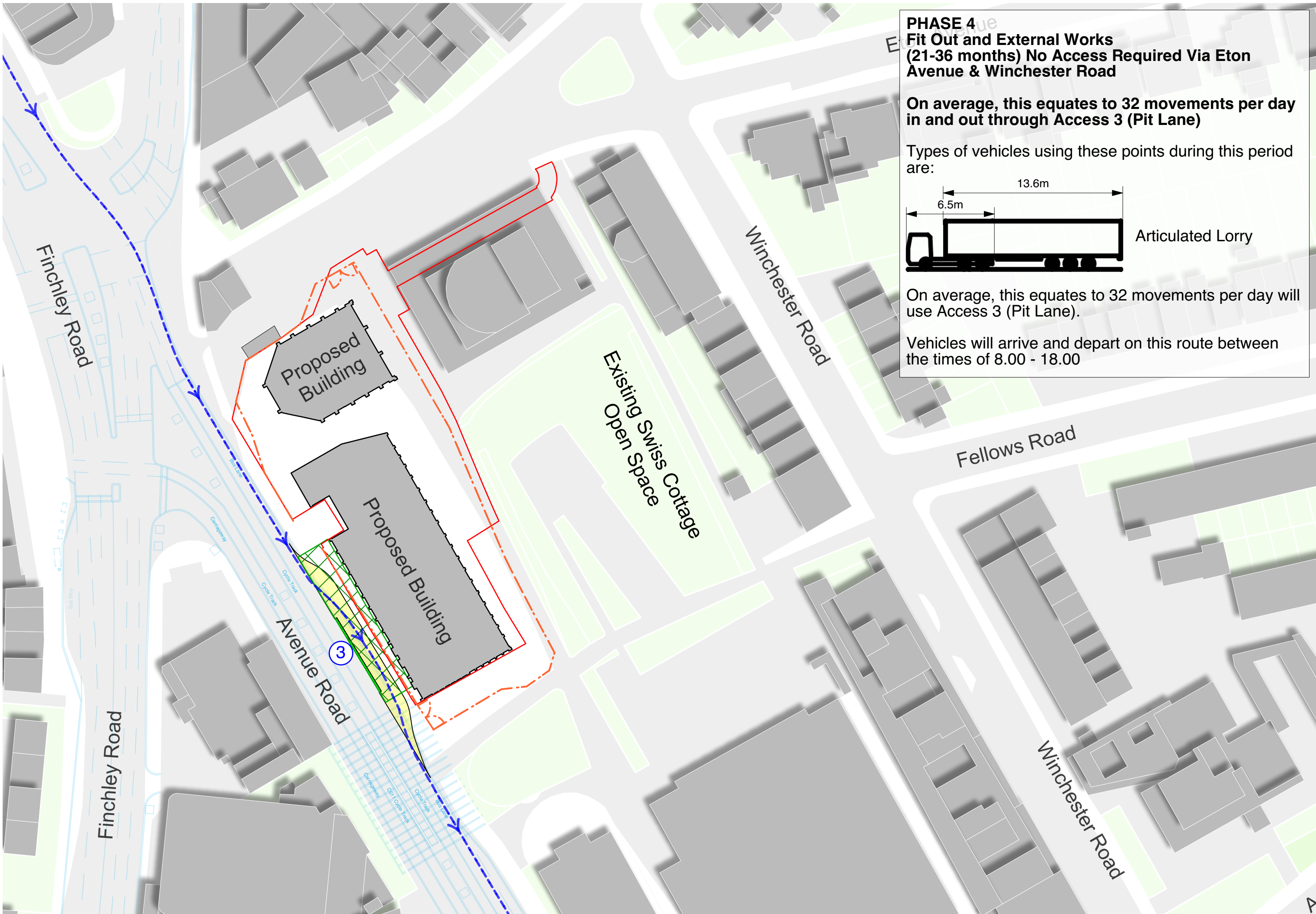
Vehicles will arrive and depart on this route between the times of 9.30 - 14.30 & 16.00 - 18.00

On average, this equates to 32 movements per day in and out through Access 3 (Pit Lane)

Types of vehicles using these points during this period are:



