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Our Ref 21-D017  
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By email: [planning@camden.gov.uk](mailto:planning@camden.gov.uk)

Dear Sirs

### **O2 Master Plan S73 Application: 2025/0484/P**

We write on behalf of Chamoss International Limited (Chamoss), freehold owners of the VW and Audi car dealerships located at 277-279 Finchley Road, within the extent of the hybrid planning application site boundary. The subject site is currently occupied by two successful operational car showrooms including associated access and parking.

This letter of objection relates to planning application 2025/0484/P, a pending application for a Minor Material Amendment, under Section 73 of the Town and Country Planning Act (1990, as amended), to planning permission 2022/0528/P for redevelopment of the O2 shopping centre and wider land parcels.

We support further optimisation of the development potential of these sites. However, we consider that the proposed amendments undermine the ability of the outline elements of the planning permission to be optimised, which is contrary to policy and reduces the planning benefits that the outline plots can deliver. This appears to be as a result of the approach taken to progress the amendments through a Section 73 application, rather than a revised full planning application.

This letter also reiterates key points previously raised by Chamoss in relation to the scheme as a whole and the impact of the approach on the continued operation of the car dealerships and the ability for Chamoss to potentially progress its own redevelopment proposals, which would be deliverable by Chamoss as land owner and therefore underpin housing delivery within Camden.

### **Impact on optimisation of development quantum**

London Plan policies, including GG2 (Making the best use of land) and D3 (Optimising site capacity through the design-led approach) and Local Plan policies, including H1 (Maximising Housing Supply) and G1 (Delivery and Location of Growth), as well as draft Local Plan policies, including H1 (Maximising Housing Supply) and DS1 (Delivering Healthy and Sustainable Development) set out the policy framework for decision-makers to resist development that makes inefficient use of Camden's limited land and to require proposals to make efficient use of that land. Neighbourhood Plan Policy 4 (West Hampstead Growth Area)

also sets out a requirement for the provision of new homes and employment floorspace in the area. We consider that the pending S73 application is contrary to these policies.

The S73 application proposes to restrict the overall floorspace of the proposed scheme, to the maximum which is approved in the extant planning permission: 191,025sqm of floorspace is approved within the permitted application and now 191,017sqm of floorspace is proposed within this S73 application, with a limited reduction of 8 sqm across the entire masterplan, due to a proposed limited loss of commercial floorspace.

Given the proposed retention of the approved total floorspace alongside a proposed increase in floorspace across the detailed component of the masterplan (an increase of 5,774 sqm), there would be a commensurate reduction in the maximum floor area proposed and allowable within the outline element of the masterplan. This is reflected in the proposed amendment to planning condition RM21 to restrict the floorspace within the outline phases to 126,636 sqm, whereas the floorspace maximum, as approved, is 132,410sqm i.e. a decrease of 5,774sqm in line with the increase proposed as part of the Detailed Element.

This loss of floor space is translated into plot-specific implications for the outline element, through the proposed revised Development Specification document as set out in Table 1 below. The proposed reduced maximum floorspace within the outline element would impact upon three of the four plots within Phase 3 (Plots S1, N1, N2).

#### Approved and Proposed Maximum Floorspace Thresholds, Outline Element

		S1	N1	N2	N3	N6	N7	S8	Use Cap
<b>Residential C3 (including carparking and basements)</b>	<b>Approved</b>	12,100	16,850	25,400	24,500	6,100	21,650	8,400	115,000
	<b>Proposed</b>	11,176	15,000	22,400	24,500	6,100	21,650	8,400	109,226
	<b>Difference</b>	-924	-1,850	-3,000	0	0	0	0	-5,774
<b>Commercial / Non-Residential Total</b>	<b>Approved</b>	4,550	6,700	2,500	500	300	1,810	1,050	17,410
	<b>Proposed</b>	4,550	6,700	2,500	500	300	1,810	1,050	17,410
	<b>Difference</b>	0	0	0	0	0	0	0	0

The s73 submission is not clear or consistent in terms of the rationale for the central plot now being considered suitable for additional quantum to that approved; whilst the outline plots are now only considered suitable for either (in the case of phase 1) less development than already approved or (in the case of phase 2) the same amount of development already approved. The applicant should consider the potential increased quantum that could be achievable on the outline plots, based on application of the principles that have been applied to the detailed plots in this submission. The LPA should be satisfied that the proposed approach does not conflict with policies relating to site optimisation.

