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Our ref: U0011576

Your ref: 2023/1292/P

25 May 2023

Dear Sir

14 Blackburn Road: Objection to Planning Application Ref:2023/1292/P

We are writing on behalf of Landsec to strongly object to the above S.73 application relating to a proposed development at 14 Blackburn Road.

Our letter explains it is contrary to the development plan and key strategic planning objectives for the area.

In addition, we have concerns regarding the relationship between the S.73 application and the separate planning application for a roof extension (that has not yet been registered) and these are also set out below.

1. Conflict with the Development Plan

A S.73 application results in a new stand-alone planning permission and, especially given the lengthy period since the original permission was granted, should be considered in the context of all relevant planning policies that are pertinent to the site. The original planning permission dates from 2004 and there has been very significant policy change since this time. We refer to a number of the principal current policies where there is conflict in the table below.

| Policy | Conflict |
|---|--|
| London Plan Policy H4, Camden Local Plan Policy H4 on affordable housing provision and Policy 1 of Fortune Green & West Hampstead Neighbourhood Plan. | The Proposals provide no affordable housing which is contrary to policy. |
| London Plan Policy T6.2 Office Parking and Camden Local Plan Policy T2 Parking and car-free development | The provision of car parking as set out in the S.73 for both the residential and the commercial is contrary to Policy. |
| Camden Local Plan Policy H6 - Housing choice and mix | No wheelchair compliant units are provided in the S.73 contrary to Policy. |
| London Plan Policy G5 on Urban Greening. | It is not clear that the urban greening factor would be met for the S.73 site. The |

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|---|--|
| | documents indicate it would be for the roof extension application, but this comprises a much smaller site area, and it is unlikely that the UGF would be met across the whole S.73 site. |
| London Plan Policy S4 Play and informal recreation and Camden Policy A2 Open space. | The S.73 fails to provide open space and play space in accordance with policy with no mitigation provided. |
| Fortune Green & West Hampstead Neighbourhood Plan. O4 Policies B | The Neighbourhood Plan which forms part of the Statutory Development Plan states that new plans should be submitted for a scheme that is in accordance with the three over-arching planning documents (NPPF, London Plan and Camden's Local Development Plan) - as well as the policies in the Neighbourhood Plan. The approach in the S.73 runs contrary to this. |

On the basis of this wide range of policy conflicts, we strongly object to the application and consider it should be refused planning permission as it is contrary to the development plan.

We note that the Applicant references¹ that they support affordable workspace and will discuss affordable workspace provision with the council. We would expect that the provision of affordable workspace is secured within a legal agreement, should planning permission be granted.

In addition, there is the SPD for the site², which although not policy is a very pertinent material consideration. There is also some conflict here. While we acknowledge that the 2004 permission has been confirmed by the Council to be extant, it and the s73 application are not consistent with the vision and objectives of the SPG such as:

- Taking a comprehensive approach to the SPD area;
- Providing step free access and improvements to West Hampstead Station;
- The provision of a cohesive east to west link and front door from West Hampstead;
- Providing activation and animation of streetscape; and
- Providing a green, new community which is housing led.

All of these objectives have now been taken forward in the O2 Masterplan application where Camden have passed a resolution to grant planning permission subject to the Mayoral Stage II Referral and completion of a S106 agreement.

The Planning Statement in support of the S.73 makes no reference to the O2 Masterplan Site Application and our client has not been consulted on these proposals.

It is considered that both the SPD objectives and the Camden's resolution to grant planning permission for the O2 Masterplan scheme are material considerations in the determination of the S.73 application, and

¹ Planning Statement by DP9 dated March 2023 paragraph 5.7

² West End Lane to Finchley Road: Principles for a new place as a Supplementary Planning Document (2021)

weigh against the S.73 application as this will interfere with a comprehensively planned development that would deliver a significant range of planning of benefits including:

- 35% of all housing within the O2 Masterplan site will be affordable;
- The scheme will provide 1,800 new homes to help meet Camden's housing delivery targets;
- A comprehensive landscape-led masterplan that provides a significant quantum of greening and public open space, including 2 new public parks;
- 100 new trees and a 165% increase in biodiversity;
- A direct and attractive east to west pedestrian and cycle link running through the site connecting Finchley Road with West End Lane and the two major public transport nodes;
- A health facility, community centre and multi-use games area;
- 1,000 new job opportunities;
- A £10m contribution towards West Hampstead Station improvements including step free access; and
- Environmental improvements to Billy Fury Way and Granny Drippings Steps.