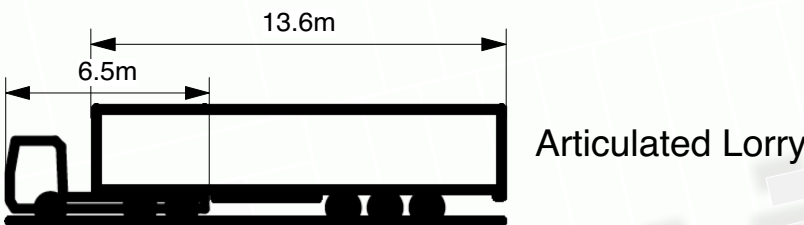
Vehicles will arrive and depart on this route between the times of 8.00 - 18.00



PHASE 4
Fit Out and External Works
(21-36 months) No Access Required Via Eton
Avenue & Winchester Road

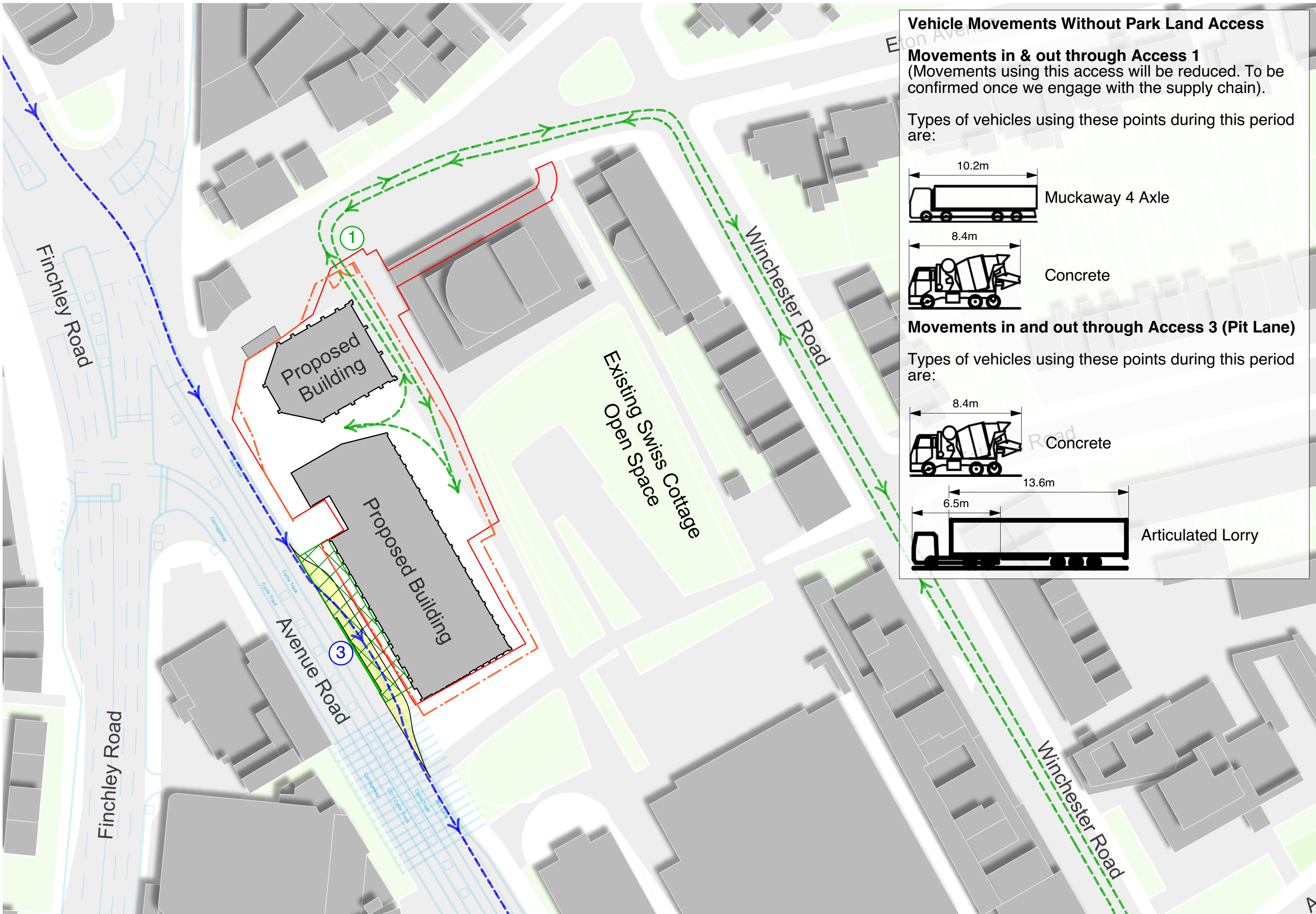
On average, this equates to 32 movements per day
in and out through Access 3 (Pit Lane)

Types of vehicles using these points during this period
are:



On average, this equates to 32 movements per day will
use Access 3 (Pit Lane).

