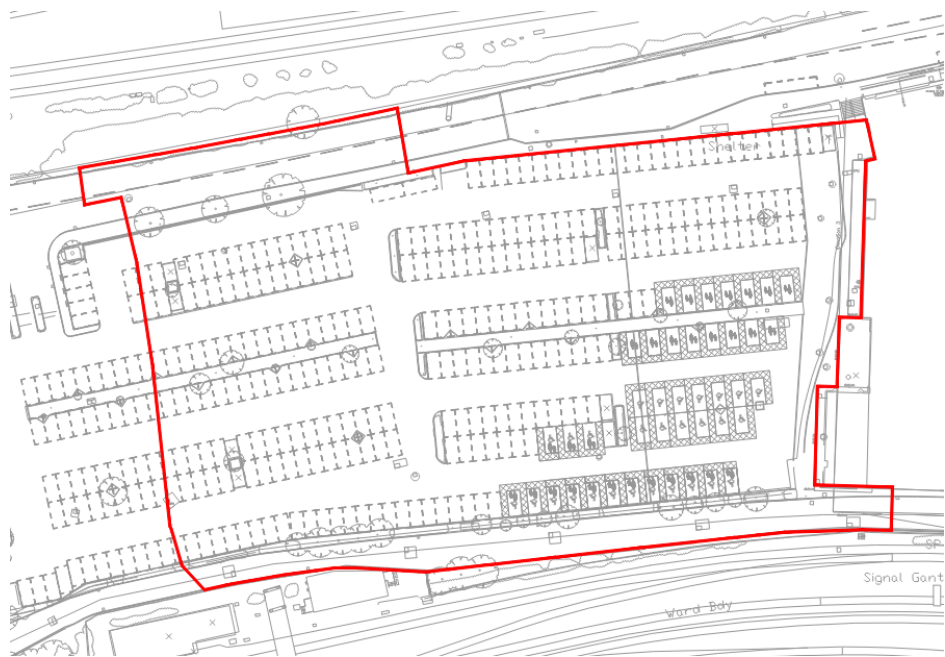
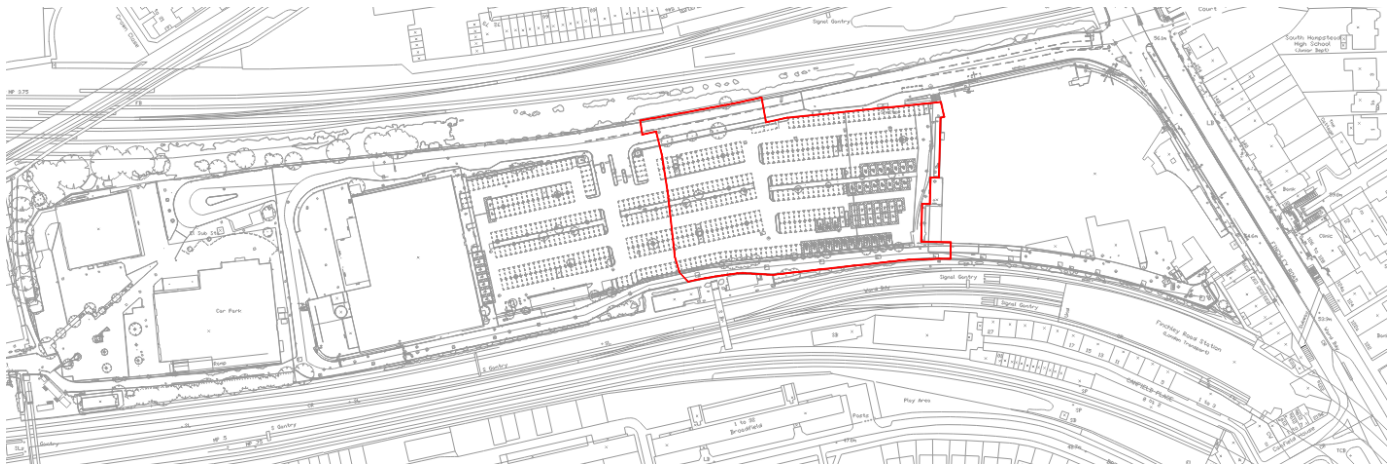


