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**Our ref: U0011576**  
**Your ref: 2024/1145/P**

**30 August 2024**

Dear Sir

**Planning Application Reference: 2024/1145/P (“the Application”)**  
**Application by Hampstead Asset Management Ltd**  
**At 14, Blackburn Road (“the Application Site”)**

We act for Landsec, who have the benefit of planning permission for the O2 Masterplan scheme, being a comprehensive regeneration of the area which includes the Application Site. That planning permission has the reference 2022/0528/P.

We hereby **OBJECT** to Application 2024/1145/P on behalf of Landsec.

Before we set out the grounds of objection to the Application, we explain below the context and Landsec’s involvement in the area.

### **The O2 Masterplan Scheme**

Planning permission for the O2 Masterplan development was granted to Landsec in December 2023 and comprises the comprehensive phased regeneration of the area involving up to 1,800 residential units; retail, leisure and commercial floorspace; a community centre and health centre; high quality public realm and open space together with new routes, new access and landscaping.

The proposals will deliver significant public and community benefits including 35% affordable housing; community facilities including a supermarket, cinema and health club; affordable workspace; local employment and training opportunities; significant contributions towards local highways and environmental improvements; new bus facilities; the safeguarding of a unit and access land for Finchley Road Underground station, and a contribution of £10 million towards the creation of step free access at West Hampstead Underground Station.

As was explained in the officer's report relating to the O2 Masterplan scheme, it accords with the adopted planning policy and its delivery will further the objectives of the local plan. The first phase has been granted full planning permission, while the second and third phases have been granted in outline. The scheme will result in public benefits that will contribute towards the achievement of the economic, social and environmental well-being of the area. Parts of the O2 Masterplan site (particularly Phase 2 of that scheme) are in third party ownership, including the Application Site.

The O2 Masterplan scheme was very carefully designed to deliver a high-quality development in a manner that ensures that the public benefits are optimised across the area of the permission. The scale of the development means that an extensive package of obligations can be provided, and that areas of public open space, public realm and green spaces have been located in the optimum locations across the development as a whole so as to serve the community in the best way.

In order to ensure that the scheme (which evolved with input from the Council's officers and TfL over an extended period) is delivered comprehensively to maximise the public benefits that will flow from it, it is essential that key elements are not lost – particularly the critical gateways into the site. The Application Site (which comprises Plot S8 of the O2 Masterplan scheme) sits at the key interface with the adjoining area to the west, and it is essential that the delivery by Landsec of its high-quality development of Plot S8 is secured.

The grant of permission for the proposals in the Application will raise uncertainty surrounding the future delivery of that plot and the achievement of a strong pedestrian connection with West End Lane and raise the prospect of a scheme of lower design quality coming forward. Given the 2004 consent was never brought forward and the site's constraints, Landsec has significant doubts over whether this scheme would be delivered in any event. As such the grant of the Application can only harm the comprehensive approach to the delivery of the wider O2 Masterplan scheme and impact the comprehensive package of wider benefits offered.

### **The Application – Technical Issues**

The Application is for “the erection of three floors of commercial floorspace (Use Class E.g.) together with cycle parking and associated works”.

It seeks to add those floors and associated works to a development for which planning permission was granted in 2004 (Ref. PWX0202103) for “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”, as amended by permissions under section 73 for revisions elevational design, floor levels, lower ground floor, first floor and roof plan (Refs. 2022/0509/P and 2023/1454/P).

The approach to this scheme is highly unusual in that the proposals involve a full application which seeks to place development on top of an existing permitted building which is yet to be commenced beyond the sinking of two piles many years ago. This is highly irregular.

The Council must seek a detailed explanation as to how this approach is technically lawful. The Planning Statement is very vague on the matter, and the Applicant should be required to provide a full explanation as to how this is a lawfully valid approach.

### **Grounds of Objection – Failure to Meet Policy Objectives**

We refer to the following policies:

- Policy D3 of the London Plan seeks a design-led approach that optimises the capacity of sites. Optimising means that developments is of the most appropriate form and land use.
- Policy D4 of the London Plan requires Masterplans and design codes should be used to help bring forward development and ensure it delivers high quality design and place-making. The policy also explains that the design of development proposals should be thoroughly scrutinised by borough planning, design and conservation officers and make use of the design review process.
- Policy D8 of the London Plan encourages the provision on new public realm and seeks to ensure that new buildings activate the public realm.
- The Camden Local Plan (2017) (Policies G1 and D1) and the West Hampstead to Finchley Road SPD (2021) require a high-quality comprehensive development for the area, including the Application Site. Policy G1 identifies the area (including the Application Site) as a Growth Area, and such areas should be brought forward comprehensively and in a manner to maximise the benefits that can be associated with major development.
- Specifically Policy G1 states the Council will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by, amongst other things, supporting a mix of uses either on site or across multiple sites as part of an agreed coordinated development approach, where it can be demonstrated that this contributes towards achieving the strategic objectives and delivers the greatest benefit to the key priorities of the Plan.
- Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan, which requires high quality design and the provision of associated high quality public realm.

The West End Lane to Finchley Road SPD (2021), although not policy is a very pertinent material consideration. The vision and objectives of the SPD include:

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

Of note, 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”. There has been no attempt to consult with Landsec on the Application scheme.

Landsec objects to the Application for the following reasons:

The stand-alone redevelopment of the Application Site would be contrary to the over-riding policy objectives for the area for a comprehensive, design-led approach that delivers high quality buildings and contributes to place making and public realm. Further, as is explained below, the design of the Application scheme itself is of poor quality.

