

The O2 Masterplan Site, Finchley Road

Local Planning Authority: Camden

Local Planning Authority reference 2022/0528/P

Strategic planning application stage 2 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

A hybrid application for up to 1,800 homes and 16,241 sq.m. of non-residential floorspace in buildings of up to 16 storeys. A detailed application for demolition and construction of buildings of up to 14 storeys, containing 608 homes; 1,308 sq.m. of retail; 97 sq.m. of food and drink; 158 sq.m. of professional services; and a 268 sq.m. community centre, and public realm/access. An outline application (all matters reserved).

The applicant

The applicant is **Landsec Finchley Road Ltd** and the architect is **AHMM**.

Key dates

GLA pre-application meeting: 21 May and 7 September 2021

GLA stage 1 report: 11 April 2022

LPA Planning Committee decision: 30 March 2023

Strategic issues summary

Land use principles: The redevelopment of a highly accessible, under-utilised site, made up of large areas of surface-level retail car parking, between two town centres and within a growth area; for the delivery of new housing, town centre uses (with ongoing supermarket use), a health centre, and public open space, is strongly supported. Retention of existing structures has been considered, and demolition (some basement retention) is supported.

Affordable housing: 35% (by habitable room), split 61% Social/London Affordable Rent and 39% intermediate rent within the Detailed Phase (improved since Stage 1) and 35% (60% low-cost rent; 40% intermediate) in the Outline Phases is supported in accordance with the 'fast track' viability route.

Urban design and historic environment: Building heights are greater than the immediate context; however, the site is identified in the Local Plan as a growth area capable of delivering a significant amount of housing. The density and height proposed has been subject of much design scrutiny at pre-application stage, resulting in a reduction in scale and density. The site benefits from an unusually large separation (60-100 metres) to its surroundings due to railway lines; and it also sits within a shallow valley. The proposals relate to the wider townscape with lower height buildings to the east and west. The layout and density of the proposals is appropriate, making optimal use of this under-utilised site. At maximum parameters, less than substantial harm is identified to four conservation areas; however, this would be outweighed by considerable public benefits.

Transport: The removal of surface car parking, replaced with a car free development in a highly accessible location, is strongly supported. Significant financial contributions towards public transport, connectivity and public realm improvements are secured, including £10M towards West Hamstead station step-free access.

Climate change and environment: The energy strategy, whole life carbon, circular economy, green infrastructure, water, and air quality approaches are supported in accordance with the London Plan.

The Council's decision

In this instance Camden Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

Recommendation

That Camden Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.

Context

1. On 2 March 2022, the Mayor of London received documents from Camden Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:

- *1A “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”*
- *1B “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings (c) outside Central London and with a total floorspace of more than 15,000 square metres.”*
- *1C “Development which comprises or includes the erection of a building of one or more of the following descriptions (c) the building is more than 30 metres high and is outside the City of London.”*

2. On 11 April 2022, the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report [GLA/2022/0181/S1](#)¹ and subsequently advised Camden Council that the application did not yet comply with the London Plan for the reasons set out below:

- **Land use principles:** The comprehensive redevelopment of a highly accessible, under-utilised site, made up of large areas of surface-level retail car parking, between two town centres and within a growth area, for the delivery of new housing and town centre uses, is strongly supported; subject to further consideration of the scale, type, and location of town centre uses. The demolition of the existing O2 Centre has been assessed against Circular Economy principles and parts of the existing substructure could be retained, which is welcomed.
- **Affordable housing:** 35% (by habitable room), split 60% London Affordable Rent and 40% intermediate rent within both the Detailed and Outline Phases. The applicant should confirm the affordability of the tenures proposed, and an element of London Living Rent should be considered. Subject to this, meeting all other policy requirements, and investigating grant funding; the proposals may be eligible to follow the fast track viability route.
- **Urban design and historic environment:** The site is not identified as appropriate for tall buildings and there are concerns that the scale and massing of Outline Phase 3 results in some areas of non-compliance with London Plan Policy D9(C), including ‘less than substantial’ harm to the significance of heritage assets. The applicant should provide clarification on the height strategy in response to site’s topography, consider means to reduce the level of harm to heritage assets and townscape, and better respond to Policy D9. The proportion of single aspect homes for the Detailed Phase should be reduced and family-sized removed, and separation distances between homes increased. Parameter Plan and Design Code changes are required. A revised Fire Statement is required.

¹ <https://planapps.london.gov.uk/planningapps/2022-0528-P>

- **Transport:** The move to a car free development in this highly accessible location is strongly supported; however, the potential to facilitate active travel, mode shift, and improved legibility is not yet realised. Improving the accessibility and capacity of public transport, in the context of displaced car trips, increased density, and range of land uses is a priority. The safeguarding of areas of land for the improvement of adjacent stations is required and discussions are ongoing concerning step free access. Improved bus access and infrastructure must be secured.
 - **Climate change and environment:** Further information is required on energy, whole life carbon, circular economy, green infrastructure, water, and air quality.
3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.
 4. On 30 March 2023, Camden Council decided that it was minded to grant permission for the application subject to planning conditions and conclusion of a Section 106 agreement, and on 28 November 2023 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged; direct Camden Council under Article 6 to refuse the application; or issue a direction to Camden Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 11 December 2023 to notify the Council of his decision and to issue any direction.
 5. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.
 6. The decision on this case, and the reasons, will be made available at [GLA/2022/0297/S2](https://www.gla.gov.uk/planningapps/2022-0297/S2)²

Consultation

7. Camden Council publicised the application by sending notifications to local addresses and issuing site and press notices in February 2022 and October 2022. The relevant statutory bodies were also consulted. The Council received 1,050 representations objecting to the proposals and 266 representations in support. Two petitions of objection were received containing 662 and 72 signatures.
8. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.

Responses to neighbourhood consultation

9. The reasons for objection are collectively summarised below:
 - Loss of shopping and local amenities.
 - Loss of employment.
 - Inappropriate land use mix, housing dominated.
 - Loss of O2 as a covered warm place for young people to congregate.