# Site Location Plan – O2 Masterplan Site (2024/3534/P)

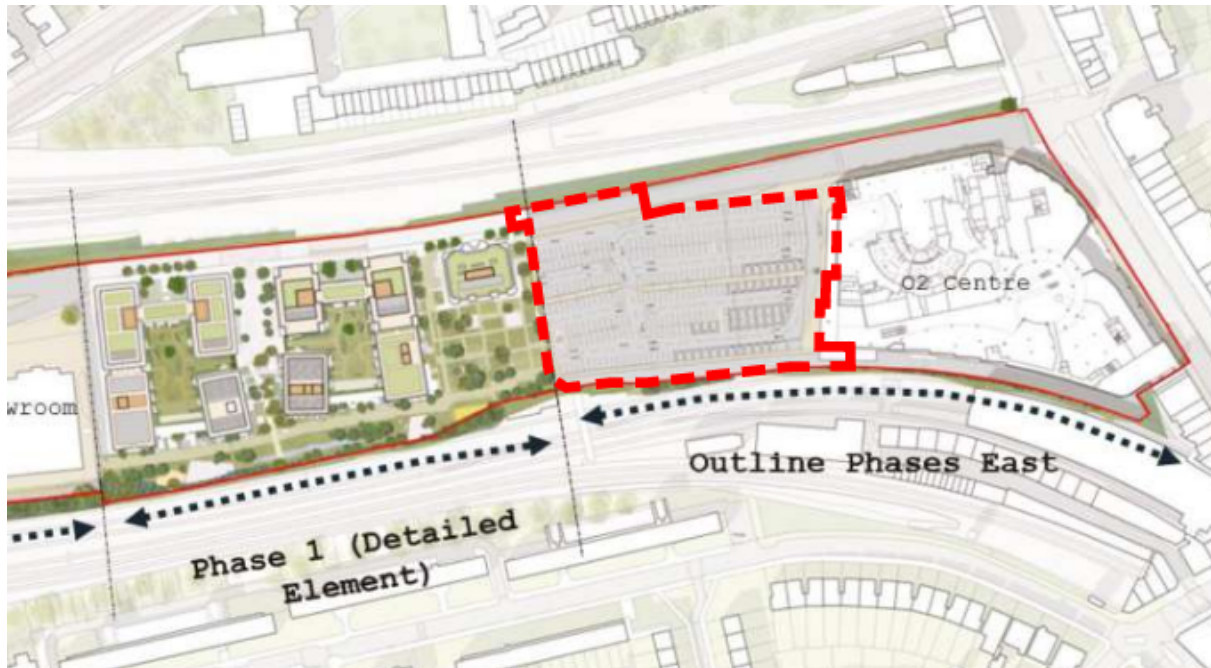


**Photographs and Drawings – O2 Masterplan Site (2024/3534/P)**

**1. Aerial view of application site from south showing existing car park**



**2. Aerial view of application site from southeast showing carpark, Homebase (to be demolished) and O2 Centre**



**3. Illustrative plan of approved Phase 1 and adjacent car park site**



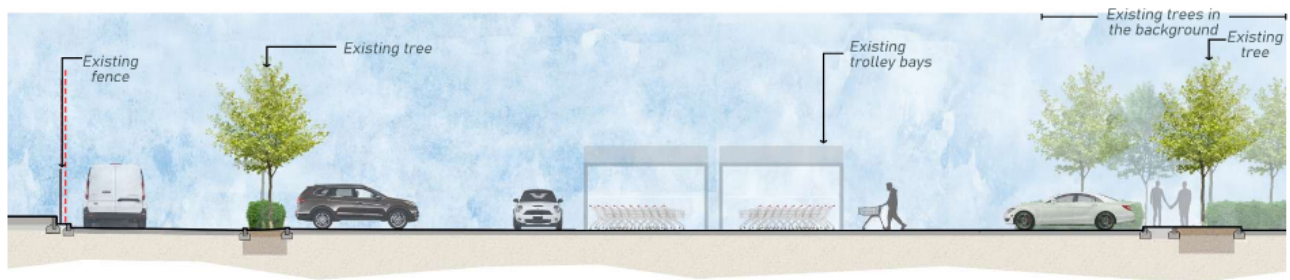
**4. Existing view of O2 Centre from Blackburn Road (close to site boundary to west)**



**5. Existing site plan**



**6. Proposed site plan**



6.3m  
1.4m  
31.1m  
3.3m  
London Underground  
Access road  
Tree and hedge  
Car park  
Footpath with existing tree  
Section A-A' (Existing)



3.7m  
4m  
3.3m  
1.4m  
26.5m  
3.3m  
London Underground  
Access road  
Planting bed  
Footpath  
Planting bed  
Car park  
Footpath with existing tree  
Section A-A' (Proposed)