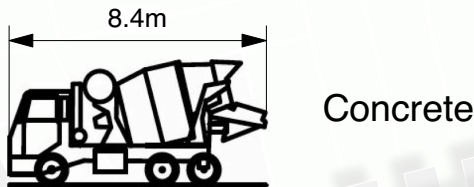
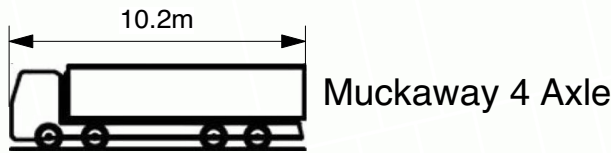
Vehicles will arrive and depart on this route between
the times of 8.00 - 18.00



Vehicle Movements Without Park Land Access

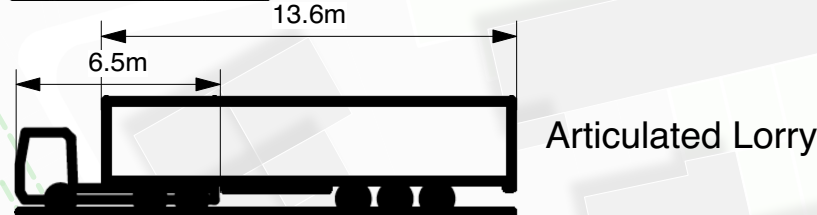
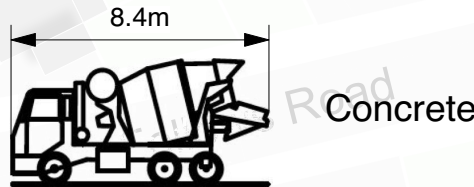
Movements in & out through Access 1
(Movements using this access will be reduced. To be confirmed once we engage with the supply chain).

Types of vehicles using these points during this period are:



Movements in and out through Access 3 (Pit Lane)

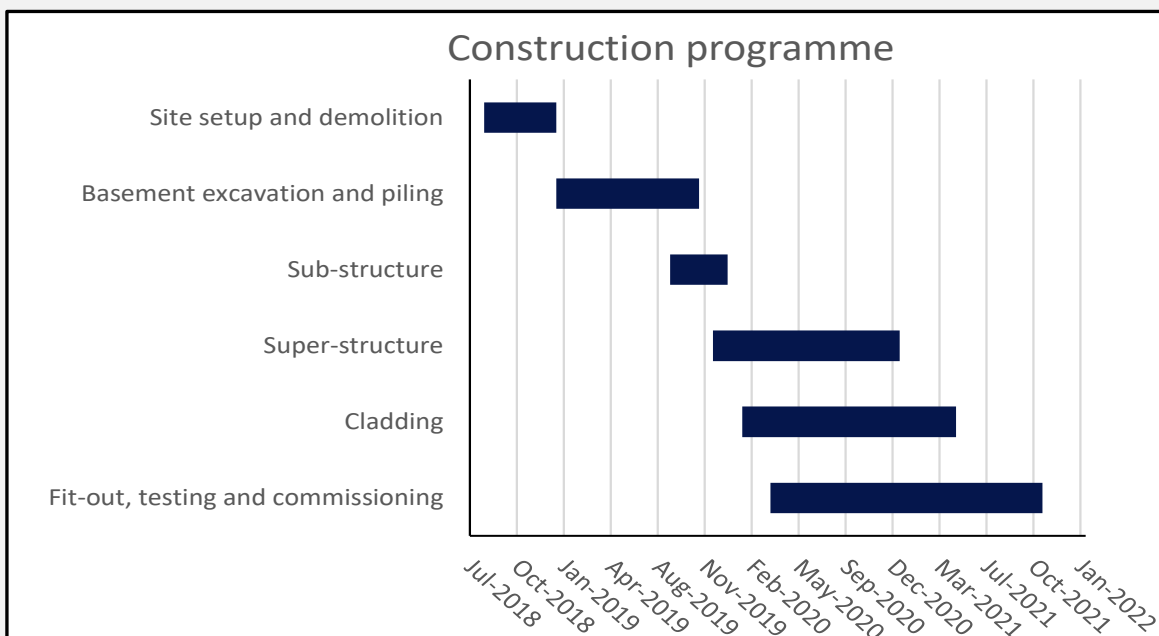
Types of vehicles using these points during this period are:





CONSTRUCTION PROGRAMME OVERVIEW

Construction stage	Start	End
Site setup and demolition	Aug-2018	Jan-2019
Basement excavation and piling	Jan-2019	Nov-2019
Sub-structure	Sep-2019	Jan-2020
Super-structure	Dec-2019	Jan-2021
Cladding	Feb-2020	May-2021
Fit-out, testing and commissioning	Apr-2020	Nov-2021



NO. OF VEHICLES IN PEAK PHASE (EX. OTHER PHASES)

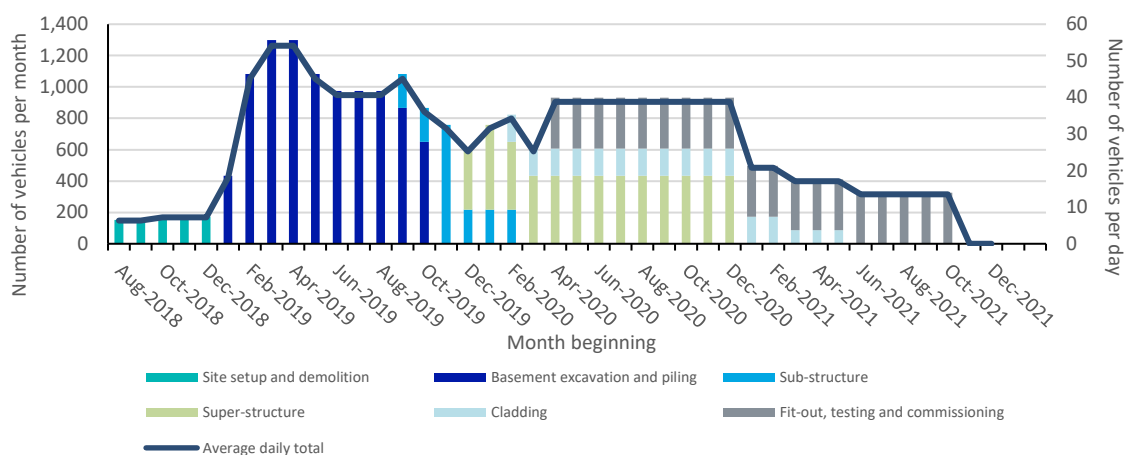
Construction Stage	Period of stage	No. of trips (monthly)	Peak no. of trips (daily)
Site setup and demolition	Q3 2018 - Q1 2019	173	7
Basement excavation and piling	Q1 2019 - Q4 2019	1,299	54
Sub-structure	Q3 2019 - Q1 2020	758	32
Super-structure	Q4 2019 - Q1 2021	541	23
Cladding	Q1 2020 - Q2 2021	173	7
Fit-out, testing and commissioning	Q2 2020 - Q4 2021	325	14
Peak period of construction	Q1 2019 - Q2 2019	1,299	54

NO. OF VEHICLES IN PEAK PHASE (INC. POSSIBLE OVERLAP OF SUBSEQUENT PHASES)