² <https://planapps.london.gov.uk/planningapps/2022-0528-P>

- Loss of car parking with impact on town centre businesses.
- Large influx of people and insufficient social infrastructure provided too late.
- Loss of business and community space.
- Lack of low-cost business units/studios.
- Lack of public toilets.
- Demand on sewage/water pipes, additional strain on water supply.
- Insufficient affordable housing.
- Proposal will lead to empty second homes and investment properties.
- Excessive density.
- Tower block typology incongruent.
- Proportion of three-bed flats is very small.
- Site in-between two railway lines inappropriate for residential.
- Overdevelopment of the site.
- Site not identified for tall buildings, which are too tall and not in keeping with the area, not human in scale.
- Height not in keeping with five surrounding conservation areas.
- Architecture does not reflect the local vernacular of low-rise Victorian tree lined streets.
- Poor quality of design.
- Loss of O2, which is relatively new and attractive.
- Poor place-making and feeling of isolation reinforced by the height, design and layout of buildings.
- Loss of daylight and loss of sunlight to existing homes.
- Overshadowing generally and specifically to properties on Rosemont Road and Lithos Road.
- Noise, dirt and disruption from building works.
- Loss of views.
- Renters less likely to keep the area clean.
- Pollution, impact on health of locals, asthma.
- Spaces between blocks could be dark wind tunnels, especially during winter.
- Reduced air flow and sunshine.
- Not sufficient concern for need for green spaces and the environment.
- Most of the open space is not green space.
- 110 individual trees with 9 different species will be lost, reducing wildlife and biodiversity.
- Embodied carbon release from demolition of O2 building not built long ago.
- Carbon impact of people needing to drive further for supermarkets.
- Fails to address climate change, such as heat pumps and electric charging.
- Air pollution.
- Lack of Sustainable Drainage Systems in place.
- West Hampstead prone to flooding.
- Fire risk with single staircases and evacuation of 6,000 residents.
- Traffic congestion.
- Insufficient road, paths, buses and tube capacity.
- Finchley Road and West Hampstead are already over-capacity.
- Loss of 187 and 268 bus terminus.
- Network Rail concerns over the proposals impact on the operational safety of the adjacent railway infrastructure.
- Increased traffic and car crash incidents and injuries.

- People may not feel safe walking through the site.
- More difficult for police to control crime and burglaries.
- Link between tower blocks and criminality.
- Missed opportunity to redevelop Lithos Road and Billy Fury Way, bridges over the railway would improve safety.
- Inadequate public consultation.
- Consultation process was misleading showing nine-storey buildings.

10. The reasons for support are collectively summarised below:

- Will deliver major public benefits.
- Provision of new housing, including affordable housing.
- Site within a Town Centre and Growth Area and has excellent transport links.
- Economic growth, regeneration, and employment benefits.
- Delivery of a new east-west link and public realm.
- Taller buildings positioned to north of site where less sensitive.
- Town Centre and community uses will be beneficial, healthcare facility.
- Good design.

Responses from statutory bodies and other organisations

11. Historic England: No objection in principle; however, raised concerns due to 'less than substantial' harm to surrounding conservation areas arising from change in height and scale.

12. Camden and Islington Public Health: No objection.

13. Health and Safety Executive: No objection following amendments to add second stairways.

14. Thames Water: No objection, subject to conditions and informatives relating to piling near a strategic sewer; surface water network upgrading; measures to minimise groundwater discharges into the public sewer; and water supply infrastructure upgrades.

15. London Wildlife Trust: Supported the proposals.

16. Metropolitan Police (Design Out Crime): Concerns around excessive permeability; poor overlooking; night-time economy use; open undercrofts and insecure underground car parks; and unclear division between public realm and private space.

17. Natural England: No objection.

18. London Borough of Barnet: No objection.

19. London Borough of Brent: No objection.

20. London Borough of Islington: No objection.

21. City of Westminster: Did not wish to comment.

22. Belsize Conservation Area Conservation Area Advisory Committee: Objection on grounds that the proposals do not respond to the historic context; inappropriate height;

carbon emissions and pollution; impact on social infrastructure; loss of retail; loss of car parking; railway noise impacts on residents; 'low cost rent' at 80% of market value is not affordable; and over-concentration of affordable rent homes.

23. Hampstead Conservation Area Advisory Committee: Objection on grounds of loss of O2 Centre; insufficient affordable housing; overdevelopment; fire safety concerns; tall building microclimatic issues; inadequate green space; greenhouse gas emissions.

24. CRASH (Combined Residents' Associations of South Hampstead): Objection on grounds of height and design of towers, and sustainability of demolition of a nearly-new building.

25. Netherhall Neighbourhood Association: Objection on grounds of loss of O2; lack of car parking; impact on existing public transport infrastructure; and capacity of pavement between Finchley Road Underground Station and O2 Centre.

26. Redington Frogna Association and Redington Frogna Neighbourhood Forum: Objection on grounds of loss of shopping and leisure facilities inappropriate to the context, history and character of the area; substantial harm to conservation areas; excessive density; tower blocks do not create well-designed and beautiful places; overshadowing, loss of daylight and sunlight to neighbouring properties; loss of 56 Category C trees; inadequate open space and Urban Greening Factor; and increase in risk of surface water flooding.

27. St. John's Wood Society: Objection on ground of loss of O2 Centre; unacceptable scale, massing and urban design; CO2 emissions; and lack of green space.

28. West Hampstead Gardens and Residents Association: Objection on grounds of lack of three-bedroom homes; prevalence of single-aspect homes; insufficient affordable housing; excessive density; design poorly detailed, repetitive, and lacks relationship to the local area; insufficient drainage and water supply; and energy performance.

29. West Hampstead Neighbourhood Forum: Objection on behalf of a confederation of local groups (no specific issues raised).