**7. Existing (top) and proposed (bottom) section drawings to show proposed pedestrian walkway to south of site (shown to the left) and part of car park**

<b>Delegated Report</b> (Members' Briefing)		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>16/10/2024</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>29/09/2024</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Sam FitzPatrick			2024/3534/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
The O2 Masterplan Site 255 Finchley Road London NW3 6LU			Please refer to decision notice.	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
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).				
<b>Recommendation(s):</b>		Grant conditional planning permission		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
<b>Consultations</b>				
Adjoining Occupiers:	No. of responses	<b>04</b>	No. of objections	<b>02</b>
Summary of consultation responses:	<p>Site notices were displayed from 30/08/2024 until 23/09/2024, and a press notice was published on 05/09/2024 (expiring on 29/09/2024).</p> <p>One letter of support was received which stated that concerns relating to the loss of car parking spaces were misguided. Two objections and one comment were received from members of the public, whose concerns can be summarised as follows:</p> <ul style="list-style-type: none"> <li>No safe cycle route has been provided contrary to cyclist safety;</li> <li>The reduction in car parking spaces would impact accessibility for disabled people, and new residents would increase demand;</li> <li>There is no dockless e-bike parking on site or near the O2 centre, so existing car parking spaces should be converted to e-bike parking.</li> </ul> <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> <li><i>For concerns relating to transport, please see section 5 of this report.</i></li> </ul> <p><i>Update following Members' Briefing:</i></p> <p><i>It is noted that an objection was received from Chamoss International (who own the car showrooms at 277 and 279 Finchley Road) on 23<sup>rd</sup> December 2024, which was prior to determination of the application but after the officer delegated report was presented to members at Members' Briefing on 16<sup>th</sup> December 2024. However, the concerns raised in this objection letter primarily relate to the bus operations and turning arrangements, and how these may be impacted by the proposal. It is considered that these issues are appropriately responded to in section 5 of this report ('Transport'), as well as the recommended condition to ensure continued operation of transport infrastructure (condition 3).</i></p>			
Combined Residents Association of South Hampstead (CRASH)	<p>An objection was received from CRASH, noting the incorrect labelling of the road leading off from Finchley Road as 'Blackburn Road', when Blackburn Road is a cul-de-sac leading off from West End Lane.</p> <p><u>Officer response:</u></p> <ul style="list-style-type: none"> <li><i>The road referred to as Blackburn Road appears as such on OS maps. Regardless, the naming of the road on plans is not a material planning consideration, as the plans are still clear and understandable.</i></li> </ul>			
Transport for London (TfL)	<p>The Council consulted Transport for London (TfL) on the application, who corresponded with the applicant and the Council regarding concerns related to the de-designation of Blackburn Road as a GLA Side Road. This road is under TfL Traffic but not Highway authority. Due to incidences involving informal parking and blocking by private vehicles that negatively impacted bus operations on this road, TfL was reluctant in principle to support</p>			

revoking the status without robust assurance that such issues will be appropriately managed and prevented in the event of reoccurrence.

The applicant has since confirmed that they will not be seeking to pursue the private management of Blackburn Road, however the proposal could still impact the highways access. As such, the Traffic Regulation Order would require updating, which is covered in section 5 of this report.

## Site Description

The application site is the eastern portion of the existing car park that serves the O2 Centre and the former Homebase (now in the process of being demolished). The site itself falls within the 'Outline Phase East' portion of the wider O2 Masterplan redevelopment, as granted under planning permission 2022/0528/P, dated 20/12/2023. The existing car park consists of 520 parking spaces and is positioned between Blackburn Road to the north and London Underground lines to the south. It is not located within a conservation area.

## Relevant History

**2022/0528/P** – 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. **Planning permission granted subject to a Section 106 legal agreement 20/12/2023.**

## Relevant policies

### National Planning Policy Framework (2021)

### The London Plan (2021)

### Camden Local Plan (2017)

- **A1** Managing the impact of development
- **A3** Biodiversity
- **D1** Design
- **D2** Heritage
- **CC3** Water and flooding
- **T1** Prioritising walking, cycling, and public transport
- **T2** Parking and car-free development
- **T3** Transport infrastructure

### Fortune Green and West Hampstead Neighbourhood Plan (2015)

- Policy 2: Design & Character
- Policy 5: Public Transport
- Policy 7: Sustainable Transport
- Policy 8: Cycling
- Policy 17: Green/Open Space
- Policy 18: Trees