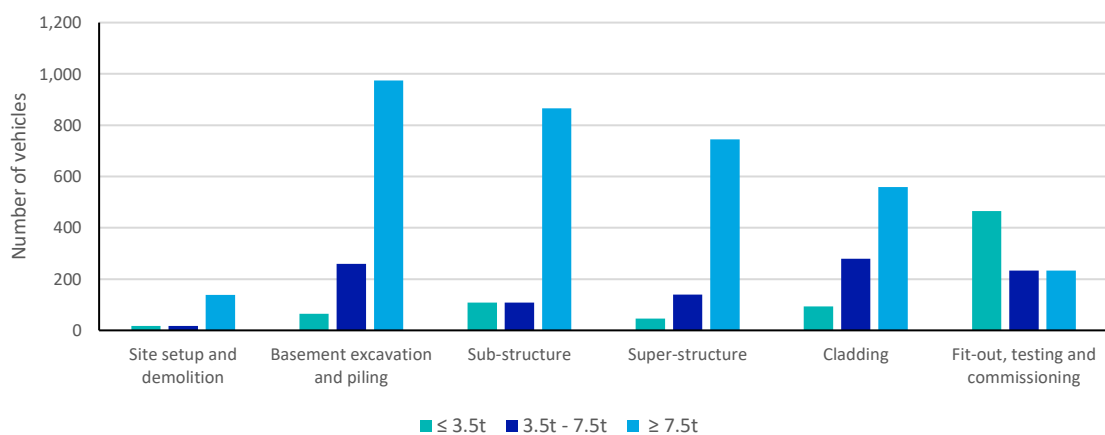
Construction Stage	Period of stage	No. of trips (monthly)	Peak no. of trips (daily)
Site setup and demolition	Q3 2018 - Q1 2019	173	7
Basement excavation and piling	Q1 2019 - Q4 2019	1,299	54
Sub-structure	Q3 2019 - Q1 2020	1,083	45
Super-structure	Q4 2019 - Q1 2021	931	39
Cladding	Q1 2020 - Q2 2021	931	39
Fit-out, testing and commissioning	Q2 2020 - Q4 2021	931	39



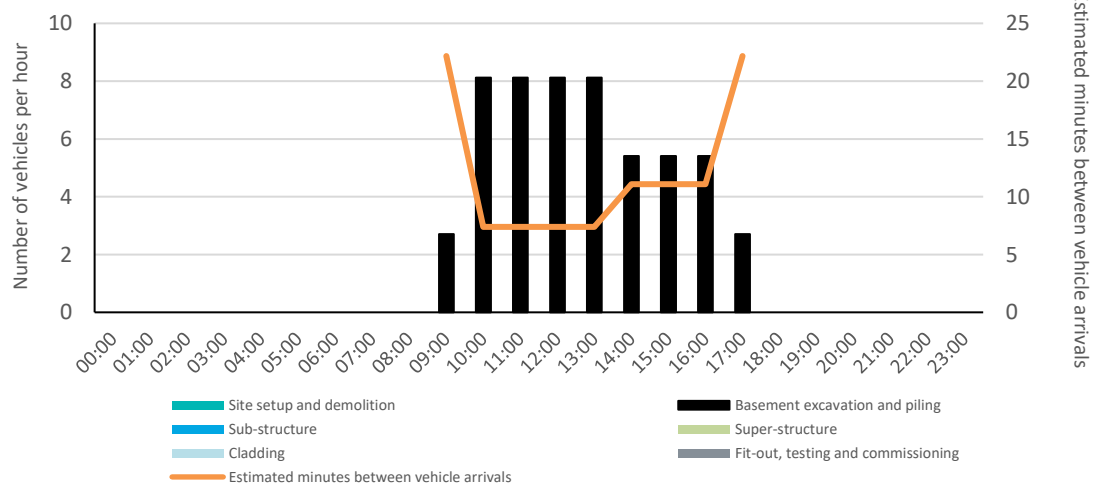
Total number of vehicles through construction programme



Number of vehicles by types during peak of phase



Number of vehicles in peak month (Mar-2019)



The following pages show the

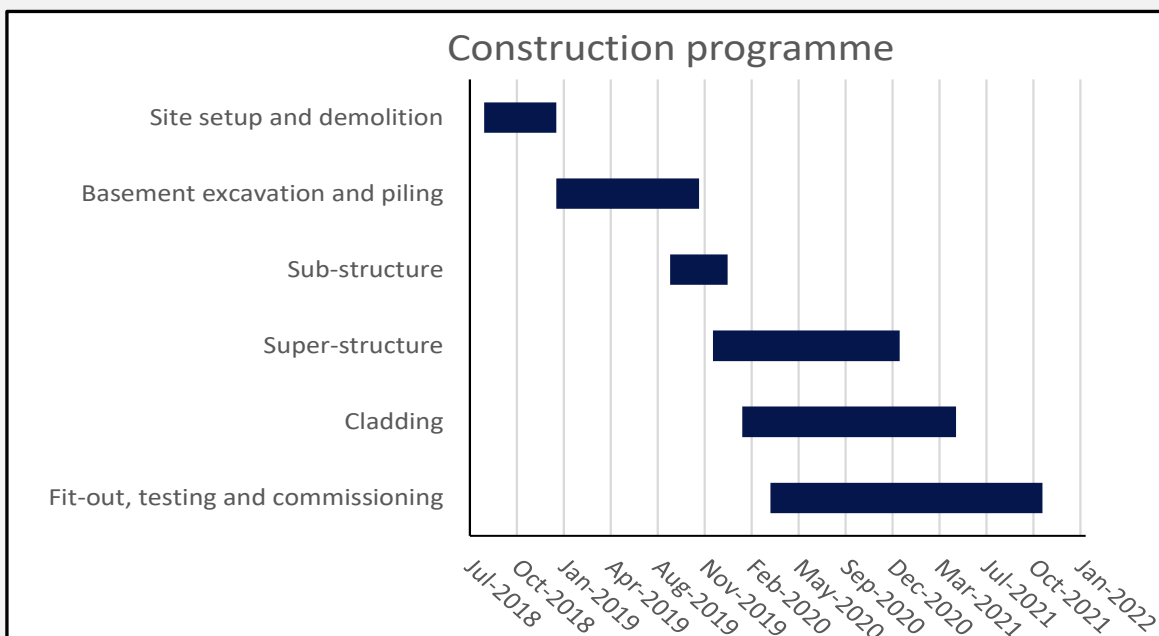
Vehicle Movements along Winchester Avenue only,