30. West Hampstead Amenity and Transport: Objection on grounds of concerns with the viability assessment.

31. Fortune Green and West Hampstead Neighbourhood Development Forum (on behalf of a confederation of local groups): Objection on grounds of inadequate consultation; insufficient retail use; loss of existing O2 Centre; insufficient social infrastructure; insufficient public transport infrastructure; overdevelopment; out of scale with surroundings; excessive density; poor architecture; substantial harm to heritage; harm to strategic views; high proportion of single aspect homes; insufficient affordable housing; inappropriate mix of homes; overshadowing/daylight/sunlight impacts; insufficient recreational green space of poor quality; loss of trees; greenhouse gas emissions; and potential flood risk.

32. South Hampstead Flood Action Group: Objection on grounds of increased flooding potential and inadequate drainage strategy.

Responses from political representatives

33. Councillor Sharon Hardwick: Objection on grounds that affordable housing should be 50%, with 60% at low-cost rent; height in a predominantly low-rise area; restricted layout of public green areas and open space; step-free access at West Hampstead should be provided; and proposals should be energy efficient and not contribute towards climate change.

34. Councillor Shiva Tiwari: Objection on grounds of less than 35% affordable homes in each phase and at least 60% should be low-cost rent; concern that occupants will be wealthy new residents and speculative investors; pressure on local services; excessive density and height; noise and light impacts; restricted layout of public green space; should be a commitment to provide £10M of funding for step-free access at West Hampstead.

35. Councillor Chung: Objection on grounds of impact on stations; servicing arrangements; Blue Badge parking; inadequate affordable housing; too many small homes; excessive height; overlooking; inappropriate materials; inadequate open space; greenhouse gas emissions; flooding risk; loss of existing O2 Centre; loss of supermarket; loss of commercial space; late phasing delivery of community benefits; and construction noise and traffic.

36. Councillors Judy Dixey, Matthew Kirk, Nancy Jirra, and West Hamstead Liberal Democrats: Objection on grounds of lack of affordable housing; uncertainty of details for West Hampstead station improvements; lack of public open space; inappropriate tenures; excessive height and density; impact on conservation areas; carbon impacts; flood risk; timing of delivery of community facilities; and construction impacts.

37. Former Councillor Lorna Russell: Objection on grounds of height and density of the towers; loss of existing retail and leisure facilities; lack of open space; and pressure on local transport network.

38. Tulip Siddiq, Member of Parliament for Hampstead and Kilburn: Passed on constituents' concerns about the building heights; overshadowing and impacts on residents' rights to light; impact on conservation areas characterised by low-rise, red brick terrace mansion blocks; impact on local services; lack of green space open to the wider community; loss of Sainsbury's; loss of car park allowing elderly and those with children to shop; concerns that the majority of the new properties will be bought by wealthy, overseas investors; lack of affordability for local residents; and loss of leisure and retail amenities.

39. Anne Clarke, London Assembly Member for Barnet and Camden: Objection on grounds of height and density unacceptable to many residents; construction would need careful management to avoid disruption, dust, noise and traffic; clarity required on where £10M public transport contribution will be spent; retrofitting the O2 Centre would be environmentally preferable; community benefits must be clear; and funding should be ringfenced to improve Billy Fury Way and Granny Dripping steps. However, recognised positives, including the large increase in greenspace; improved east-west connection; and the health centre.

40. West (Fortune Green and West Hampstead) Branch of the Hampstead and Kilburn Labour Party: Objection on grounds of uncertainty over timing of community

benefits; inadequate social infrastructure; uncertainty over timing of delivery of later phases; excessive height; out of character with surroundings; single aspect units; deficient in green space provision; public transport concerns;

Responses from landowners

41. Chamoss International Ltd (owners of car showroom site): Objection on grounds of loss of existing employment uses, successful businesses, training and employment opportunities, and retail floorspace, with impact on Town Centre; over-provision of housing; over-development; height substantially greater than the local context; harm to conservation areas; impact on living standards of existing residents; lack of open space; insufficient Urban Greening Factor; climate change and environmental impacts of demolition; and highways/safety.

42. Hampstead Asset Management Ltd and Builder Depot Ltd (owners of 14 Blackburn Road): Objection on grounds that proposals pay little regard to existing use and extant permission for 14 Blackburn Road; loss of builders' depot; insufficient consultation with landowner; loss of employment; loss of retail use; omission of 13 Blackburn Road; and inconsistencies in parameter plans and design codes.

Representations to the Mayor

43. The Mayor has received 55 objections to the proposals on grounds collectively summarised as follows:

- Excessive height.
- Overdevelopment.
- Loss of light, overlooking, and loss of views of neighbours.
- Height inappropriate to context.
- Disturbance and pollution during construction.
- Loss of existing amenities within O2 Centre.
- Insufficient social and public transport infrastructure.
- Insufficient green space.
- Lack of car parking.
- Vehicular congestion.
- Carbon impacts of demolition.
- Harm to surrounding conservation areas.
- Inadequate consultation.
- Not in conformity with Neighbourhood Plan or National Model Design Code.
- Length of time to deliver.
- Housing for transient renters.

44. The Mayor has received 3 representations in support of the application, on grounds of additional housing and affordable housing; West Hampstead step-free access; and improved cycling routes.

45. The Mayor has received responses from the following groups:

46. West Hampstead Gardens & Residents Association: Requested the Mayor to take account of a report commissioned by a confederation of local groups. The report identifies a lack of mix of uses; overbearing height, mass and form that would be alien to its context and of extreme density; poor architecture; excessive single aspect homes

and negative sunlight and shadowing impacts; inadequate green space and urban greening; substantial harm to heritage assets; harm to the LVMF view of St. Paul's from Greenwich Park; insufficient affordable housing and of insufficient affordability; inappropriate mix of home sizes; damage to the town centre and release of embodied carbon due to demolition of the O2 Centre; and failure to provide adequate social infrastructure in Phase 1.

47. Redington Froggnal Neighbourhood Forum: Requested the Mayor to refuse the application due to failure to comply with both the Characterisation and Growth Strategy LPG and Optimising Site Capacity – A Design-Led Approach LPG; harm to surrounding conservation areas; the residential block type for the site has not been defined; the site capacity has not been tested in the way advised; the performance of the proposed tower blocks has not been tested against key Housing Design Standards; and the need to involve neighbourhood groups in the devising design codes.

