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London W1T 3JJ



Development Management
Camden Council
2nd Floor, 5 Pancras Square
London
W1CH 9JE



15 August 2024

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Application for Full Planning Permission
O2 Masterplan Site, Finchley Road, London

We write on behalf of our client, LS (Finchley Road) Limited (“the Applicant”) to submit an application for full planning permission for the temporary reconfiguration of the car park and bus turning circle within the O2 Masterplan Site, Finchley Road, London (“the Site”).

The proposed temporary reconfiguration of the car park and bus turning circle are required to facilitate the delivery of Phase 1 of the consented O2 Masterplan (ref.2022/0528/P) and in addition seek to create an enhanced public realm with additional landscaping proposals through the existing car park site.

The reconfiguration of the bus turning circle was envisaged in the extant O2 Masterplan Site Application (ref.2022/0528/P). This Application confirms the arrangement of the bus turning circle and provides further details of how it relates to wider landscaping features including how pedestrian and cyclists access and egress around the site.

The proposals included as part of this application are proposed for a temporary period of ten years.

As such, full planning permission is sought for the following:

“Reconfiguration of the car park to provide a bus turning circle, landscaping works and associated external works for a period of ten years”.

The Site

The O2 Masterplan Site is located between Finchley Road and West Hampstead. The Site is bounded by Blackburn Road which envelops the Site along the north, west and southern boundary. Finchley Road (A41)

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bounds the Site to the east, with West End Lane to the west. The Thameslink Bedford – Brighton railway line runs along the northern edge of the Site, and the London Underground Jubilee and Metropolitan lines run above ground along the southern edge of the Site.

Within the centre of the O2 Masterplan Site sits a car park with 520 parking spaces. The car park served the now closed Homebase store and continues to serve the O2 Shopping Centre which is still operational. The eastern section of the car park forms the site location for this application, shown on the enclosed site location plan.

The Site is not listed and is not located within a conservation area. The surrounding area is mixed use in character.

Background

On 20 December 2023 planning permission (ref. 2022/0528/P) was granted at the O2 Masterplan Site for the following:

“Detailed planning permission for Development Plots N3-E, N4, and N5 and Outline planning permission for Development Plots N1, N2, N3, N6, N7, S1 and S8, including demolition of all existing structures and associated works, and redevelopment to include residential development (Class C3), commercial, business and service uses (Class E), local community uses (Class F2), and Sui Generis leisure uses (including cinema and drinking establishments) together with all landscaping, public realm, cycle parking and disabled car parking, highway works and infrastructure within and associated with those Development Plots, in accordance with the Development Specification.

For the avoidance of doubt, the Detailed and Outline planning permission are separate and severable for each of the Plots shown on plan P011 and the description of development on any decision notice issued pursuant to the application would reflect that.”

The Masterplan proposals include the redevelopment of the entire site to provide new residential dwellings and commercial floorspace. The Proposed Development will provide:

- Up to 170,180sqm GIA of residential floorspace (Use Class C3), envisaged to provide up to 1,796 residential dwellings.
- Up to 16,682sqm GIA of commercial floorspace (Use Classes E (a,b,c,d,e,f,g) and F2, and Sui Generis use), excluding the service yard.

The Proposed Development will be delivered in three phases; Phase 1 the Detailed Element benefits from detailed planning permission and sits at the centre of the Site. The remaining two phases (Outline Phase West and Outline Phase East) both benefit from outline planning permission and sit to the west and east of Phase 1 (Detailed Element), respectively.

In order to facilitate the construction of the Detailed Element for Development Plots N3-E, N4 and N5 (ref. 2022/0528/P), a temporary car park and bus turning circle is required to facilitate the delivery of the Detailed Element of the consented O2 Masterplan development and ensure the function of the O2 Shopping Centre can remain operational.

A planning application for a temporary substation was validated by LBC on 17th July 2024 and is currently pending (ref. 2024/2863/P). This application seeks the installation of temporary substation to facilitate the delivery of the Detailed Element.

Proposal

As discussed at Masterplan stage, this application seeks temporary planning permission for the details regarding the necessary changes and reconfiguration of the existing car park to provide a bus turning circle head and associated landscaping works for a period of ten years. These temporary works will unlock the Detailed Element (Phase 1) allowing it to come forward for development and ensures the O2 Shopping Centre can remain operational.

The temporary car park and bus turning circle will be implemented ahead of construction of the Detailed Element to unlock the Site and facilitate the construction and delivery of the Detailed Element (Phase 1) of the consented O2 Masterplan development.