but are based on agreement with London Borough of Camden,
Camden Parks, Transport for London and any other interested party
to allow access over parks land and access off the A41.



CONSTRUCTION PROGRAMME OVERVIEW

Construction stage	Start	End
Site setup and demolition	Aug-2018	Jan-2019
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NO. OF VEHICLES IN PEAK PHASE (EX. OTHER PHASES)

Construction Stage	Period of stage	No. of trips (monthly)	Peak no. of trips (daily)
Site setup and demolition	Q3 2018 - Q1 2019	173	7
Basement excavation and piling	Q1 2019 - Q4 2019	173	7
Sub-structure	Q3 2019 - Q1 2020	173	7
Super-structure	Q4 2019 - Q1 2021	173	7
Cladding	Q1 2020 - Q2 2021	0	0
Fit-out, testing and commissioning	Q2 2020 - Q4 2021	0	0
Peak period of construction	Q4 2018 - Q4 2020	173	7

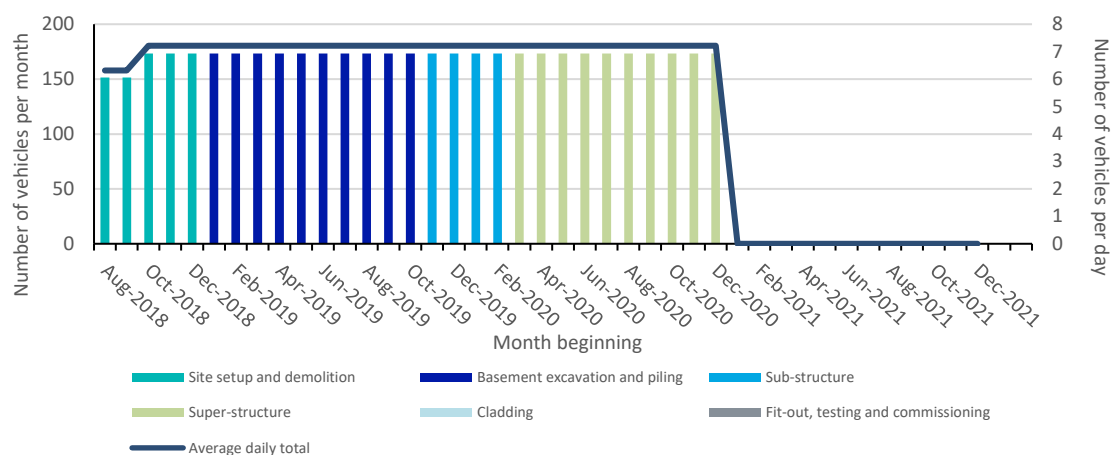
NO. OF VEHICLES IN PEAK PHASE (INC. POSSIBLE OVERLAP OF SUBSEQUENT PHASES)

Construction Stage	Period of stage	No. of trips (monthly)	Peak no. of trips (daily)
Site setup and demolition	Q3 2018 - Q1 2019	173	7
Basement excavation and piling	Q1 2019 - Q4 2019	173	7
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Super-structure	Q4 2019 - Q1 2021	173	7
Cladding	Q1 2020 - Q2 2021	173	7
Fit-out, testing and commissioning	Q2 2020 - Q4 2021	173	7