48. Climate Emergency Camden: The scheme should not be approved until it is demonstrated that it is fully compliant with planning policy requirements in respect of greenhouse gas emissions and biodiversity; the scheme should be reduced in scale; and the O2 Centre should not be demolished.

49. Fortune Green and West Hampstead Neighbourhood Development Forum: The Development Forum also requested the Mayor to refuse the application on grounds of conflict with national planning policy and the London Plan; significant effects beyond the immediate locality; and significant architecture and urban design issues.

50. Netherhall Neighbourhood Association: Requested the Mayor to refuse the application or take over determination on grounds of non-compliance with the London Plan, London Plan Guidance, and National Model Design Code; it maximises rather than optimises site capacity; no meaningful community engagement; not a contextual design; and the mass and height of the tower blocks are wholly inappropriate, particularly in relation to conservation areas.

51. The Mayor received responses from the following political representatives.

52. Sian Berry, London-wide London Assembly Member: Requested the Mayor to refuse the application on grounds of excessive height and inappropriate design; embodied carbon due to demolition of the existing O2 building; inadequate contribution of £10M to London Underground station improvements; insufficient open and play space; and 35% affordable housing, split 60% London Affordable Rent and 40% intermediate rent is insufficient.

53. Caroline Pidgeon, London-wide London Assembly Member: Requested the Mayor to take account of the report commissioned by a confederation of local groups. Also noted the congested design, high-rise towers, inadequate affordable or family housing, and compromised greenspace.

Response to public consultation - conclusion

54. Having considered the local responses to public consultation, Camden Council has sought to secure various planning obligations, conditions and informatives in response to the issues raised. GLA officers have had regard to the above statutory and non-statutory responses to the public consultation process, and those representations

made directly to the Mayor, where these raise material planning issues of strategic importance.

Update

55. Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of the Council's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below, having regard to responses to the public consultation and representations made to the Mayor.

56. The applicant also submitted amendments to the application in September 2022 in response to consultee comments on fire safety, environment, waste, and design. Further amendments were submitted in December 2022, including Wind, Daylight, Sunlight, and Overshadowing Assessment; Townscape, Heritage Visual Impact Assessment; and minor amendments and clarification. In February 2023, further amendments were submitted including the addition of second stairways and associated design changes.

Relevant policies and guidance

57. Since consultation stage, the following are now material considerations:

- Affordable Housing draft SPG; Development Viability draft LPG; Sustainable Transport, Walking and Cycling LPG; Air Quality Neutral LPG; Air Quality Positive LPG; Urban Greening Factor LPG.

Land use principles

58. At consultation stage, the comprehensive redevelopment of a highly accessible, under-utilised site, made up of large areas of surface-level retail car parking, between two town centres and within a growth area, for the delivery of new housing and town centre uses, was strongly supported; subject to further consideration of the scale, type, and location of town centre uses.

59. Detailed Phase 1 is within the western extension of the town centre where the existing Homebase and car park are located. At consultation stage, it was recognised that there would be a significant reduction in town centre uses on this part of the site, which is intended to have a more residential focus, with the space providing supporting services for the homes proposed. On the basis that the Homebase is the reason for this western extension of the town centre boundary, and recognising the aim to enhance the vitality and viability of the town centre closer to Finchley Road, the uses proposed and reduced floorspace were supported; however, it was suggested that non-residential uses within the Detailed Phase 1 should be reduced further. The applicant states that these uses contribute to the aim to maintain or increase jobs on the site, as part of a mixed use strategy; however, a further reduction of c.20% compared to that previously proposed has come about through the submitted amendments, which is supported.

60. The Outline Phase 3 proposals are where the existing O2 Centre and approximately half of the car park are located. At consultation stage, at maximum parameters, the proposals were identified as a reduction of c.54% of non-residential

floorspace compared to the existing O2 Centre. The design limitations of the existing O2 Centre, and its over-dependence on car parking were recognised, as were the high levels of vacancy. Considering the low commercial growth potential of the Swiss Cottage/Finchley Road town centre identified in the London Plan; the welcome move away from car dependency; the introduction of a more diverse range of town centre uses, including night-time uses, office/workspace, and affordable space; a potential uplift in jobs; and a greater range of unit sizes; a reduction retail floorspace was supported. However, noting the scale of reduction in town centre floorspace, the applicant was requested to consider if further non-residential uses could be incorporated at first floor and basement level, including night-time uses. It was also recommended that any permission secures minimum levels of town centre uses in Outline Phase 3, in addition to cinema use.

61. The applicant notes that the current floorspace is heavily weighted towards large scale leisure and retail use, which accounts for most of the proposed reduction in town centre uses; that basement use is allowed for in the Plots fronting Finchley Road; and that the proposals include a more diverse offer, including independent retail, food and drink, workspace, affordable and maker space, and community use. The Development Specification Document has also been amended to allow for affordable retail to be provided as well as affordable workspace, also secured within the section 106 agreement. The minimum size of the cinema has also been secured in the section 106 legal agreement. The section 106 agreement also secures that the proposed health facility with a minimum floorspace of 1,000 sq.m. would be fitted-out to shell and core at cost to the developer, to a specification to be approved by the Council. A 25 year lease is also secured at a rent equivalent to 40% market discount on a healthcare use and the first 24 months would be offered rent-free. A cascade mechanism allows the NHS to take the whole facility, or only part, or a payment in lieu if released for other related uses. The proposed community space is also secured by section 106 legal agreement.

62. It is also noted that for all phases, the Council has removed permitted development rights for uses approved within Class E by condition, to ensure that the variety of land uses proposed comes forward.

63. Many objections were received about the loss of the existing supermarket; however, a supermarket would be re-provided in Phase 3, and a temporary supermarket would be provided in Phase 1, so supermarket provision on the site would be continuous, secured by section 106 obligation. The proposed supermarket would be much smaller than the existing, since it would be catering for local needs rather than car-borne shopping. A minimum of 2,500 sq.m. of supermarket/food store use is secured in the section 106 agreement.

