

<b>Address:</b>	The O2 Centre 255 Finchley Road London NW3 6LU		
<b>Application Number:</b>	2012/1333/P	<b>Officer:</b> Jenna Litherland	
<b>Ward:</b>	West Hampstead		
<b>Date Received:</b>	05/03/2012		
<b>Proposal:</b> Alterations to front facade including infill extension beneath existing front roof canopy at ground and first floor levels to provide additional retail (class A1) and restaurant (Class A3) floorspace and creation of terrace at first floor level.			
<b>Drawing Numbers:</b>  Prefix- (3407) - AL(00)2001-P01, AL(02)3003-P01, AL(06)3701-P01, AL(05)3601-P04, AL(04)1506-P08; Development of Foodservice by Coverpoint Catering Consultancy Ltd dated 26 <sup>th</sup> September 2011; letter from Turley Associates dated 05/03/2012.			
<b>RECOMMENDATION SUMMARY: Grant conditional permission</b>			
<b>Applicant:</b>		<b>Agent:</b>	
Land Securities c/o agent		Turley Associates 25 Savile Row London W1S 2ES	

#### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing		<i>Circulation space for the centre</i>	
Proposed		<i>A1 Shop A3 Restaurants and Cafes Total A1 and A3</i>	<i>258 sqm <u>487 sqm</u> 745sqm</i>

## **OFFICERS' REPORT**

**Reason for Referral to Committee:**                      **The application involves the creation of Class A3 floorspace [Clause 3 (iv)].**

### **1. SITE**

- 1.1 The O2 Centre is a large mixed use retail/leisure complex built in the 1990's, with an internal mall containing a variety of A1/A3 units plus a cinema, health club, community room and, at the rear, a Sainsbury store.
- 1.2 The Centre lies on the west side of Finchley Road, just north of the tube station and has its own car park and service yard at the rear. It lies within the secondary shopping frontage of the Finchley Road Town Centre. The O2 Centre bounds the West Hampstead Growth Area the north and west. The building is not listed, nor is it within a conservation area.
- 1.3 The Centre is arranged on three floors and occupies a substantial footprint on a prominent corner site. To alleviate its height, bulk and mass, the front elevation was originally modelled with a recessed principal frontage onto Finchley Road with a curved glazed elevation drawing visitors to the main entrance, set behind a colonnade. The columns of this colonnade give a vertical emphasis to the frontage and their positioning at regular intervals echoes the scale, urban grain and plot width of neighbouring late 19<sup>th</sup> Century buildings in the terrace to the south and on the east side of Finchley Road.

### **2. THE PROPOSAL**

- 2.1 Planning permission is sought for alterations to the front facade including an infill extension beneath the existing front roof canopy at ground and first floor levels of the building to provide additional retail (class A1) and restaurant (Class A3) floorspace and the creation of terrace at first floor level.

#### **Original**

- 2.2 Originally it was proposed to infill the canopy entirely in front of unit 4a (currently habitat). This would have involved the loss of the curved frontage, the loss of a substantial portion of the existing external space provided within the centre's curtilage, and the loss of the lofty double-height entrance space which would have been reduced to single-storey at ground floor level. The proposal was for a flat-fronted extension with an acutely-angled corner defining the entrance. The effect of the colonnade of five 'giant order' columns would have been lost as the new façade would have 'wrapped' around it at ground floor level and the banding created by the first-floor balcony would have given more horizontal emphasis to the building. The scale, vertical articulation and spatial qualities created by the columns would have therefore been lost causing harm to the Finchley Road frontage, and many of the architectural qualities which add value to the centre would have been lost.
- 2.3 Therefore, the original proposal was considered unacceptable due to the harm caused to the existing Finchley Road frontage in terms of its scale, modelling and detailed design, and the loss of external space at ground floor level which contributes positively to the urban realm in the immediate vicinity of the O2 Centre.
- 2.4 The original proposal was also considered unacceptable as it would have created a large recessed entrance way which would, owing to the acutely angled corner to the façade, be

largely concealed and provide opportunities for anti-social behaviour and would therefore be unacceptable in terms of community safety.

### **Revision[s]**

- 2.5 Officers have negotiated a revised proposal which seeks to address these issues. The revisions include: reducing the footprint of the extension at ground floor level; amending the front elevation so that it curves around towards the main entrance; and an increase in the amount of glazing at ground floor level.