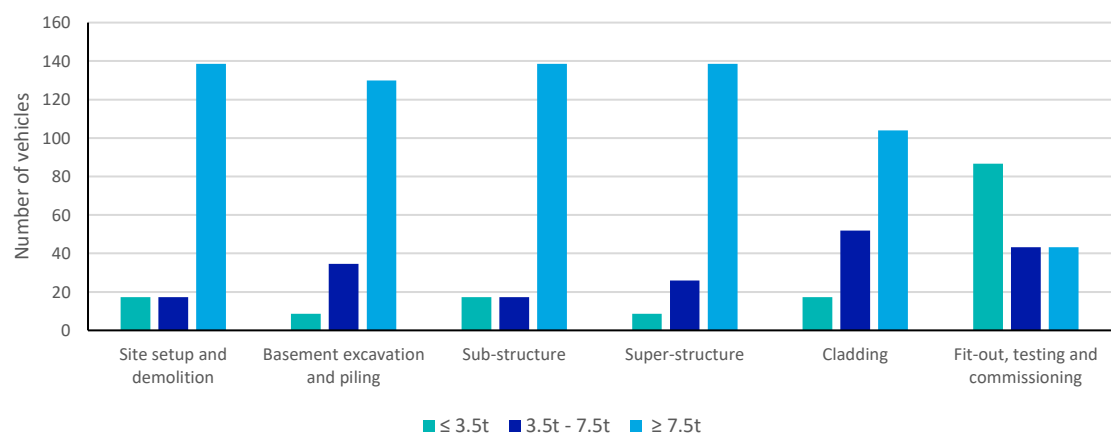
These pages show the
Vehicle Movements along Winchester Avenue only,
but are based on agreement with London Borough of Camden, Camden Parks, Transport for London and any
other interested party to allow access over parks land and access off the A41.



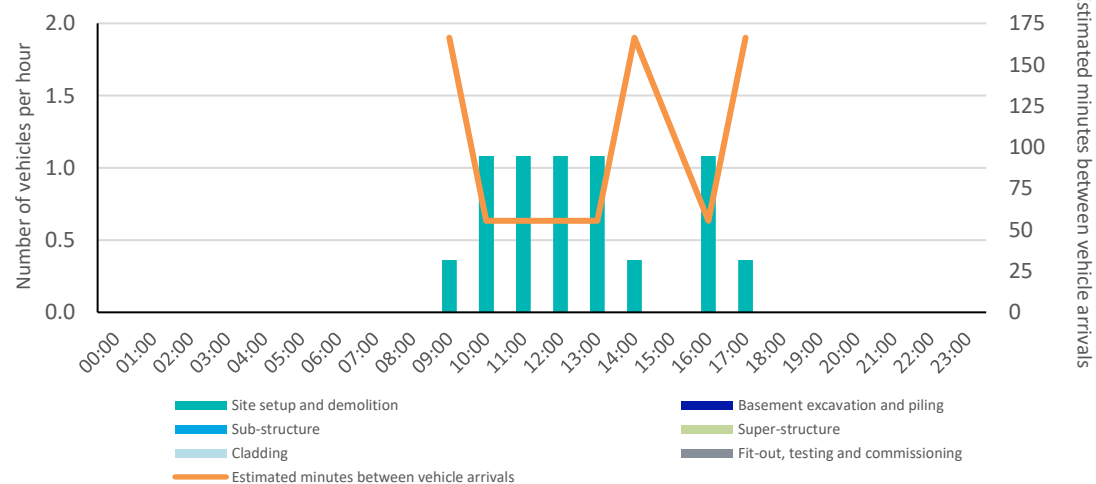
Total number of vehicles through construction programme



Number of vehicles by types during peak of phase



Number of vehicles in peak month (Oct-2018)



These pages show the
Vehicle Movements along Winchester Avenue only,
but are based on agreement with London Borough of Camden, Camden Parks, Transport for London and any
other interested party to allow access over parks land and access off the A41.

Appendix 3

reg.13

From: reg.13
Sent: 04 October 2017 12:26
To: reg.13
Subject: FW: 100 Avenue Road, Swiss Cottage

Hi mate,

Just so you have all the background info here's latest contact I mentioned with agent on the condition discharge.

Would it be reg.13 and team who would need to review report? Wasn't sure who best construction person was though as Jon Quilliam has now left.