64. The provision and maintenance of public toilets and drinking water fountains is also secured by section 106 agreement.

65. Considering the above provisions, the uses proposed, including the reduction in town centre uses, is supported in accordance with London Plan Policies H1, S1, SD6, SD7, SD8, SD9, HC6, D8, E1, E2, and E3.

66. At consultation stage, the minimum provision of 1.65 hectares of new parks, squares and play space was welcomed in accordance with London Plan Policy G4; however, it was noted that Local Plan Policy A2 requires 3.35 hectares in total. The Committee Report confirms that the proposed public open space is short of the policy

requirement, but is substantial and of excellent quality, subject to conditions that have been applied. The space would also be maintained by the applicant, also secured by condition. In response to Local Plan requirements, £3,506,450 has been secured towards public realm and green infrastructure projects adjacent to the site and £1,066,716 towards improving existing public open space.

Housing

67. The homes sizes and tenures for Detailed Phase 1 are secured within the section 106 agreement as follows.

	London Affordable Rent/Social rent	Intermediate rent	Market	Total
Studio	0	0	71	71
One bed	14	37	145	196
Two bed	39	36	184	259
Three bed	54 (50%)	12	16	82
Total	107	85	416	608
35% (habitable room) 61% London Affordable Rent/social rent; 39% intermediate rent				

68. For the Outline Phases, an illustrative housing mix is provided as below, and the section 106 agreement secures a minimum of 35% by habitable room, split 60% low-cost rent (London Affordable Rent or social rent), 40% intermediate rent:

	Low-cost rent	Intermediate rent	Market	Total
Studio	0	8	143	155
One bed	51	52	250	353
Two bed	63	79	380	518
Three bed	97 (46%)	28 (17%)	37 (4%)	162
Total	211	167	810	1,188
35% (habitable room) 60% low-cost rent; 40% intermediate				

69. London Plan Policy H5 states that the threshold level of affordable housing is a minimum of 35%. Schemes are able to follow the 'fast track' viability route and are not required to submit viability information nor be subject to a late stage viability review if they meet or exceed the relevant threshold level of affordable housing on site without public subsidy; are consistent with the relevant tenure split; meet other relevant policy requirements and obligations to the satisfaction of the Council and the Mayor; and

demonstrate that they have taken account of the strategic 50% target and have sought grant to increase the level of affordable housing.

70. As the Local Plan has an affordable housing target of 50%, a viability assessment was submitted to the Council, and subsequently agreed. The threshold level of affordable housing is secured within the section 106 agreement, with the required tenure split, which is secured irrespective of grant funding. The Council has agreed that a late stage review is therefore not required; however, an early stage review has been secured. A Housing Delivery Plan is secured, which secures the ongoing delivery of affordable housing through reserved matters applications.

71. The affordability of intermediate rent units is secured in accordance with the Mayor's qualifying income levels, as set out in the Mayor's Affordable Housing and Viability SPG, and the London Plan Annual Monitoring Report, including a range of income thresholds. The applicant has considered London Living Rent; however, it states that it would not be possible to maintain the proposed level of affordable housing if London Living Rent was introduced, although the intermediate rents are secured at levels very closely aligned with London Living Rents.

72. The affordable homes provided are supported in accordance with London Plan Policies H4, H5, and H6.

73. The Council has confirmed that the size mix of homes for Phase 1 is acceptable, with the option to negotiate the mix for outline phases according to need at that time. This is supported in accordance with London Plan Policy H10.

Historic environment and strategic views

74. London Plan Policy HC1 states that development proposals affecting heritage assets and their settings should conserve their significance and avoid harm. London Plan Policy D9 states that tall buildings should avoid harm to heritage assets, or demonstrate clear public benefits that outweigh any harm.

75. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. Regarding listed buildings, all planning decisions should "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*".

76. The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Where a development will lead to 'less than substantial' harm, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. If it is judged that harm to designated heritage assets would arise from the proposed development, considerable importance and weight must be attributed to that harm. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

77. At consultation stage, GLA officers identified that some 'less than substantial' harm could potentially be caused to the significance of the South Hampstead

Conservation Area and the Fitzjohns/Netherhall Conservation Area, through the impact on setting of Outline Phase 3. It should be noted that the assessment is based on maximum parameters, and is therefore a worst-case scenario. At consultation stage, it was suggested that this would be partially due to the rising topography to the east, and could therefore be reduced or removed by adjusting the height strategy. It is noted that in response to the Council's consultation, Historic England also identified less than substantial harm to conservation areas.

78. The applicant provided further images and analysis in response. Parameter Plans have not been amended; however, the Design Code has been amended to require a variation in block heights, which would be likely to reduce the harm arising from the outline phases, to be assessed at reserved matters stage. The massing of the proposals also steps down to the nearest conservation areas to the south and the east.

79. The Committee Report identifies what the significance of each heritage asset derives from (primarily Victorian and Edwardian suburban architecture), and concludes that less than substantial harm potentially arising from impacts on the setting of four Conservation Areas, comprising South Hampstead, Fitzjohns/Netherhall, West End Green, and Redington Frogna. At maximum parameters, the scale of the harm was indicated as low to middle on the scale of less than substantial. No harm was identified to listed buildings. GLA officers agree with Council's identification of significance and conclusions on harm.

80. The harm caused to heritage assets means that the proposals are not in accordance with London Plan Policies HC1. Considerable weight and importance must be given to the harm identified. The NPPF requires the harm to designated heritage assets to be weighed against the public benefits of the proposals. These can now be confirmed as up to 1,800 new homes, including 35% affordable; the creation of new jobs through the construction and occupation phase; the provision of new public open space and improved public realm on Finchley Road, Billy Fury Way and Granny Dripping Steps; new town centre uses; and new health care facilities. Connectivity and transport improvements would also be delivered. GLA officers consider that the less than substantial harm caused to the significance of conservation areas would be clearly and convincingly outweighed by the public benefits of the development. In considering historic environment effects, GLA officers have taken account of the statutory duty contained in the Planning (Listed Buildings and Conservation Areas) Act 1990.

