

# CONSULTATION SUMMARY

## Case reference number(s)

2023/1292/P

## Case Officer:

Josh Lawlor

## Application Address:

14 Blackburn Road

London

NW6 1RZ

## Proposal(s)

Variation of Condition 2 (approved plans) of planning permission Ref. PWX0202103 dated 06/01/2004 as amended by non-material amendments Ref. 2022/0509/P dated 04/05/2022 and Ref. 2023/1454/P dated 02/05/2023 for redevelopment of whole site by the erection of a 4-storey eastern block comprising two Class B8 and eight Class B1 units with associated service yard, together with a 4 storey plus basement western block comprising 8 dwellinghouses and 6 self-contained flats with associated underground car parking, changes include revisions to the elevational design, floor levels, lower ground floor, first floor and roof plan.

## Representations

|                                   |   |   |                  |   |                   |   |
|-----------------------------------|---|---|------------------|---|-------------------|---|
| <b>Consultations:</b>             | No. notified  | 0 | No. of responses | 0 | No. of objections | 2 |
|                                   |   |   |                  |   | No of comments    | 0 |
|                                   |   |   |                  |   | No of support     | 1 |
| <b>Summary of representations</b> | <b>Landsec objection (objection submitted by Gerald Eve planning consultants)</b> <ul style="list-style-type: none"><li>A S.73 application results in a new stand-alone planning permission and should be considered in the context of all relevant planning policies. The original planning permission dates from 2004, and there has been significant policy change since then. There are a range of policy conflicts, and refusal is recommended on this basis.</li><li>We expect affordable workspace to be secured within a legal agreement.</li></ul> |   |                  |   |                   |   |

- In addition, there is the SPD for the site, which, although not policy, is a material consideration. While we acknowledge that the Council has confirmed the 2004 permission to be extant, it and the s73 application are not consistent with the vision and objectives of the SPD.
- The Planning Statement supporting S. 73 does not refer to the O2 Masterplan Site Application and no consultation with the applicant for the O2.
- It is considered that both the SPD objectives and Camden's resolution (now granted) to grant planning permission for the O2 Masterplan scheme are material considerations in the determination of the S.73 application and 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.
- The SPD 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"*.
- The Committee Report for the O2 Masterplan application refers to the significance of the 14 Blackburn Road site.
- 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 challenging 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 has advised that this could significantly reduce costs, which is why it is critical that Plot S8 comes forward as part of this comprehensive development."*
- From the planning statement, we understand that S.73 is intended to be considered in tandem with a new, full planning application for a roof extension that has yet to be registered.
- The application documents are contradictory and confusing. On the one hand, the supporting Planning Statement states, *"The new application in this case is not therefore a "drop-in" application....."* On the other hand, 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."*

- Any new permission granted following a s.73 application should be for an amended scheme that can be carried out and completed and has integrity as a development in its own right. It appears that, if approved, this s.73 application only enables future additional development 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 whether this could potentially compromise the S.73 building if the extension fails to come forward.
- The submission documents regarding how the S.73 and the full planning application relate are unclear. 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 expressly 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) include plant and lift overruns, which would be inconsistent with the roof extension design. In addition, the cores highlighted in orange on the elevation on 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 may not be load-bearing walls and would need strengthening. The S.73 application details and plans do not address this.
- In conclusion, our review of the documents does not indicate whether S.73 would result in a scheme capable of standalone implementation. We kindly request that officers consider this issue.

*Officer Response:* *The application seeks to vary the façade design of the implemented and extant planning permission (Ref. PWX0202103, dated 06/01/2004). The façade changes improve the design and appearance of the approved scheme, and approval is recommended on this basis.*

*Whilst the Council's aspiration remains to see the permitted O2 scheme implemented in its entirety, in accordance with its SPD, it would not be a justifiable reason to refuse this application because it is a S73 application to a scheme which has already implemented and because of the limited and aesthetic nature of the works to which it relates.*

*There are references in the objection to future full applications for permission, they are not relevant to the assessment of this S73 application. This S73*

*application does not rely on other works taking place which do not yet have permission. The Local Planning Authority (LPA) must assess any future full planning application for alternative re-development of this site on its own merits.*

*A roof plan has been submitted (21068-P-103) with the S73 application, and the drawings and supporting documents are sufficiently precise and detailed to assess the changes. The relationship between the proposed roof plan and a separate third-floor plan for another application does not require assessment under this S73 application. The application would be subject to the usual building control regime, and no additional floor area is proposed under this application.*

*Any future application for a building which includes additional floors would need to be considered as a full planning application which means it would be considered a fresh against the development plan taking account of relevant material considerations.*

#### **Support from West Hampstead Amenity & Transport Neighborhood Forum**

- Support this scheme as an alternative to Landsec's proposals for this site for the following reasons:
- *It brings forward the development of housing and affordable housing on this site much sooner than the Landsec scheme, as the site is within the second Outline phase of the Landsec O2 masterplan. This phase depends on purchasing the VW/Audi garage site.*
- *It preserves the skilled employment at Builder Depot, as eloquently explained at the O2 planning meeting*
- *It brings forward the possibility of step-free access to West Hampstead tube station much earlier than the Landsec scheme.*

- Gerald Eve's objection to the Builder Depot scheme states:

*"For example, if it were possible to use the builder's merchant site to construct a construction compound/logistics, TfL has 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 proposed building's footprint 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.*

- When West Hampstead Overground Station was rebuilt, TfL used the

compound at the bottom of Blackburn Road near Granny Dripping steps. The two station upgrade projects are similar in scope – if anything, the Overground project, with two lifts, was more significant. We see no reason why the Builder Depot scheme and a TfL upgrade scheme should not proceed in tandem – although this would require changing the Builder Depot's present plans.

