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**FAO Josh Lawlor**  
**Development Management,**  
**Camden Town Hall,**  
**Judd Street,**  
**WC1H 9JE**

Dear Josh,

**14 Blackburn Road, West Hampstead, London Borough of Camden, (LPA Ref. 2024/1145/P) –  
Response to objection**

On behalf of our client, Hampstead Asset Management Ltd (HAML) and Builder Depot Ltd (BDL) (the '**Applicant**'), the following letter provides a response to the objection received on 30 August 2024 for the live application LPA Ref. 2024/1145/P (the '**Application**') at 14 Blackburn Road, West Hampstead (the '**Site**').

The objection, submitted by Gerald Eve on behalf of Landsec (the '**Objection**'), can be grouped under the following headings, which we address below:

1. Procedure
2. Design
3. Impact on Landsec's scheme
4. The builders' merchant

The Applicant's response is as follows, however, the first point to note is that the Objection makes repeated complaint in relation to development that has already been consented as part of the S73 permission relating to the Site (LPA Ref. 2023/1292/P) (**S73**). As such, these complaints are irrelevant to London Borough of Camden's (**LBC's** or the **Council's**) consideration of the Application. The Application concerns only 3 additional floors of commercial floorspace to be situated above the approved S73 scheme. The points made by the Objection that are irrelevant are as follows:

- Complaint in relation the "stand-alone redevelopment of the Application Site" being contrary to the policy objectives for the area. The application is policy compliant. It is noted that the O2 Masterplan planning permission at condition I4 specifically contemplates a "stand-alone redevelopment of the Application Site" by allowing slot-in applications for the O2 Masterplan plots. "Stand-alone redevelopment of the Application Site" has therefore been specifically contemplated by LBC.
- Complaint in relation to the "Application site" not "delivering the east-west link" and that the east-west link is "lost" as a consequence of the "loss of the Application site". The Application is just for 3 additional commercial floors above the approved S73 scheme, the east-west link



is proposed at ground level. If there were concerns in relation to this matter, these should have been raised in response to the recently approved S73 application.

- Complaint in relation to the “Application proposals” resulting in the “loss of the improvement of the link to the south via Granny Dripping Steps”. The Application is just for 3 additional commercial floors above the approved S73 scheme, the improvement referred to is proposed at ground level. If there were concerns in relation to this matter, these should have been raised in response to the recently approved S73 application.
- Complaint in relation to the ground floor “builders merchant operation” not providing the “active and animated frontage proposed by the O2 Masterplan proposals”. The Application is just for 3 additional commercial floors above the approved S73 scheme, the builders’ merchant is proposed at ground level. If there were concerns in relation to this matter, these should have been raised in response to the recently approved S73 application.
- Statement that the “Application proposals include the continuation of a builder’s merchant operation.” This statement is inaccurate, the Application is just for 3 additional commercial floors above the approved S73 scheme, the builders’ merchant is proposed at ground level and is already consented by the S73.
- Complaint that the “Application Site is at a key gateway to the O2 Masterplan regeneration area” and that Landsec should have “control over the delivery of this entrance”. The Application is just for 3 additional commercial floors above the approved S73 scheme, the Application does not prejudice the entrance into the O2 Masterplan site. If there were concerns in relation to this matter, these should have been raised in response to the recently approved S73 application.
- Complaint that the Application would hinder the realisation of the “key infrastructure”, the east-west link, link to the south through Granny Dripping Steps, public realm, and improvements around Billy Fury Way are all referred to. The Application is just for 3 additional commercial floors above the approved S73 scheme, the “key infrastructure” is proposed at ground level. If there were concerns in relation to this matter, these should have been raised in response to the recently approved S73 application.
- Reference to a need to consult TfL because of the “Underground line and apparatus immediately adjacent to the Application site” with the “footprint of the proposed building” being “very close to the tracks”. The Application is just for 3 additional commercial floors above the approved S73 scheme, it is difficult to understand why TfL would need to be consulted on such an application. If there were concerns in relation to this matter, these should have been raised in response to the recently approved S73 application.

## **Applicant’s response**

### **1. Procedure**

In response to the comments in the Objection regarding the format and lawfulness of the Application, it is important to highlight that the Applicant engaged in extensive pre-application discussions with officers from LBC to establish an approach for the proposed development. The Applicant also provided LBC with two separate legal opinions from leading counsel dated 22 March 2023 and 29 April 2024 regarding the legality of the approach. In addition, LBC sought both internal and external legal advice, confirming that the application could be lawfully validated.

We believe that the current approach is appropriate and lawful.

The Objection further suggests that the Applicant failed to consult Landsec on the current proposals. However, the Applicant undertook a comprehensive pre-application consultation process, including eight one-to-one meetings with key stakeholders, a two-day public exhibition, and the creation of a website to provide information on the development plans. We consider this consultation strategy to



have been thorough and provided local stakeholders, including the objector, with ample opportunity to review and comment on the Application prior to submission.

## 2. Design

The Objection raises concerns regarding the design quality of the proposed scheme. As previously mentioned, the Applicant engaged in extensive pre-application discussions with the Council, including consultation with the LBC Design Officer. The latest proposals were designed in response to feedback received during these meetings and represent a high-quality architectural design that extends the principles of the approved scheme, further enhanced through the S73 permission (LPA Ref. 2023/1292/P).