We consider that this is a clear breach of the policy requirement for site optimisation in relation to those plots. The consented scheme confirms that the LPA has assessed and approved 93,100 sqm of floorspace on those plots. Given that this quantum of floorspace is acceptable in planning terms, any lesser delivery (i.e. the proposed reduction of 5,774 sqm) would demonstrably not optimise the development of those plots. This is contrary to both London Plan and Local Plan Policy referenced above regarding site optimisation.

Moreover, the approach proposed to the detailed element of the scheme i.e. an increase in quantum and building height, including partly through amended assumptions on floor-to-floor heights, illustrates that a greater, not a lesser, amount of development can be accommodated on the site. Following the same principles, the maximum floorspace on the outline elements should logically be increased. Again, this is evidence of a lack of site optimisation, contrary to policy.

Whilst it is acknowledged that detailed proposals will be required through future Reserved Matters Applications (RMAs), these should be on the basis of robust parameters for the outline elements of the permission.

Furthermore, the proposed reduction across Plots S1, N1 and N2 could set a precedent for a future S73 application which proposes to reduce the quantum of floorspace on other plots within the outline land parcels, including Plots N6, N7 and S8 within phase 2. Again, this could result in the quantum of floorspace being reduced even further, contrary to the policies listed above.

This lack of site optimisation impacts on the achievable planning benefits and also specifically results in a reduction to the planning benefits which would be approved under the S73 application for plots S1, N1 and N2. This is contradictory to NPPF Paragraph 125 Part A which notes planning decisions should encourage benefits from urban land as well as the London Plan and Local Plan Policies previously referenced in relation to site optimisation.

To overcome these points, Chamoss suggests a more flexible approach is taken to ensure the plots which come forward within the outline element of the application optimise the full use of the site, in line with the policies previously referenced. As a minimum, it is suggested that Condition RM21 is not altered and that the overall maximum amount of floorspace is adjusted upwards as required by the amendment proposals. This will mean, as a minimum, the same quantum of floorspace which was originally approved can still come forward as part of the outline phases, albeit it can be inferred that an overall increase should be applied for in relation to the outline plots.

Given the housing crisis and the UK Government's target to deliver 1.5 million new homes by 2029, it is imperative to deliver as much housing as possible. In this context, we note that the London Borough of Camden (LBC) has failed to meet its housing targets in recent years, for example in 2023 its Housing Delivery Test score is just 53% (which results in applications being determined under the presumption in favour of sustainable development). As such, LBC should have ever greater emphasis on ensuring housing delivery is maximised as much as possible.

### **Optimisation of building heights and massing**

The S73 proposals include increased building heights within the detailed element of the hybrid planning application. The tallest element of the scheme (Plot N5A), which was originally approved at 17 storeys, is now proposed to be 19 storeys and it is proposed to increase the other building heights within the detailed element by between 1 – 3 storeys.

Chamoss is supportive of optimising heights across the detailed and outline elements, provided an increase in heights in the detailed element would not prejudice optimisation of the outline elements; however, there appear to be lost opportunities for further optimisation.