- Regarding proximity to the tube line, whatever scheme is proposed for this site it will be very close to the tube line and will be tricky to build for this reason. However, there are plenty of precedents elsewhere for new buildings abutting tube lines, although TfL's normal guidance does specify a very large gap between the railway lines and new buildings.

*Officer response: The Council does not agree with all the points made by WHAT, in particular whilst severing this part of the O2 masterplan might enable earlier delivery on this plot it could also jeopardize delivery of the wider masterplan and the associated benefits it would deliver including step free access at West Hampstead Tube Station. The implemented scheme, even with the proposed design changes which improve the appearance of the building do not optimize use of the land or provide a fitting gateway to what would be a new residential area.*

*Whilst the Council's aspiration remains to see the permitted O2 masterplan scheme implemented in its entirety, in accordance with its SPD, it would not be a justifiable reason to refuse this application because it is a S73 application to a scheme which has already implemented and because of the limited and aesthetic nature of the works it relates to.*

***Objection from Transport for London (TfL) and TTL Properties Limited (TTLP).***

- The objection is that it is important for TfL and TTLP that development in this area comes forward in a master-planned and cohesive way to ensure that transport infrastructure improvements can be optimised. The piecemeal development of sites adjacent to existing transport infrastructure may prevent this from happening.

***TfL Spatial Planning***

- It is not clear from the Planning or Transport Statements whether we are being asked to comment on the S73 amendments in isolation, as the applicant is mentioned as seeking full planning permission for the proposals as well as an S73 application.
- We are aware of the potential role of the application site in the future implementation of capacity and Step Free Access (SFA) improvements to

West Hampstead London Underground (LU) station, which are a key TfL and local Council priority and would support compliance of any proposed development with London Plan policies T1, T3, T4 and others.

- Furthermore, this site was included in the recent permission for the wider O2 Masterplan Site, which includes the O2 Centre, Finchley Road, and the land behind it bounded by Finchley Road to the east, Blackburn Road to the north and south, and Billy Fury Way to the west.
- A Planning Application for the comprehensive redevelopment of that more expansive Site was submitted to the Council and validated on 16 February 2022. The Council resolved to grant planning permission conditionally under reference number 2022/0528/P. Subsequently, a Section 106 (S106) agreement for comprehensive redevelopment permission was negotiated and agreed upon between TfL, the Council, and the applicant, including a significant financial contribution to the introduction of SFA at West Hampstead LU station. However, the applicant does not currently own this application site.
- Any future development at this site, as part of a comprehensive redevelopment scheme or otherwise, will need to support future implementation of capacity and LU improvements at West Hampstead LU station, as established by the recent 2022/0528/P permission, Committee Report and Decision Notice, in a proportionate manner reflective of the scale, complexity and transport impacts of whatever land use, design and development principles are eventually finally brought forward by TfL.
- As a S73 is the only registered application in this consultation, our further detailed comments below are based on the scheme that would be delivered if the implemented scheme were actually built out first. These proposed S73 amendments follow.
  1. The level of residential car parking is contrary to Policy T6.1 Residential parking (A), and we would question the usability of spaces 1-3 as no vehicle tracking has been presented.
  2. The absence of a Car Parking Management Plan is contrary to Policy T6 Car parking (J)
  3. The apparent absence of blue badge parking from the proposals is contrary to London Plan Policies T6.1 Residential parking (A, G), T6.5 Non-residential disabled persons parking (A-E)
  4. Plan P-099 shows two 2-tier cycle racks overlapping in Office Cycle Store 1. As these 24 spaces will be unusable, the proposed Office provision is below requirements and, therefore,

contrary to London Plan Policy T5 Cycling.

5. Spatial Planning would agree with and reiterate previous TTLP comments and objections to these proposals.

- For the above reasons, TfL objects to the proposals (the 'implemented' scheme and the proposed S73 amendments).
- If the site is not coming forward as part of a comprehensive development, we would like to see proposals for the site that address and resolve the above issues and positively and constructively contribute to the upgrade of West Hampstead Station to deliver optimum development for the area.

We also note London Plan Policies GG2, Making the best use of land (B, C, H) and D3, and Optimising site capacity through the design-led approach.

*Officer response: Whilst the Council's aspiration remains to see the permitted O2 masterplan scheme implemented in its entirety, in accordance with its SPD, it would not be a justifiable reason to refuse this application because it is a S73 application to a scheme which has already implemented and because of the limited and aesthetic nature of the works it relates to.*

*As noted in the officer's response to other objections, the assessment of this application is limited to the facade changes and their consequent impacts on the appearance of the building and local character. The LPA cannot re-consider land use principles or seek revisions to the scheme to ensure it complies with the current development plan policy in other respects, such as parking standards.*

*There are references in the objection to future full applications for permission, they are not relevant to the assessment of this S73 application. This S73 application does not rely on other works taking place which do not yet have permission. The Local Planning Authority (LPA) must assess any future full planning application for alternative re-development of this site on its own merits.*