The SPG says that **"Adjacent landowners should work collaboratively and co-operatively on common objectives and regeneration outcomes and to ensure that individual schemes or phases of a comprehensive masterplan do not prejudice or undermine the delivery of other schemes, benefits and associated improvements beyond individual site boundaries"**. As mentioned above there has been no attempt to consult with Landsec on the S.73 application scheme, or on the yet unregistered application for the three-storey extension.

We also note that a CIL form has not been submitted by the Applicant for the S.73 and on this basis the application should not be valid as it is contrary to the CIL Regulations.

2. Step free access at WHS

Achieving step free access at West Hampstead Station is an important objective for both TfL and Camden, as set out in the SPG. The 2004 permission is not consistent with these objectives and the work that has been undertaken on behalf of TfL in this respect, and so the grant of the S.73 application would significantly reduce the prospects of step free access at the Station by removing land and potentially funding from the strategy for the station. While we acknowledge that the 2004 permission is extant, this is a material consideration for the S.73 application.

The significance of the 14 Blackburn Road site is referred to in the Committee Report for the O2 Masterplan application. This acknowledges that the O2 development presents a major opportunity to make significant change at West Hampstead Underground Station (para 19.69) and as such a £10m contribution is sought in the s106 agreement to largely fund step free access.

Paragraph 19.64 of the Committee Report discusses the cost of step free access at West Hampstead Station with TfL's latest estimate being £11.3m. It is acknowledged that without detailed design work it is difficult to have cost certainty but the report notes:

"For example, if it were possible to use the builder's merchant site to construct a construction compound/logistics TfL have advised that this could significantly reduce costs which is why it is critical that Plot S8 comes forward as part of this comprehensive development."

In addition, we note that the footprint of the proposed building is very close to the tracks. We are advised that this is much closer to the tracks than would normally be acceptable to TfL for operational and safety

reasons, and we trust that you will be consulting TfL on this matter as part of the consideration of the application.

3. The S.73 scheme design

The S.73 seeks a range of amendments to the original permission (ref: REF: PWX0202103) as follows:

- Glazing to cores amended;
- Amendments to street level façade;
- Windows increased in size;
- Façade glazing elements removed;
- Plant locations amended;
- Bike storage provided alongside showers
- Width to parking ramp amended;
- One no. parking space removed;
- Amendments to internal layouts;
- Floor to ceiling heights adjusted; and
- Roof level becomes office floor of new commercial floorspace above.

We understand from the planning statement that the S.73 is intended to be considered in tandem with a new, full, planning application for a roof extension that is yet to be registered.

The application documents are contradictory and confused. On the one hand the supporting Planning Statement states: **“The new application in this case is not, therefore, a “drop in” application.....”** and on the other the supporting Design and Access Statement says: **“As stated earlier in the DAS, the S.73 application and Drop-in application apply to the commercial part of the implemented scheme”**.

The Applicant explains in the planning statement that the S.73 and the full application are separate, yet it presents and deals with both applications as one.

Any new permission granted following a s.73 application should be for an amended scheme that can be carried out and completed and which has integrity as a development in its own right. It appears that, if approved, this s.73 application only serves to enable future additional development that is subject to a separate planning application and permission process, which cannot be assumed to be successful. We ask officers to consider the sequence of development and if this this could potentially leave the S.73 building as compromised, if the extension fails to come forward?

The submission documents are unclear in some areas on how the S.73 and the full planning application would relate to one another. For example, page 61 of the DAS shows the proposed 2nd floor plan (which would be constructed as part of the S.73 scheme) and then skips to the proposed third floor plan of the full application. It specifically excludes the roof plan for the S.73 in the sequence, although there is a submitted S.73 roof plan (21068-P-103). The submitted roof plan and Section AA (21068-P-201) includes plant and lift overruns which would be inconsistent with the roof extension design. In addition, the cores highlighted in orange, on the elevation at page 69 of the DAS, do not appear to match the cores for the full application and it is unclear how this would work in terms of implementation.

Given that one of the purposes of the S.73 application is to enable the provision of additional storeys on the building, there are no details on whether the foundations as approved are strong and deep enough to support

the additional three floors that are proposed or if the load bearing walls need strengthening. The S.73 application details and plans do not deal with this.

In conclusion, it is unclear from our review of the documents whether the S.73 would result in a scheme that is capable of standalone implementation in its own right. We kindly request that officers consider this issue.

We trust these comments will be given due consideration in the determination the application, and we request that the application is refused.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Gerald Eve LLP", with a stylized flourish at the end.

Gerald Eve LLP

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