The temporary bus turning circle would ensure the operation of the existing TfL bus services can be accommodated on-site during construction of the Detailed Element of the development. The current eastern bus stop, Bus Stop FC, will be retained as existing during the works. Details of the S106 requirement for the interim bus strategy are also submitted as part of this application.

The temporary car park reconfiguration will provide 200 car parking spaces for the Sainsbury's and O2 Shopping Centre. The quantum of car parking spaces has been agreed with Sainsbury's prior to the submission of this planning application.

A Transport Statement, prepared by ARUP, has been submitted with the application and demonstrates how other transport modes and activities will be suitably accommodated on-site during the construction of the Detailed Element of the development.

The arrangements for accommodating the existing on-site TfL buses during the construction of the Outline East and Outline West Phases will be discussed and agreed with TfL and LBC in due course in advance of the relevant works commencing for the two outline phases.

A General Arrangement plan of the temporary car park and temporary bus turning circle has been developed and presented to TfL and LBC in advance of submission of this planning application. LBC Officers raised no objections to the proposals and TfL's comments have been taken onboard. The plan has been altered slightly since pre-application discussions with TfL and LBC, namely through the widening of the pedestrian route to the south of the car park and provision of one-way route (controlled by traffic signals) for access to the O2 Centre and Sainsbury's service yard.

The proposals include landscaping proposals which have been developed in association with the reconfiguration of the car park to provide an accessible and enhanced pedestrian focussed route along the southern and western boundary of the site, connecting the east and west of the site for existing visitors and future residents.

A Design and Access Statement, prepared by HTA has been submitted with the application and provides further details of the proposed landscaping.

Interim Bus Service and Infrastructure Strategy

The O2 Masterplan development is subject to a S106 Agreement (dated 20 December 2023). The S106 Agreement includes an obligation requiring the submission of an Interim Bus Service and Infrastructure Strategy to be put in place during the construction phase of the development when construction or demolition works will result in a need to interfere with or interrupt the existing bus infrastructure.

As such, a draft Interim Bus Service and Infrastructure Strategy has been prepared by Arup and is submitted in support of this application to address the requirements of the obligation. The draft strategy has been submitted for officer review and will be formally submitted to discharge the obligation in due course.

Planning Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the site comprises The London Plan 2021 and the Camden Local Plan 2017. The National Planning Policy Framework (NPPF, 2023) represents a significant material consideration.

Guidance on the use of temporary permissions is found in the national Planning Practice Guidance (NPPG). The NPPG¹ says that:

“Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.”

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a ‘meanwhile use’).²

In respect of any condition placed on a temporary permission, case law² confirms that conditions relating to temporary permissions did not bind the land after (in that case many years after) the expiry of those permissions.

Planning Considerations

Landscaping

This application is supported by a Landscaping Design and Access Statement produced by HTA. The landscaping focuses on improving the east/west pedestrian links within the carpark by increasing planting and greenery and providing a safe and welcoming pedestrian route along the southern and western edge of the existing car park. The routes ensure a safe route and connection between O2 Centre and West End Lane and Finchley Road.

¹ NPPG Paragraph: 014 Reference ID: 21a-014-20140306; Revision date: 06 03 2014

² Avon Estates Ltd v Welsh Ministers [2011] EWCA Civ 553

Biodiversity Net Gain

On 12 February 2024, Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This included the requirement for developers to deliver a BNG of 10%. Requiring developments to result in more or better-quality natural habitat than there was before development.

London Plan Policy G6 explains that biodiversity enhancements should be considered from the onset of a development, as well as seeking new or improved habitats that result in a positive gain for biodiversity.

Policy A3 of the Camden Local Plan outlines that the Council will protect and enhance sites of nature conservation and biodiversity. The Council will grant permission for development unless it would directly or indirectly result in the loss or harm to a designated nature conservation site or adversely affect the status or population of priority habitats and species.

Additionally, Local Plan Policy A3 states the Council will assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the scale of development proposed. A Biodiversity Net Gain Report has been prepared by Pell Frischmann to support this planning application. The report explains that the baseline biodiversity value of the site has not changed since the consented O2 Masterplan development submitted assessment, and is calculated as 0.82, comprising of urban trees in 'poor' and 'moderate' condition.