81. As stated at consultation stage, in terms of impact on London View Management Framework viewpoint 5A.2, the proposals would preserve the viewer's ability to recognise and to appreciate the Strategically-Important Landmark (St. Paul's Cathedral), would not cause a canyon effect around the Landmark Viewing Corridor, and would not harm the composition of the Protected Vista. The Council's Committee Report agrees with this. The proposals are in accordance with London Plan Policies HC3 and HC4.

Urban design

Density, tall buildings, height, and massing

82. At consultation stage, the density of the proposals was noted as 316 units per hectare, below the 350 units per hectare threshold stated in London Plan Policy D4; however, requiring a greater level of design scrutiny due to the tall buildings proposed.

The site is partly within a town centre and otherwise between two town centres; in an area with recently completed high density development including tall buildings; and is well connected by public transport. The scheme has been subject to considerable design scrutiny at pre-application stage, including with Council officers since 2019; GLA and TfL officers since 2021; the Council's Strategic Panel, Design Review Panel, Development Management Forum, and a Developer's Briefing; statutory consultees and other stakeholders; and ongoing community consultation since 2019. Notwithstanding that, some concerns were raised at consultation stage about the heights, massing, and separation distances of the proposed buildings; however, subject to resolution of those matters, a high-density scheme was identified as appropriate and acceptable in this location.

83. Camden's Local Plan (2017) states that the whole Borough is sensitive to tall buildings, and any proposals will be assessed against design criteria and a range of other relevant policies concerning amenity, mixed use, and sustainability. Tall buildings are defined as those that are substantially taller than their neighbours or which significantly change the skyline. This does not meet the requirements of London Plan Policy D9 (Part B); however, the Local Plan pre-dates the London Plan and little weight can therefore be given to this. Notwithstanding this, the visual, functional, environmental, and cumulative impacts of the scheme (Policy D9, Part C) require consideration. Some concerns were raised at consultation stage about the harm to heritage assets arising from the maximum parameters of the Outline Phase 3 proposals, as discussed above. Parameter Plans have not been amended; however, the Design Code has been amended to require a variation in block heights, which would be likely to reduce harm arising from the outline phases and improve the appearance of the proposals in immediate and mid-range views, to be considered at reserved matters stage. In the Detailed Phase, some concerns were raised about the massing of Plots N4 and N5, and the resulting impacts on residential quality, which have been addressed as discussed below.

84. No functional concerns relating to tall buildings were raised at consultation stage, subject to addressing transport matters, which have been resolved as detailed below. Concerning environmental impacts of tall buildings, the site benefits from considerable separation to surrounding properties to the north and the south over the railway lines, which limits day/sunlight impacts. The Committee Report includes a detailed assessment of daylight, sunlight, solar glare, overshadowing, overlooking, privacy, outlook, wind and microclimate impacts, based on the detailed Phase 1 and the maximum (worst-case) parameters for Outline Phases. The impacts are acceptable, with mitigation secured where required.

85. A large number of objections were received by the Council in response to its consultation, with the majority identifying density and height. Some objections on these grounds have also been made directly to the Mayor. Building heights proposed are up to 16 storeys, which is greater than the immediate context; however, the site is identified in the Local Plan as a growth area capable of delivering a significant amount of housing. The density and height proposed to deliver this has been subject of much design scrutiny at pre-application stage, resulting in a reduction in scale and density. The site benefits from an unusually large separation (60-100 metres) from its surroundings due to the railway lines; and it also sits within a shallow valley, with the central part c.7 metres below the surrounding area, which reduces the impact of tall buildings on their surroundings. The proposals relate to the wider townscape by stepping down to the south and at the eastern and western edges. The Council's

Design Review Panel considered that the proposed quantum was challenging; however, it concluded that the impacts had been managed well. Amenity impacts on the surrounding area have been assessed and are considered acceptable. Overall, the proposals are considered to be in compliance with London Plan Policy Part C.

86. GLA officers consider that the layout and density of the proposals is appropriate, making optimal use of this under-utilised site. Infrastructure requirements in response to the density proposed have been appropriately secured, including significant financial contributions to public transport, and public realm and connectivity improvements. Concerns raised at consultation stage about restricted separation distances (as set out below), as well as heights and massing, have been acceptably addressed.

87. The proposals are supported in accordance with London Plan Policies D2, D3, and D4. Since little weight can be given to the non-compliance with Policy D9 (Part B) as the Local Plan pre-dates the London Plan, the compliance with Policy D9 (Part C) is given greater weight, and overall the proposals are in accordance with Policy D9. The height and massing of the proposals are acceptable.

Residential quality

88. At consultation stage, some concerns were raised about the relatively high proportion (39%) of single aspect units within the Detailed Phase, including some three-bed homes, and some north-facing single aspect homes. The applicant subsequently revised the layouts to remove three-bed single aspect homes and improve other layouts, for example through increased bay windows and more internal space. All three-bed homes are now dual aspect, and the majority of two-bed homes. Only 9% of the London Affordable Rent homes would be single aspect, and the majority of the single aspect homes are one-bed market homes with good outlook over either a public open space or open courtyard. The submitted overheating analysis, including mitigation measures, is acceptable.

89. Many of the new homes would have excellent outlook with wide and open views, particularly to the north and south; and even within the courtyard blocks separation distances would be more than 18 metres. Some concerns were raised at consultation stage about a small number of instances where restricted separation distances could impact residential privacy and outlook. The applicant has provided further justification to demonstrate that impacts are mitigated, including by off-setting windows and balconies to avoid direct views; placement of primary outlook and private amenity space in alternative directions; and detailed mitigation, such as screening. These measures are acceptable, and overall, the proposed homes would be of a good quality in accordance with London Plan Policy D6.

Fire safety

90. At consultation stage, the Fire Statement generally met London Plan requirements, and the requested amendments have been made. All buildings in the Detailed Phase are above 30 metres, and second staircases have subsequently been added to all of these buildings, resulting in minimal changes to layouts and elevations. The Fire Statement has been revised accordingly and is secured by condition, with further Fire Statements for outline phases secured by condition. The proposals are supported in accordance with London Plan Policies D12 and D5.