### **3. RELEVANT HISTORY**

- 3.1 **2010/6573/P** - Alterations to front elevation to include new double swing entrance doors at ground floor level to replace existing, realignment of external wall at ground and first floor level and new glass frame at first floor level above entrance doors and creation of door entrance for proposed lobby with new frameless glass at ground floor level. *Granted 31/01/2011*
- 3.2 **2010/6578/P** - Installation of a new shop front to public house (Class A4). *Granted 28/01/2011*
- 3.3 **2010/6586/P** - Creation of restaurant (Class A3) by extending first floor over central atrium within the existing shopping mall (O2 Centre). *Granted 03/05/2011*
- 3.4 **2012/4271/P**- Non-material amendment to planning permission granted 28/01/11 (Ref: 2010/6578/P) for the installation of a new shop front to public house (Class A4), namely to replace glazed entrance on north elevation with full-height window and amend full height glazing to retain brick/stone banding detail at ground floor level.– *Granted 30/08/2012*
- 3.5 **2012/4143/P** - Application to vary condition 2 (the development in accordance with approved plans) of planning permission dated 28/01/2011(Ref 2010/6578/P) for the installation of a new shop front to public house (Class A4). Amendment seeks to recess the entrance doors at the front to provide double swing doors that open within the demise of the unit. – *Currently under consideration*

### **4. CONSULTATIONS**

#### **Statutory Consultees**

- 4.1 Transport for London: No objection

#### **Local Councillors**

- 4.2 **Councillor Risso-Gill**- Comments that she is sympathetic to Land Securities plans to refurbish the centre and to expand the number of shops and restaurants to attract high end retailers which will have a positive impact on Finchley Road and the O2 Centre itself which has recently been a crime hotspot and attracts anti-social behaviour.

#### **Adjoining Occupiers**

<b>Original</b>	
<i>Number of letters sent</i>	27
<i>Total number of responses received</i>	0

<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	0

- 4.3 A site notice was displayed from 15/03/2012 until 05/04/2012. No representations have been received.

## 5. **POLICIES**

### 5.1 **National Planning Policy Framework 2012**

### 5.2 **London Plan 2011**

### 5.3 **LDF Core Strategy and Development Policies 2010**

CS1 – Distribution of growth  
CS3 – Other highly accessible areas  
CS5 – Managing the impact of growth and development  
CS7 – Promoting Camden's centres and shops  
CS11 – Promoting sustainable and efficient travel  
CS14 – Promoting high quality places and conserving our heritage  
CS18 – Dealing with our waste and encouraging recycling  
DP1 – Mixed use development  
DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses  
DP16 – The transport implications of development  
DP17 – Walking, cycling and public transport  
DP18 - Parking standards and limiting the availability of car parking  
DP20 – Movement of goods and materials  
DP21 – Development connecting to the highway  
DP24 – Securing high quality design  
DP26 – Managing the impact of development on occupiers and neighbours  
DP29 – Improving Access  
DP30 – Shopfronts

### 5.4 **Camden Planning Guidance 2011**

**CPG1 – Design**

**CPG5 – Town Centres, Retail and Employment**

## 6. **ASSESSMENT**

- 6.1 The principal considerations material to the determination of this application can be summarised as follows:
- Land use principles,
  - Design,
  - Community Safety,
  - Amenity,
  - Refuse storage,
  - Transport, and
  - CIL.

## 6.2 Land use principles

### ***Mixed Use development***

- 6.2.1 Policy DP1 requires a mix of uses in developments in the Finchley Road/Swiss Cottage Town Centre and expects 50% of the net increase of floorspace (above a threshold of 200sqm) to be new housing. The scheme would result in net increase in newly constructed floorspace of 745sqm therefore in accordance with this policy 372.5sqm of floorspace would be sought as residential use on site. Where it is not appropriate to provide this on site, off site provisions may be appropriate or exceptionally a payment in lieu.
- 6.2.2 DP1 identifies a number of factors which the Council may take into consideration in deciding whether a mix of uses should be sought on site or indeed elsewhere in the area. This includes the character of the area, constraints on including a mix of uses, and the need to maintain an active street frontage. The new retail and food and drink floorspace would all be provided at ground floor and first floor level within the existing canopy which forms part of the overall envelope of the existing building. It would not be appropriate to provide residential floorspace within the existing centre or within the extended part of the building fronting Finchley Road because of the nature of the O2 Centre which is solely in commercial use. The provision of residential units would also conflict with the existing food, drink and entertainment uses. Furthermore, the addition of residential units facing Finchley Road would result in the loss of an active frontage. Officers are therefore of the view that the required mix of uses could not be practically achieved on site.
- 6.2.3 Policy DP1 sets out specific guidance where mixed use development may not be required. This includes where a development is required to accommodate an existing user on the site unless the development involve additional of floorspace that is surplus to the users requirements. The current proposal is mainly for additional floorspace to create additional floor area for existing retail and restaurant units and the driver behind the proposal to improve the retail offer within the Centre as the Centre is currently under performing.
- 6.2.4 The applicant has provided details on footfalls and sales which show a significant decline between the period of 2008 and 2012. Details have also been supplied which show that the Centre has been occupied by a number of operators which have failed or gone into administration. At present there are 8 vacant units, 5 at ground floor level and 3 at first floor level. Some of these units have been vacant for in excess of 2 years.
- 6.2.5 The application is accompanied by a report by Coverpoint Catering Consultancy regarding development of the food service within the Centre. This report identifies a number of key issues that are hindering the success of the Centre. This includes the inward facing nature of the units within the Centre which fails to attract footfall from Finchley Road, the unsuitable layout and configuration of the restaurant units and the lack of opportunity for al fresco dining.
- 6.2.6 The proposal does result in an uplift in floorspace which would normally require provision of either 372.5 sqm of housing floorspace on site, 745 sqm of housing floorspace off site or a payment in lieu of £260,750. The delivery of mixed use development is a key priority for the Council and only in exceptional circumstances should it be set aside. The current proposal is aimed at ensuring that the Centre remains viable, that the currently vacant units are able to be let, and to ensure that the O2 Centre remains able to provide a valuable service to the local community and contribute to the success of the Finchley Road Town Centre. In this case officers accept based on the evidence presented that the works is necessary if the centre is to remain viable and attract new tenants.

