

Application ref: 2024/3534/P
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Development Management
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Gerald Eve LLP
One Fitzroy Place
6 Mortimer Street
London
W1T 3JJ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

The O2 Masterplan Site
255 Finchley Road
London
NW3 6LU

Proposal:

Reconfiguration of existing car park to provide a bus turning circle, landscaping works, and associated external works for a period of ten years (from 01/10/2024 to 01/10/2034).

Drawing Nos:

SK-119 Rev B; SK-120 Rev C; SK-122 Rev B; SK-125 Rev B; 4602_001-PEF-XXX-XXX-DR-CR-001003 P04; 4602_001-PEF-XXXX-DR-CR-001000 P04; 4602-PEF-XX-XXX-DR-CR-001006 P03; LNS-O2F-HTA-L_XX-00_DR_2900 P1; SK-129 Rev A; Cover Letter (prepared by Gerald Eve, dated 15/08/2024); Design and Access Statement (prepared by HTA Design, dated 08/08/2024); Sustainable Drainage Statement 4602_001-PEF-ZZZ-XXXX-RP-000004 P06 (prepared by Pell Frischmann, dated 21/02/2025); Biodiversity Net Gain Statement 4602_001-PEF-ZZZ-XXXX-RP-GE-000001 P01 (prepared by Pell Frischmann, dated 08/08/2024); Biodiversity Net Gain Assessment 4602_001-PEF-ZZZ-XXXX-RP-GE-000002 P02 (prepared by Pell Frischmann, dated 12/08/2024); Outdoor Lighting Report P0192-122-CA01 (prepared by 4way Consulting, dated 30/07/2024); Draft Interim Bus Service and Infrastructure Strategy (prepared by ARUP, dated 14/08/2024); Transport Statement (prepared by ARUP, dated 14/08/2024).

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The works hereby permitted are for a temporary period only and shall be removed on or before 01/10/2034.

Reason: The works are required to facilitate the delivery of the wider Masterplan development as consented under planning permission 2022/0528/P dated 20/12/2023 and as such the local planning authority is not prepared to approve the proposal, other than for a limited period, in view of its implications for the delivery of the wider Masterplan.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

SK-119 Rev B; SK-120 Rev C; SK-122 Rev B; SK-125 Rev B; 4602_001-PEF-XXX-XXX-DR-CR-001003 P04; 4602_001-PEF-XXXX-DR-CR-001000 P04; 4602-PEF-XX-XXX-DR-CR-001006 P03; LNS-O2F_HTA-L_XX-00_DR_2900 P1; SK-129 Rev A; Cover Letter (prepared by Gerald Eve, dated 15/08/2024); Design and Access Statement (prepared by HTA Design, dated 08/08/2024); Sustainable Drainage Statement 4602_001-PEF-ZZZ-XXXX-RP-000004 P06 (prepared by Pell Frischmann, dated 21/02/2025); Biodiversity Net Gain Statement 4602_001-PEF-ZZZ-XXXX-RP-GE-000001 P01 (prepared by Pell Frischmann, dated 08/08/2024); Biodiversity Net Gain Assessment 4602_001-PEF-ZZZ-XXXX-RP-GE-000002 P02 (prepared by Pell Frischmann, dated 12/08/2024); Outdoor Lighting Report P0192-122-CA01 (prepared by 4way Consulting, dated 30/07/2024); Draft Interim Bus Service and Infrastructure Strategy (prepared by ARUP, dated 14/08/2024); Transport Statement (prepared by ARUP, dated 14/08/2024).

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The development hereby permitted does not approve any changes to the bus infrastructure and services on Blackburn Road, any amendments required to the bus infrastructure and services on Blackburn Road associated with this scheme must be undertaken prior to first use of the temporary car park and not until such time the Interim Bus Service and Infrastructure Strategy has been submitted to and approved in writing by both the Council and Transport for London, as required under the operative provision [9] of the O2 Masterplan Site Section 106 Legal Agreement, dated 20/12/2023, which relates to planning permission 2022/0528/P.

Reason: To ensure the continued safe and efficient operation of public transport infrastructure, in accordance with Policy T3 of the London Borough of Camden Local Plan 2017 and Policy 5 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 4 Prior to the commencement of the planting phase, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. Such

details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels, details of replacement trees that are of species suitably drought tolerant for the changing climate, and a landscape management plan to ensure successful establishment. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, and D1 of the London Borough of Camden Local Plan 2017.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, and D1 of the London Borough of Camden Local Plan 2017.

- 6 Prior to commencement of any works on site, with the exception of site activity outside of the root protection areas of trees to be retained ('root protection areas' as defined by BS5837:2012), details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 The sustainable drainage system as approved by document '4602_001-PEF-ZZZ-XXX-RP-000004_PO6' shall be installed as part of the development to achieve 283.4l/s runoff for 1 in 100 year rainfall event with 40% for climate change. The system shall include 1,133m² permeable paving, 346m² bioretention areas and 241m² soft landscaping providing a total of 185m³ of storage as stated in the approved drawings and shall thereafter retained and maintained in accordance with the approved maintenance plan.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan Policies and Policy SI 13 of the London Plan 2021.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that

the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available, this permission WILL require approval of a BGP before development is begun because none of the statutory exemptions or transitional arrangements summarised below are considered to apply.

+ Summary of statutory exemptions for biodiversity gain condition:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because:
 - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a "Biodiversity Gain Site".
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

5 + Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

+ The effect of section 73(2D) of the Town and Country Planning Act 1990:

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

+ Phased development:

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan),

and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

[https://www.gov.uk/appeal-planning-decision.](https://www.gov.uk/appeal-planning-decision)

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the typed name and title.

Daniel Pope
Chief Planning Officer