The replacement of Plot N4D with a two storey community building (in place of a 10 storey building as approved) is a lost opportunity in terms of design led site optimisation. The application provides limited and unconvincing justification as to why the community centre could not be accommodated within a building with additional floors above. Such an approach

would provide a greater massing and increased number of residential units and therefore better site optimisation which would ensure the policies referenced above are adhered to. Whilst the submission includes information to indicate that the floorplates and internal layouts of additional storeys above the community centre would be less efficient than desired by the applicant, due to BS:9991 core requirements, this does not mean that such additional floorspace would not provide valuable additional residential floorspace. The potential for further optimisation should be fully explored and evidenced in the submission, to enable a clear assessment by the LPA.

We also consider that the applicant should review the maximum parameters approved for the outline elements, reflecting the revised assumptions on the site capacity of the detailed plots, including in relation to floor-to-floor heights. The approach to the detailed plots would appear to demonstrate that a greater number of storeys could be included within the outline plots, with a limited increase in building heights. We consider that the LPA should reject the current S73 application on the basis that it is self-evident following the logic of this application that the proposals would not optimise the development potential of the overall site nor maximise achievable planning benefits.

Conversely, we would also urge the LPA to ensure that the sunlight daylight impacts of the proposed increased massing would not artificially limit the development potential of the neighbouring plots and thereby prejudice the prospects for those sites to be optimised. Sunlight daylight impacts have not been assessed, in respect of the impact of the increased massing on the developability of the neighbouring outline plots, including the internal light levels likely to be achievable within any units proposed; whilst it is noted that no detailed layouts are available, the LPA should be satisfied that the proposals do not prejudice the development of neighbouring land, including that within the outline areas approved for development. Only sun hours on ground assessments have been carried out for areas of public realm as per the outline scheme. Other assessments that could be carried out would include mirror-massing to test the assumptions on the capacity of the outline plots and that these remain valid and materially unaffected by the amendments.

### **Planning process**

It appears that the applicant may consider it necessary to adopt the approach of artificially limiting the development quantum within the outline elements of the scheme, in order to enable the LPA to consider the proposed changes to the detailed element as a Minor Material Amendment. Planning process points should not stymie the optimisation of development sites, contrary to policy. We would request that either the LPA reviews whether this restriction on overall floorspace is truly necessary in procedural terms and ideally removes this restriction in its consideration of the S73 application, or if it is considered necessary, that the LPA rejects this S73 application and requires the submission of a full planning application.

We request, at a minimum, that Condition RM21 is not amended through this S73 application. This ensures there is the flexibility to deliver the same quantum across the outline phase as was originally approved and therefore considered acceptable. This will ensure the same degree of planning benefits, as originally approved and deemed acceptable, can still come forward. Furthermore, to achieve site optimisation the scheme should be reassessed across the entire site, based on the assumptions applied to the detailed element, that can achieve greater quantum within those plots.

As a wider point, we consider that an outline planning application is not an effective mechanism by which to determine what constitutes site optimisation of the plots within the two outline phases. As such, the planning permission and the proposed modification both risk delivery of a sub-optimal scheme on the outline plots, artificially and unnecessarily constrained

by the maximum parameters of the hybrid permission. An alternative and more effective approach would be to enable the landowners of these plots to promote full detailed planning applications within the boundaries of their land ownership and within the control of their own ability to deliver development on these plots. Only a full detailed application can fully consider and allow the LPA to fully assess whether the sites are optimised, particularly in a complex urban environment.

A more appropriate approach to optimising the capacity and the deliverability of these sites would be to enable new full planning applications to be submitted on the basis of site ownership boundaries. This will mean development on both sites can come forward independently of each other, which means delivery is more likely and more likely to be timely, given this would not be impeded by mixed land ownership.

We have previously noted that the extant approved application plot boundaries and phases do not align with land ownership boundaries. Plot N6 straddles both the Landsec site and the Chamoss site. This is an unnecessary approach which could hamper the delivery of the outline plots, which could otherwise be brought forward independently under a separate full planning application. Given the points previously referenced in regard to Camden's Housing Delivery, it is imperative the Council considers how to deliver housing in a more efficient and timely manner.