We have reviewed the application material for application ref. 2024/1145/P. It is clear that the additional three 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 and place-making as the footprint of the consented base scheme already fills the site. Further increasing the massing by adding three floors only serves to underline the importance of this development site making a strong contribution to the public realm in an area which will form an important link through from the wider O2 Masterplan area and the new east-west linear park that it will deliver.

A key requirement of the adopted local policy is the creation of a high-quality East-West pedestrian and cycling route between Finchley Road and West End Lane so as to link the surrounding communities and create permeability that the site currently lacks. This is also a requirement of Policy D8 of the London Plan, which states that desire lines for pedestrian and cycle use should be a particular focus. The loss of the Application site from a comprehensive approach to delivering the east-west link will mean that a key element of the western end of the link is lost, with the potential conflict between vehicles and pedestrians and cyclists causing safety concerns. The Application proposals would also result in the loss of the improvement of the link to the south via Granny Dripping Steps provided by the O2 Masterplan scheme.

In addition, the builders merchant operation comprised in the wider proposal would provide a less active frontage along Blackburn Road, when compared to the active and animated frontage proposed by the O2 Masterplan proposals, and which is advocated in policy.

The Application proposals include the continuation of a builder's merchant operation. This use, which will involve vehicular movements for servicing, delivery and pick-up purposes will be inconsistent with the Council's objective (as advocated in the Camden Local Plan) of creating a much more pedestrian and cycling-friendly environment with reduced vehicular/pedestrian conflict on that part of Blackburn Road adjacent to the Application Site. The grant of permission for the Application would also thwart objectives of the Neighbourhood Plan and the Site Allocation Document (2013), which seek to improve legibility and improve the pedestrian and cycling environment.

Furthermore, the O2 Masterplan consented proposals would allow for a high-quality step free access to West Hampstead station, which would not be delivered if the Application scheme were to proceed. It would therefore fall foul of the requirement in the Neighbourhood Plan.

The O2 masterplan scheme is subject to an approved design code, the purpose of which is to ensure high quality and distinctive architecture and a strong contribution to place making. It was reviewed several times by the Borough's Design Review Panel and makes a significant contribution to public realm as well as providing a range of other public benefits as outlined above.

In contrast, the proposed development fails to consider the Borough's identified Growth Area objective of maximising the benefits that new development can deliver. Instead of forming part of a comprehensive, design-led approach, it comprises piecemeal development which seeks to maximise floor area while offering nothing to place making, public realm and infrastructure. The Application therefore does not comply with Policy D3, D4 and D8 of the London Plan and Policy G1 and D1 of the Local Plan.

These shortcomings and policy conflicts are important, given that the Application Site is at a key gateway to the O2 Masterplan regeneration area. It is important that a single lead developer (i.e. Landsec) has control over the delivery of this entrance into the O2 Masterplan site from the west. If this Application is permitted and built out the high-quality connection of the site to West End Lane, which is a requirement of policy, will be lost, as well as a range of other planning benefits.

The Application would also fall foul of the policies and thrust of the emerging Camden Local Plan. The plan is at Regulation 18 stage, which means that it is at an early stage and carries only limited weight. However, it shows the Council's firm direction of travel, which reinforces the comprehensive approach to the redevelopment of the area in a manner which secures key infrastructure such as the full East-West link and links to the south through Granny Dripping Steps. The O2 Masterplan scheme delivers this, alongside side delivering high quality public realm, including (at the Application Site) improvements around Billy Fury Way. The Application would prevent the full realisation of these benefits and would therefore hinder the achievement of the emerging policy for the area.

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

### **Impact on O2 Masterplan Consent**

As explained above, Landsec's planning permission for a comprehensive approach to the regeneration of the area was the subject of rigorous testing and assessment by the Council. A very detailed and considered officer's report was prepared for consideration by members, which very clearly supported Landsec's scheme and the importance of the comprehensive approach.

As set out above the importance of a comprehensive approach is clearly established in the adopted planning policy at all levels, and the Landsec's O2 Masterplan scheme will very positively contribute to the achievement of the London Plan policy and the Council's objectives for the area. It will deliver the public benefits to a degree which far exceeds the ability to do so through piecemeal development. Landsec are now moving into the delivery stage of their permitted scheme, and the grant of permission pursuant to the Application (for a development which is contrary to planning policy in many respects) would create uncertainty around Landsec's delivery programme.

Landsec have significant doubts around the Applicant's ability to deliver the Application proposals, given their proximity to the operational Underground line and apparatus immediately adjacent to the Application Site. We note that the footprint of the proposed building is very close to the tracks. We are advised that this is much closer to the tracks than would normally be acceptable to TfL for operational and safety reasons, and we trust that you will be consulting TfL on this matter as part of the consideration of the Application.

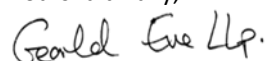
Whilst the deliverability of a development is not generally a material planning consideration, in this case it is. The mere existence of the planning permission for the Application Site will create uncertainty regarding the delivery of part of the O2 Masterplan scheme until the site has been brought under the control of Landsec.

### **Conclusion**

In conclusion, Landsec requests that the Council refuse the Application.

Should you have any questions regarding this objection, please do not hesitate to contact Leonie Oliva (020 7333 6445).

Yours faithfully,



**Gerald Eve LLP**