### Camden Planning Guidance



- CPG Amenity (Jan 2021)
- CPG Biodiversity (Mar 2018)
- CPG Design (Jan 2021)
- CPG Transport (Jan 2021)
- CPG Trees (Mar 2019)
- CPG Water and Flooding (Mar 2019)

### **Draft Camden Local Plan**

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## **Assessment**

### **1. The Proposal**

- 1.1. Planning permission is sought for the reconfiguration of the existing car park at the site, which would reduce the size of the area from 520 parking spaces to 200 parking spaces. As part of these works, a new bus turning circle would be provided and landscaping works would aim to improve the public realm and help reduce the risk of flooding onsite. Permission is sought for a temporary period of 10 years, until 01/10/2034.

### **2. Assessment**

- 2.1. The principal considerations material to the determination of this application are as follows:

- Design
- Amenity
- Transport
- Flooding
- Trees, landscaping, and biodiversity

### **3. Design**

- 3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 (Design) of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance, and character of the area. The Council welcomes high quality contemporary design which responds to its context. Camden's Local Plan Document is supported by Supplementary Planning Guidance CPG (Design).

- 3.2. The proposal would not involve any particularly significant alterations, and the appearance of the car park would broadly be similar to that which already exists. The proposed works would include permeable surfacing, swale planting, pergola structures, planters, and low level shrubbery. The landscaping changes are discussed in section 7 of this report, but all would be considered to be appropriate for the area and would enhance the appearance of the surrounding area. The materials proposed for the external features would all be appropriate and the design would be in keeping with the local character.

- 3.3. The proposed works would therefore be considered to comply with Policy D1 of the London Borough of Camden Local Plan and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.

### **4. Amenity**

- 4.1. Policy A1 (Managing the impact of development) seeks to protect the quality of life of

occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes, as well as impacts caused from the construction phase of development.

4.2. Due to the nature of the development, it is considered that there would be very limited impact on residential amenity. It is noted that the nearest residential properties are some distance and the changes to the car park would primarily involve landscaping alterations and changes to the road configuration, which would be unlikely to have an impact on residential amenity.

4.3. As such, the works would not have any negative impacts on the amenity currently enjoyed by neighbouring residents and would therefore comply with Policy A1 of the London Borough of Camden Local Plan.

## **5. Transport**

5.1. The Council's transport policies aim to promote sustainable transport within the borough, including through prioritising the needs of pedestrians and cyclists and discouraging the use of cars. Policy T1 (Prioritising walking, cycling, and public transport) states that the Council will support proposals that improve the pedestrian environment and ensure a safe and accessible environment for cyclists, Policy T2 (Parking and car-free development) aims to limit the availability of parking, and Policy T3 (Transport infrastructure) makes clear that the Council will protect existing and proposed transport infrastructure, including routes and facilities for walking, cycling, and public transport.

5.2. The proposed reconfiguration of the carpark would result in an overall reduction of parking spaces on site, from 520 spaces to 200 spaces. The number of disabled spaces and parent/child spaces would also be slightly reduced – however, the proportion of these spaces relative to the total size of the car park would actually slightly increase from approximately 8% in the existing car park to approximately 11% in the proposed car park. The provision of disabled and parent/child spaces has been agreed with Sainsbury's (whose consent is required for alterations to the car park), and is considered acceptable. The net decrease in parking would therefore comply with Policy T2 in any case, however it is also important to note that the proposal is temporary and intended to facilitate the delivery of the wider redevelopment of the O2 Masterplan site, as consented under planning permission 2022/0528/P. The redevelopment consented under the previous permission will result in the removal of the car park in its entirety; the proposed temporary car park with a smaller capacity of 200 spaces would only be necessary whilst the O2 Centre to the east of the masterplan site remains open. Therefore, the retention of a smaller car park for a temporary period would be acceptable.

5.3. The design and layout of the proposed car park, as well as the temporary service road and bus turning circle, would be acceptable and allow for the safe manoeuvring of buses and servicing vehicles. This has been demonstrated through the swept path diagrams, which show that there would be adequate space and provision for vehicles to pass along Blackburn Road, including access to the car showrooms to the west of the Masterplan site, as well as for delivery and servicing vehicles accessing the Phase 1 area of the Masterplan site.