We have also previously noted that the provision of lower value land uses including public open space and vehicle turning heads is not equitably distributed across land ownership parcels and this should be accounted for in planning requirements and viability discussions in relation to individual plots. For instance, the approach includes relocation of an existing turning head within LandSec's land, moved to within Chamoss' land. The proportionately higher provision of open space within the outline plots also brings into question the deliverability of that space relative to the development which is proceeding on the detailed plots; such an approach is contrary to policy A2 (Open space) of the Local Plan i.e. there is a risk of the detailed plots proceeding without a sufficient amount of public open space.

### **Employment uses**

The extant scheme and pending application give no reasonable consideration to the continued use of the car showrooms during development, nor to the potential to accommodate these uses as a permanent condition within a redevelopment scheme. Overall, the approved permission is for a loss of employment space. This is contrary to Camden Local Plan policies E2 (Employment Premises) and draft Local Plan Policy IE2 (Growing a Successful and Inclusive Economy) which resist the loss of employment space and requires the level of employment space to be increased or at least maintained. These existing businesses are viable operational businesses with associated local benefits for the workforce and local community and should be retained in accordance with these policies. The outline application approach simply does not allow the LPA to adequately consider the potential for these businesses to be retained in a redevelopment scheme.

The S73 application requires the LPA to reassess all relevant planning considerations and ultimately results in the issue of a fresh Decision Notice and planning permission. We maintain that these elements of the approved and proposed S73 scheme are contrary to the Development Plan and should be subject to a full assessment by the LPA.

### **Summary and conclusions**

We support optimisation of the development potential of these sites. However, we consider that the proposed amendments undermine the ability of the outline elements of the planning permission to be optimised, which is contrary to policy and reduces the planning benefits that

the outline plots can deliver. This appears to be as a result of the approach taken to progress the amendments through a Section 73 application, rather than a revised full planning application. The optimisation of the detailed element itself is also unconvincing, particularly the removal of permitted storeys above the proposed relocated community centre.

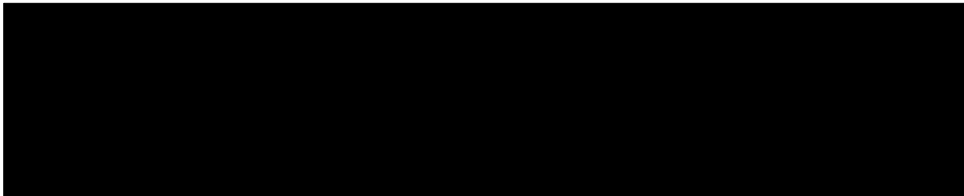
We request that the floorspace of the outline elements should not be artificially constrained by this application and moreover that the principles of site optimisation now applied to the detailed element should be applied to the individual plots within the masterplan area, without which the proposals do not represent site optimisation.

If the driver for these issues lies with the LPA's/applicant's view of requirements to adhere to a S73 route for these changes, we consider that a full application should be submitted.

We also re-iterate points previously raised with the council, that the subject site is occupied by two successful operational car showrooms and that the proposals do not adequately consider the construction impacts of the development on these businesses, nor fully explore the potential to accommodate these businesses as part of a mixed use scheme on the Chamoss land. The entire approach to the application undermines the ability for Chamoss to progress its own redevelopment proposals, which would be deliverable by Chamoss as land owner and therefore underpin housing delivery within Camden, whilst retaining valuable and locally beneficial commercial uses.

An outline planning application submitted by a third party is not an effective mechanism by which to determine what constitutes site optimisation of the plots within the two outline phases. An alternative and more effective approach would be to enable the landowners of these plots to promote full detailed planning applications within the boundaries of their land ownership and within their own ability to deliver development on these plots. This would also avoid inherent issues with the extant permission, including that plot boundaries and phases do not align with land ownership and that infrastructure requirements are not equitably distributed, presenting challenges to delivery of the outline land whilst also questioning delivery of necessary infrastructure to support the detailed element.

Yours sincerely



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Director

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