We believe the design of the proposed scheme is appropriate, and this is supported by the Council's approval of the S73 application (LPA Ref. 2023/1292/P) in July 2024. The S73 includes design amendments to the façade of the building, specifically requested by, and subsequently approved by LBC which have been carried across into the Application.

The Objection states that the additional 3 floors will *“significantly increase the massing of the consented scheme, while providing little in the way of architectural distinctiveness and adding nothing to the public realm”*. The Application's massing is deliberate to optimise the Site's potential. The Site is less well utilised compared to adjacent sites which have greater massing either built or consented. It is important to make best use of previously developed land, and the additional commercial floorspace proposed aligns with the policies of the Local Plan; the proposal will include affordable workspace (this can be secured via legal agreement). The addition of the 3 commercial floors does not of itself require the delivery of public realm.

In relation to street animation, it is noted that the Application's additional floors will have the same animation as the lower floors which are part of approved S73 scheme.

We disagree that the *“design of the Application scheme itself is of poor quality”*. The design of the Application scheme reflects the design of the recently approved S73 scheme, the design of which was acceptable to LBC. That design is both *“active and animated”* at ground floor level (as approved as part of the S73) and at the levels of the 3 additional floors proposed as part of the Application.

## 3. Impact on Landsec's scheme

The Objection suggests the proposed development would adversely affect the delivery of Landsec's scheme and reduce the wider planning benefits linked to the O2 Masterplan. Additionally, concerns were raised about the consultation with Transport for London (TfL) due to the Site's proximity to railway tracks. The Objection makes reference to the proposed development's lack of step-free access to the station.

No evidence has been put forward that the public benefits which form part of the O2 Masterplan will not be achieved and/or will be impacted by the Application. In addition, no evidence has been shared to substantiate that the Landsec scheme would be unviable if the Application comes forward, or that there would be an impact on Landsec's delivery programme. In fact, there is no evidence of there being a specific delivery programme for the Site as part of the O2 Masterplan scheme. These complaints are unsubstantiated.

TfL was consulted on the S73 proposal, and the Applicant welcomes any further comments from TfL regarding the Application. In any event, it is noted that there is no strict requirement to consult TfL in



relation the Application as this relates to additional floors above a building which already benefits from planning approval.

While the Applicant recognises the concern raised, the Council was cognisant of the O2 masterplan during its consideration of the now approved S73 and despite this, concluded that the S73 permission should be granted.

With regard to the step-free access, the Applicant team are aware that there have been more recent discussions with TfL regarding the proposed development of the Site, where it has been confirmed by TfL that the Site is no longer required to achieve step-free access to West Hampstead Station. LBC has been privy to these discussions. The proposals are subsequently aligned with TfL's latest requirements.

We note the Objection comments that Site needs to be delivered comprehensively as part of the wider O2 Masterplan scheme as it provides a "gateway" into the objector's scheme. We consider that, even if the Site can be considered a gateway location into Landsec's scheme (which is not clear as the Nido Student Accommodation is opposite the Site not the Landsec scheme), that this does not prevent the Site being developed by the Applicant pursuant to the Application. Comprehensive development of the wider area does not require development to be delivered by a single landowner or a single development. The West End Lane to Finchley Road SPD makes it clear that landowners are expected to work together to deliver regeneration of the area, which clearly envisages more than one development and developer.

The Objection states that the grant of permission for the Application will "raise uncertainty surrounding the future delivery of that plot and the achievement of a strong pedestrian connection with West End Lane". There is no uncertainty over delivery of the proposals in the Application as the Applicant can deliver within a set timeframe if required, and in advance of when the O2 Masterplan would otherwise deliver the redevelopment of Plot S8. There is no uncertainty in relation to the provision of pedestrian access on Blackburn Road as a suitable pedestrian and cycle scheme on Blackburn Road can be provided by the Applicant as part of the Application. Notably, LBC considered the design for the S73 acceptable and the same is sought in relation to the Application's design. The addition of the 3 commercial floors proposed does not in any way prejudice the link to the wider O2 masterplan.

The Objection states that "the Application proposals would result in the loss of the improvement of the link to the south via Grinny Dripping Steps provided by the O2 Masterplan scheme" as well as the delivery of the east-west link. This is not accepted. The addition of the 3 floors at the Site does not affect the Grinny Dripping Steps or east-west link in any way. These matters would have been relevant considerations when the S73 was being determined and it is noted that these were not raised as concerns.

#### 4. The builders' merchant

The Objection provides that the Application includes the continuation of a builders' merchant. Notably, the Application only seeks permission for the 3 additional commercial floors. The Application does not seek planning permission for a builders' merchant as the builders' merchant is already permitted by the S73.

### Conclusions

The Applicant is happy to provide further information if required, but it is worth noting that the current proposals were developed following comprehensive pre-application consultation with LBC's Planning



and Design Officers. The proposed works comply with both the adopted and emerging Development Plan, and therefore, there should be a presumption in favour of the Application's approval, as per Paragraph 11 of the National Planning Policy Framework (NPPF) (December 2023).

Yours faithfully,

DP9 Ltd.

**DP9 Ltd.**