Inclusive design

91. The application materials confirm that 10% of the homes would be Building Regulation M4(3) wheelchair accessible, with the remainder meeting the requirements of Building Regulation requirement M4(2). For the Detailed Phase, these homes are distributed across the three plots, across levels, and across all tenures. A total of 18 (3%) disabled persons parking spaces would be located within the podium level. The Council has secured M4(2) and M4(3) requirements by condition. The proposals are supported in accordance with London Plan Policy D5.

Transport

92. At consultation stage 1, it was noted that overall the scheme aligned very well with the London Plan's strategic transport policies. This has been secured through robust development and design principles, coupled with planning obligations and conditions, including substantial financial contributions to key transport projects, as set out below.

93. The incremental removal of car parking across the outline and detailed phases of development is strongly supported in line with London Plan Policies T1, T2, T5 and T6, optimising land currently used for surface car parking. Going forward, the site will have disabled persons parking only, for 3% of homes.

Cycling

94. Over 3,500 cycle parking spaces will be provided across the various phases of development. Their design will comply with London Cycle Design Standards as required by the London Plan, and secured by condition.

95. The overall site masterplan includes new high quality cycle routes improving permeability and encouraging active travel. A specific section 106 obligation ensures that pedestrian and cycle access across the site, from West End Lane to Finchley Road, will be maintained throughout construction.

Car parking

96. At consultation stage, electric vehicle charging points were encouraged for all spaces. The Council has secured this for all proposed loading bays, which complies with London Plan Policy T6 (Part G) and is accepted. A Delivery and Servicing Management Plan, and Car Parking Design and Management Plan are secured by condition, which will ensure appropriate long-term management and guarantee electric charging.

97. All future occupiers of all land uses will also be restricted from obtaining residential or business parking permits in the local area, as secured by a section 106 obligation, which is essential to support the car free nature of the scheme.

98. Travel and Construction Management Plans have been secured, with monitoring costs and, if necessary, Council implementation of mitigation measures.

99. A total of £58,200 has been secured for new Legible London signage and updates to existing local signage to show the new development, its layout, and key facilities. This is strongly supported.

West Hampstead station

100. At consultation stage, it was considered that a large, high-density, car-free masterplan scheme should be supported by step-free and capacity improvements at West Hampstead station.

101. Accordingly, a TfL Feasibility Study (2019) has informed potential improvements to the station, principally step-free access and associated capacity improvements to address development demand. TfL has emphasised that this is the first stage in understanding the options, and going forward, detailed feasibility will be necessary to define a single preferred option.

102. Following detailed negotiations and collaborative work between GLA, TfL, and Council officers, and the applicant, a section 106 contribution of £10M has now been agreed and secured. In order to ensure the timely delivery of necessary improvements to the station, payment instalments will be mainly triggered in line with TfL project delivery milestones. The instalments will enable TfL to progress necessary feasibility, optioneering, modelling and design work as the development is built out, in advance of full delivery. Whilst the considerable scale of the contribution is strongly supported, progress beyond feasibility to delivery will depend on securing additional third party funding. The section 106 agreement therefore includes other obligations to ensure continued collaboration through a station 'Task Force', with the specific remit of identifying funding options and providing oversight to the project.

103. The Council has expressed strong support for West Hampstead station improvements and has given policy support through the Local Plan and the Neighborhood Plan for Community Infrastructure Levy (CIL) to be applied as part of any funding solution. Ongoing collaboration on this matter is welcomed as it represents a major opportunity to make significant change towards creating a step-free interchange.

Finchley Road station

104. As requested at consultation stage, the applicant has also undertaken feasibility work to consider options for step-free improvements at Finchley Road station. The indicative preferred option has been taken forward for safeguarding as a potential new entrance and platform link in Phase 3 of the development. The section 106 agreement includes obligations for the necessary safeguarded space to be retained as an option for TfL for 20 years post implementation, leased to TfL, and the shell and core space to be provided through a development agreement as required.

105. As this safeguarding is linked to a later phase of the masterplan, the options for this station are a longer-term opportunity. Whilst the focus and priority for delivery is with West Hampstead station, safeguarding at Finchley Road station is nonetheless strongly supported.

Buses and bus infrastructure

106. Land required for essential ongoing and future bus operations is also safeguarded in the section 106 agreement, including during each construction phase, with provisions requiring the landowner to enter into appropriate land rights agreements with TfL to ensure continuous and long-term bus access and use. This includes two bus stops, two bus stands, dedicated driver toilets in both the western and eastern outline phases of

development, and sign-off on the final design of bus facilities by TfL, as reflected in the agreement's Bus Infrastructure Safeguarding Plan.

Finchley Road corridor

107. A £1.5M contribution to TfL has been secured for surface crossing improvements over Finchley Road, focusing on the corridor between Arkwright Road and Goldhurst Terrace. Within this, £400,000 is identified for a feasibility study, triggered during the earlier detailed phase of development, with £1.1M for further delivery linked to Phase 3 of the development. The feasibility study will primarily review options to implement a new at-grade straight-across crossing on Finchley Road, between the junctions of Blackburn Road and Canfield Gardens and respond to the alignment of the east-west pedestrian and cycle link through the site. It is therefore strongly supported in ensuring that the masterplan site connects into the wider area.

Wider active travel

108. The scope of local highway and public realm works is secured with c.£2M in the section 106 agreement, including West End Lane bus priority and cycle scheme; South Hampstead Low Traffic Neighbourhood and C51 (Priory Road) cycle route; Blackburn Road/West End Lane junction improvements; Blackburn Road (west) cul-de-sac improvements; Billy Fury Way and Granny Dripping Steps; and Blackburn Road (west).

109. In addition, a section 106 obligation is secured to ensure the applicant enters into a separate section 278 agreement for changes to the Transport for London Road Network (TLRN) along Finchley Road.