The trees recorded as part of the baseline, both the trees being retained, and the trees being removed, align with the approved Tree Protection Plan (ref. 104878-PEF-ZZ-XX-DR-GE-400008) and the Arboricultural Impact Assessment (ref. 104878-PEF-ZZ-XX-RP-GE-400001 P07) approved under the O2 Masterplan development (LPA ref. 2022/0528/P).

Notwithstanding the above, the trees being removed under the extant Masterplan permission still form part of the baseline for the purposes of the legislation for this temporary planning application as following an assessment of the BNG legislation, temporary applications are not included at this time.

As the proposed development seeks permission for a period of up to 10 years the proposed habitat and landscaping planting has been excluded from the on-site habitat creation as none of the created habitats will reach the 30-year requirement for BNG. The drafting the BNG legislation does not appear to have considered temporary applications that span for more than two years. Therefore, achieving BNG on the site will not be possible on this application unless the temporary landscaping and carpark were retained for a period of 30 years. Retaining the proposed landscaping for a period of 30 years is not possible as following the 10-year period the land within this temporary application will be developed and landscaped in accordance with the extant O2 Masterplan development permission. As such if the Applicant has to achieve 10% BNG, inline with the legislation this will need to be achieved through the off-site options available including the purchase of off-site units or Statutory Credits. We would welcome discussing this further with the council as part of the application process.

Flooding and surface water

This application is supported by a Sustainable drainage statement by Pell Frischman. The statement sets out how sustainable urban drainage methods have been incorporated into the scheme design, including the addition of proposed swales with meadow planting integrated in and around the bus turning circle area to treat surface water runoff and an increase in soft landscaping which also provides visual amenity.

The Sustainable drainage statement demonstrates that an appropriate surface water drainage strategy has been developed for the site based on sustainable drainage principles in line with the relevant local and national policy and standards.

Lighting and wayfinding

This application is supported by a lighting strategy by Pells Frischman. It demonstrated where existing lighting is being retained and where new lighting will be installed to ensure that areas are well lit during non-daylight hours. The lighting strategy has considered safety and security of pedestrian and cyclist whilst also examining light spillage to ensure that residential amenity is not prejudiced.

Highway Considerations

Camden Local Plan Policy T1 prioritises walking, cycling and public transport in the borough. In pursuance of this Camden will seek to ensure developments improve the pedestrian environments by supporting improvements to the pedestrian environment. The delivery of improved walkways, wide pavements and safe and permeable developments is supported.

Building on the O2 Masterplan vision, this application seeks to transform the site into one focussed on people and place, with reduced car dominance and significantly enhanced provision for pedestrians and cyclists. The proposals will create a strong pedestrian and cycle connection from east to west. By reconfiguring the existing car park, the design retains several existing trees and creates a generous 9.0-meterwide route to the south. This includes a clear 3.0-meterwide pedestrian path bordered by new planting on either side to screen and soften the car park and service lane. A no-dig solution allows for the introduction of small pockets of seating and flexible spaces for pop-ups, integrated with the existing trees and surrounding levels.

In addition to the pedestrian route, the proposals reconfigure the car park and seek to ensure the TfL bus services on site remain operational.

The submitted TA has demonstrated how TfL buses and other transport modes and activities will be suitably accommodated on-site during construction of the Detailed Element of the development. The proposals are considered to maintain suitable access arrangements for all modes of transport and should be supported in planning terms.

Summary

This application is submitted to LBC and comprises minor development proposals to enable the construction of the Detailed Element of the consented O2 Masterplan Site whilst ensuring the O2 Shopping Centre can remain operational. It is considered that the proposals are in accordance with local planning policy and as such, planning permission should be granted accordingly.

Application Documents

In accordance with LBC's requirements, the following documents have been submitted as part of this planning application:

- Application Form, prepared by Gerald Eve LLP;
- CIL Form, prepared by Gerald Eve LLP;
- Covering Letter, prepared by Gerald Eve LLP;
- Site Location Plan, prepared by Arup;
- General Arrangement Plans, prepared by Arup;
- Transport Statement, prepared by Arup;
- Biodiversity Net Gain Report and Assessment, prepared by Pell Frishman;
- Lighting Plan and Technical Specifications, prepared by Pell Frishman; and
- Landscaping Plans and Design and Access Statement, prepared by HTA.

The requisite application fee has been paid via the Planning Portal.

We look forward to receiving confirmation of receipt and validation of this application. Please do not hesitate to contact Luke Davies or Anna Collingwood-Smith of this office should you have any queries.

Yours faithfully



Gerald Eve LLP