5.4. The reconfiguration would also allow for cyclists to continue along Blackburn Road and down to the southwest of the site, where there would be a connection provided to the east-west cycle path linking Finchley Road and West End Lane. The provision of this east-west connection was secured as part of the larger Masterplan permission, and the proposed works to the car park area would help facilitate this. Cyclists would be able to use Blackburn Road as per the existing arrangements, and a dropped kerb would facilitate cyclist movements onto the landscaped east-west route. In response to concerns relating to potential conflict between cyclists and vehicles along this route, the applicant provided additional detail including confirmation that motor vehicles would be prohibited from the road south of the bus turning

circle and that there would be a cycle visibility splay at the connection between the road and the east-west connection. The reduction in the size of the car park, the shortening of the length of the road that cyclists would share with vehicles, and the relatively low frequency of construction vehicles using the road would also all mean that the impact on the cycling environment would be considered acceptable. The new layout of the car park would also provide cycle parking close to the O2 Centre entrance, with a total of 11 Sheffield stands (and 22 cycle parking spaces), which is the same amount as currently provided, despite the overall decrease in size of the car park.

5.5. The proposed reconfiguration would also provide multiple pedestrian crossings, including across the bus turning circle, south of this turning circle, and within the car park itself. Additionally, the landscaped area south of the car park would provide a safe and accessible route to the O2 Centre. The proposed works would also therefore improve the pedestrian experience, complying with the Council's transport policies.

5.6. As noted in the consultation section of the report, Transport for London (TfL) were consulted on the application given their current management of Blackburn Road, which is designated as a GLA Side Road. Initially, it was proposed that the GLA Side Road designation would be revoked and an equivalent private traffic management system put into place on the bus turning circle and Blackburn Road, which would become private highway. However, this approach has since been revised so that it is now proposed that the management of this road remains with TfL. In order to ensure that the bus network can continue to run without disruption, a condition has been added that would prevent any changes to the bus infrastructure and services being made without first completing the temporary car park and ensuring that the Interim Bus Service and Infrastructure Strategy has been submitted to and approved in writing by both the Council and Transport for London. This requirement was established by the operative permission 9 of the Section 106 Legal Agreement relating to the main permission for the O2 Masterplan. Assuming that the obligation is discharged and the temporary car park has been completed, the changes to the bus infrastructure and services on Blackburn Road can then take place without leading to disruption for public transport services.

5.7. The proposal has been reviewed by the Council's Transport Officer, who has confirmed that the works would be acceptable. As such, the works are considered to comply with Policies T1, T2, and T3 of the London Borough of Camden Local Plan and Policies 5, 7, and 8 of the Fortune Green and West Hampstead Neighbourhood Plan.

## **6. Flooding**

6.1. Policy CC3 (Water and flooding) of the Local Plan states that the Council will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible. Development will be required to consider the impact of development in areas at risk of flooding, incorporate flood resilient measures where required, and utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible.

6.2. The applicant has provided a Sustainable Drainage Statement to demonstrate the proposed drainage strategy and give specific surface water discharge rates. This has been reviewed by the Council's Sustainability Officer. Initially, concerns were raised regarding the runoff rates and the potential to increase the SuDS measures to the south part of the site, to which the applicant responded by providing updates to their Sustainable Drainage Statement. These updates have been reviewed and confirmed to be acceptable.

6.3. The existing below ground infrastructure in the area towards the south of the site (between the car park and the existing service road) and the retained trees would add constraints to the extent of bioretention features that can be implemented. However, the reconfigured plan has been designed such that runoff would not be directed to any features in this location. Overall, there would be a significant increase in permeable surfacing (resulting

in a reduction of 33% in impermeable surfacing) in the reconfigured car park, and bioretention systems would control runoff prior to discharge to existing below ground drainage. These would include features such as rain gardens and swales.

6.4. The proposal would result in an increase in impermeable surfacing compared to the existing arrangement, and would help reduce the risk of flooding at the site. As a result of this, it would be considered acceptable in terms of flooding and would comply with Policy CC3 of the London Borough of Camden Local Plan.

## **7. Trees, landscaping, and biodiversity**

7.1. The Council will aim to preserve existing tree and canopy coverage while increasing and improving tree coverage where possible and appropriate. Policy A3 (Biodiversity) looks to protect and enhance sites of nature conservation and biodiversity by assessing developments against their ability to realise biodiversity benefits, protect existing trees where possible, and provide replacement planting where necessary. These policies are supported by CPG 'Trees' and CPG 'Biodiversity'.