Transport - conclusion

110. The comprehensive package of transport improvements secured, combined with the car-free, pedestrian and cycle priority design, have the potential to deliver significant mode shift and embed active travel across successive phases of the scheme. The proposals are therefore strongly supported in compliance with strategic transport policies of the London Plan.

Climate change and environment

Energy strategy

111. At consultation stage, it was noted that the applicant's Energy Strategy could be compliant with the London Plan; however, the applicant was requested to submit additional information on thermal bridging; passive overheating; energy costs to occupants; overheating risk; district heating; the site heat network; photovoltaics; modelling output sheets; and the Good Homes Alliance Early Stage Overheating Risk Tool. This information was subsequently provided, and all outstanding matters have been resolved. The domestic element of the detailed phase is estimated to achieve a reduction of 13% for the residential element and 17% for the non-domestic element in regulated CO2 emissions, compared to a 2013 Building Regulations compliant development. A carbon offset payment of £828,345 is secured for the detailed phase through the section 106 agreement, with further payments to be for outline phases. The proposals are supported in accordance with London Plan Policies SI2, SI3, and SI4.

Whole life-cycle carbon

112. At consultation stage, the applicant the Whole Life-Cycle Carbon Assessment was generally in accordance with London Plan policy; however, further information was requested on B2-B3 emissions; results for assessment 2; reuse of existing structures and materials; material types and quantities; maintenance and repair assumptions; and end of life scenarios. This information was subsequently provided, and all outstanding matters have been resolved. The demolition of the existing O2 Centre has been assessed against whole life-cycle carbon and circular economy principles, including appropriate consideration of retention of existing buildings. The demolition of the existing buildings has been appropriately justified, with parts of the existing substructure of the O2 Centre to be retained, which is welcomed. A condition has been secured requiring the post-construction tab of the Assessment to be provided to the GLA. The proposals are supported in accordance with London Plan Policy SI2.

Circular economy

113. Policy SI7 of the London Plan requires development applications that are referable to the Mayor to submit a Circular Economy Statement, and Policy D3 requires development proposals to integrate circular economy principles as part of the design process. The Mayor has published a Circular Economy Statements LPG.

114. At consultation stage, the Circular Economy Statement (CES) broadly responded appropriately to London Plan requirements. The further information requested was provided and all outstanding matters have been resolved. A condition secures a post-completion report to be provided to the GLA. The proposals are supported in accordance with London Plan Policy SI7.

Green infrastructure

115. At consultation stage, the Urban Greening Factor (UGF) of the detailed element was calculated as 0.35 and the outline element as 0.32, below the 0.4 London Plan target. The applicant was requested to review the extent of proposed urban greening. subsequent improvements resulted in the detailed phase achieving 0.37 and the applicant provided justification for the shortfall. As requested, a condition is therefore included, requiring the applicant to demonstrate that the UGF score has been maximised for each reserved matters application in the outline element, which is acceptable in response to London Plan Policies G1, G5, and G6.

116. London Plan Policy G7 states that development proposals should ensure that, wherever possible, existing trees of value are retained.

117. At consultation stage, it was noted that the majority of trees within the central section of the site would be removed, including Category B trees. The applicant was requested to provide an assessment of the value of the trees identified to be removed and those proposed to be planted, using an appropriate valuation system, such as CAVAT. A CAVAT assessment has been provided, which demonstrates that it is possible to achieve a net increase in the value of on-site trees. The proposals are supported in accordance with London Plan Policy G7.

Flood risk, sustainable drainage, and water consumption

118. At consultation stage, the Flood Risk Assessment generally complied with the London Plan; however, further information was requested on finished floor levels. The Surface Water Drainage Strategy did not comply with Policy SI13, as it did not give appropriate regard to the greenfield runoff rate and rainwater harvesting. The proposals did not meet the requirements of Policy SI5 as no information was provided regarding the targeted Wat 01 credits for the non-residential uses on site. Further information was subsequently provided, and all outstanding matters have been resolved. The proposals comply with London Plan Policies SI12, SI13, and SI5.

Air quality

119. At consultation stage, further information was requested on emergency generators and potential diesel locomotives impacts, and an Air Quality Neutral assessment was also requested. The Air Quality Positive Statement was acceptable. Further information was subsequently provided and all outstanding matters have been resolved. Conformity with the Air Quality Assessment has been secured by condition. The proposals are supported in accordance with London Plan Policy SI1.

Section 106 agreement

120. The draft section 106 agreement includes the following provisions:

- Affordable housing as set out above for Phase 1, with no less than 35% (by habitable room) in each of Outline Element West and Outline Element East, split 60% Social/London Affordable Rent and 40% intermediate rent; plus an early stage review.
- Healthcare facility with rent free period of 2 years and discounted rent, as set out in detail above.
- Land safeguarded for essential ongoing and future bus operations.
- £10,000,000 West Hampstead Station Step Free Access contribution.
- £1,504,872 environmental and public realm contribution.
- £1,100,000 Finchley Road Surface Level Improvements contribution.
- £1,066,716 public open space contribution.
- £828,345 carbon offset contribution (detailed phase), with outline phases secured through updated calculation.
- £404,600 construction apprentice support contribution.
- £400,000 Billy Fury Way and Granny Dripping Steps improvement works contribution.
- £400,000 Finchley Road Surface Level Improvements Feasibility Study contribution.
- £101,578 highways works contribution.
- £85,560 construction management plan contribution.
- £58,200 Legible London signage contribution.
- £57,156 Travel Plan monitoring contribution.
- £17,911 employment training contribution.

Legal considerations

121. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

122. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

123. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

124. Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

125. The strategic issues raised at consultation stage with respect to housing, town centres, social infrastructure, public open space, affordable housing, urban design, strategic views, historic environment, transport, and climate change and the environment have been addressed, and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision, and considering the material planning considerations of strategic importance raised in responses to the public consultation and representations to the Mayor, is acceptable in strategic planning terms, and there are no sound planning reasons for the Mayor to intervene in this case. It is therefore recommended that Camden Council is advised to determine the case itself, subject to any action that the Secretary of State may take.

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