Cheers reg.13

reg.13 | Safeguarding Planning Manager | HS2 Ltd

Tel: reg.13 | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

High Speed Two (HS2) Limited, 19th Floor, One Canada Square, Canary Wharf, London E14 5AB | www.hs2.gov.uk/hs2



From: reg.13
Sent: 03 October 2017 08:50
To: reg.13
Cc: reg.13 reg.13

Subject: 100 Avenue Road, Swiss Cottage

reg.13

We are close to completing the draft of the report for Planning Condition 17 of the Planning Approval which require us to provide:

(i) Detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any structures below ground level, including piling (temporary and permanent). These shall:

- Accommodate the proposed location of the HS2 structures and tunnels.
- Accommodate ground movement and associated effects arising from the construction thereof, and;
- Mitigate the effects of noise and vibration arising from the operation of the HS2 railway within the tunnels, ventilation shaft and associated below and above ground structures.

(ii) The design and construction method statements to be submitted under part (i) shall include arrangements to secure that, during any period when concurrent construction is taking place of both the development hereby permitted and of the HS2 structures and tunnels in or adjacent to the site of that development, the construction of the HS2 structures and tunnels is not impeded.

Before we submit we would like to issue this report to you and then meet to discuss it 1 week later.

Can you please confirm if you are available during the w/c 16th October?

Regards,

reg.13

Senior Technical Manager



Innovation In Construction

M: reg.13

155 Grays Inn Road | London | WC1X 8UE

www.inncuk.com

Click [here](#) to report this email as spam.

reg.13

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(ii) The design and construction method statements to be submitted under part (i) shall include arrangements to secure that, during any period when concurrent construction is taking place of both the development hereby permitted and of the HS2 structures and tunnels in or adjacent to the site of that development, the construction of the HS2 structures and tunnels is not impeded.

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Regards,

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Senior Technical Manager



Innovation In Construction

M: reg.13

155 Grays Inn Road | London | WC1X 8UE

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Appendix 4

[HS2] Conditions [HS2 email to Camden 08.04.2014]:

1. **None of the development hereby permitted shall be commenced** on those parts of the site shown on the site as shown as falling within the 'Limits of Land Subject to the Safeguarding Direction' **until detailed design** and construction method statements for all of the ground floor structures, foundations and basements and for any structures below ground level, including piling (temporary and permanent) have been submitted to and approved in writing by the Local Planning Authority which:

- (a) Accommodate the proposed location of the HS2 structures and tunnels.
- (b) Accommodate ground movement and associated effects arising from the construction thereof, and;
- (c) Mitigate the effects of noise and vibration arising from the operation of the HS2 railway within the tunnels, ventilation shaft and associated below & above ground structures.

2. The design and construction method statements to be submitted under Condition 1 shall include arrangements to secure that, during any period when concurrent construction is taking place of both the development hereby permitted and of the HS2 structures and tunnels in or adjacent to the site of that development, the construction of the HS2 structures and tunnels is not impeded. The development shall be carried out in all respects in accordance with the approved design and method statement, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs (a) to (c) of condition 1 shall be completed, in their entirety, before any part of the building(s) hereby permitted is/are occupied.

3. No works below ground level comprised within the development hereby permitted shall be carried out at any time when a tunnel boring machine used for the purposes of boring tunnels for the HS2 Ltd railway is within 100 metres of the land on which the development hereby permitted is situated.

[EL] Condition 17:

(i) **Works below ground level shall not start until detailed design** and construction method statements for all of the ground floor structures, foundations and basements and for any structures below ground level, including piling (temporary and permanent) have been submitted to and approved in writing by the Local Planning Authority. These shall:

- Accommodate the proposed location of the HS2 structures and tunnels.
- Accommodate ground movement and associated effects arising from the construction thereof, and;
- Mitigate the effects of noise and vibration arising from the operation of the HS2 railway within the tunnels, ventilation shaft and associated below and above ground structures.

(ii) The design and construction method statements to be submitted under part (i) shall include arrangements to secure that, during any period when concurrent construction is taking place of both the development hereby permitted and of the HS2 structures and tunnels in or adjacent to the site of that development, the construction of the HS2 structures and tunnels is not impeded. The development shall be carried out in all respects in accordance with the approved design and method statement and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in part (i) shall be completed, in their entirety, before any part of the building(s) hereby permitted is/are occupied.

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