7.2. As noted throughout, the proposed temporary car park is required to facilitate the delivery of the wider O2 Masterplan, as consented under permission 2022/0528/P. This application included site-wide landscaping proposals, which have been assessed and considered acceptable. The masterplan has already been approved, which involves large-scale tree removal.

7.3. Irrespective of the above, this application seeks to retain existing trees wherever possible and would include the planting of new trees to the landscaped areas, primarily to the south and west of the new car park, as well as within the centre of the new bus turning circle. The majority of trees to be removed are of low quality, and given that the site is not within a conservation area, the trees are afforded no legal protection. The proposed temporary landscaping, including the tree planting, is considered sufficient to mitigate the loss of amenity provided by those trees proposed for removal. However, the proposed replacement species will need amending; the proposed birch trees are unlikely to be drought tolerant enough for the site and are not future climate proof, even if only proposed for a temporary scheme. The Council's Trees Officer has reviewed the submission and confirmed that it is acceptable, subject to conditions that would secure further details of the replacement trees to be provided prior to the commencement of the planting phase, as well as a landscape management plan to ensure successful establishment. As such, the proposal would comply with Policy A3 of the London Borough of Camden Local Plan and Policies 17 and 18 of the Fortune Green and West Hampstead Neighbourhood Plan.

7.4. It is noted that the Biodiversity Net Gain (BNG) requirement came into effect for major applications on 12th February 2024, and for small sites on 2nd April 2024. However, there are a number of statutory exemptions and transitional arrangements which mean that the BNG condition does not always apply. These are summarised by way of an informative attached to this decision.

7.5. In this instance, the application would not meet any of the exemptions for BNG and therefore would be subject to the biodiversity gain condition. As such, the permission will require the approval of a Biodiversity Gain Plan before development is begun. Given that the proposal is temporary, it is accepted that the delivery of biodiversity net gain would not be able to be provided on-site, as the requirements for BNG include a 30-year management plan. To this end, off-site delivery of BNG would be acceptable.

7.6. The applicant has indicated that they are intending to purchase offsite units from a registered habitat bank, located outside the borough. Given that this is outside Camden's 'character area', the applicant would have to deliver twice as much due to the Spatial Risk Multiplier. This will need to be demonstrated in the submitted Biodiversity Gain Plan to discharge the statutory condition, along with confirmation that the units are legitimate via

registration on the national database (or else contact with Natural England to confirm they will be added to the national database in due course). If the applicant seeks to purchase Statutory Credits, they will need to demonstrate that they have unsuccessfully attempted to purchase off-site units with three separate off-site providers first.

- 7.7. Given that the BNG condition is statutory, it will not be added to the decision notice. However, an informative will remind the applicant that the scheme is not exempt from the BNG requirement and will need to submit a Biodiversity Gain Plan to the Council and have this approved prior to the commencement of development.

## **8. Conclusion**

- 8.1. In conclusion, the proposed works would be in keeping with the appearance and character of the surrounding area and would be considered not to result in any significant impacts on the amenity of residential amenity. The works would also be acceptable in transport terms given they would help improve the pedestrian and cyclist experience, whilst not harming the functioning of public transport infrastructure. Additionally, the landscaping works proposed as part of the reconfiguration would help to enhance biodiversity and mitigate against flooding. The application would not be exempt from the BNG condition, and the applicant has been reminded of the requirements this entails. As such, the proposal is considered to comply with the requirements of Policies A1, A3, D1, CC3, T1, T2, and T3 of the London Borough of Camden Local Plan 2017 and Policies 2, 5, 7, 8, 17, and 18 of the West Hampstead and Fortune Green Neighbourhood Plan 2015.

## **9. Recommendation**

- 9.1. Grant conditional planning permission.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 16th December 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2024/3534/P  
Contact: Sam Fitzpatrick  
Tel: 020 7974 1343  
Email: [sam.fitzpatrick@camden.gov.uk](mailto:sam.fitzpatrick@camden.gov.uk)  
Date: 11 December 2024

**Development Management**  
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Gerald Eve LLP  
One Fitzroy Place  
6 Mortimer Street  
London  
W1T 3JJ

# DRAFT

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**

# DECISION

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 P04 (prepared by Pell Frischmann, dated 25/11/2024); 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 the 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\_P06' 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 1,133m<sup>2</sup> permeable paving, 346m<sup>2</sup> bioretention areas and 241m<sup>2</sup> soft landscaping providing a total of 185m<sup>3</sup> of storage as stated in the approved drawings and shall thereafter be 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 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](http://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).

# DECISION

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>.

Yours faithfully

Chief Planning Officer