- 6.2.7 In conclusion, there is considered to be exceptional circumstances connected to these proposals that justify not providing the residential floorspace usually as required by DP1.

***Retail, Food, drink and entertainment uses***

- 6.2.8 The proposal would result in an increase in A1 and A3 floorspace. At ground floor there would be an increase in A1 floorspace to aid the conversion of 1 unit (unit 4) into 3 units. This is a positive change which would provide units which are more desirable to smaller retailers. At first floor level there would be an increase in A3 floorspace. This would be additional floorspace for 3 of the existing A3 units.
- 6.2.9 The site is located within the main shopping area of Finchley Road/Swiss Cottage Town Centre which runs from the O2 centre south to Swiss Cottage Underground Station and generally serves the local population.
- 6.2.10 Policy DP12 aims to ensure that the development of further shopping, services, food, drink, entertainment and other town centre uses do not cause harm to the character, function, vitality and viability of the town centre and the local area or the amenity of neighbours. The policy states that the Council will support the core shopping area and manage the location, concentration and impact of food, drink and entertainment uses in line with supplementary guidance CPG5: Town Centre, Retail and Employment. This guidance seeks to ensure that the centre retains a viable retail function to meet the needs of the local population. The site is located within the secondary frontage of the Centre where the number of non-retail units should not fall below 50% in any frontage.
- 6.2.11 The proposal would result in an increase in A1 floorspace therefore the proposal is likely to improve the vitality and viability of the centre. Policy DP10 states that the Council will encourage the provision of shop premises suitable for small and independent business. The proposal includes sub-dividing one large unit into 3 smaller units. This would increase the range of shops available to serve the needs of the local population and would provide smaller shop premises which would be suitable for small and independent retailers.
- 6.2.12 The guidance in CPG5 states that within the Finchley Road/Swiss Cottage Centre, proposals should protect shopping facilities and avoid cumulative impacts of food, drink and entertainment uses on the amenity of residents. Within the Core Frontages of the Centre the Council will only grant planning permission for food, drink and entertainment uses up to a maximum of 20% of the total units within each individual frontage. The O2 Centre is not located within the Core Frontage therefore this would not apply.
- 6.2.13 The Guidance goes on to say that new or expanded food, drink and entertainment uses should generally be small in scale, i.e. less than 100sqm. It states that larger premises may be acceptable for restaurant uses which generally have less impact than other food, drink and entertainment uses.
- 6.2.14 The proposal is not for the creation of a new A3 unit but for additional floorspace in association with the three existing units. Furthermore, the additional A3 floorspace would not result in the loss of existing retail floorspace. One of the units is considered to be small in scale (unit 8B). However, units 8C and 8D are not as they would have a floor area greater than 100 sqm. However, given that the floor area is to be A3 use rather than other food, drink or entertainment uses and as the units are within an existing centre which to a certain extent contains their impact on neighbour amenity this is considered acceptable. Moreover, the nearest residential properties in this part of the Town Centre are located to the south of the site on the western side (nos. 235-237) and those on the eastern side of Finchley Road (nos. 132-148).

6.2.15 It is considered that given the scale, nature and location (within a purpose built mixed use shopping centre) of the proposed new A3 floorspace that it is unlikely to add to the harmful impact that can be created by an over-concentration of food and drink uses. The proposal relates to an extension to existing units, there is no proposal for external ducting, and the units would operate the same hours as the existing O2 centre. It is considered that the increase in size of the existing 3 A3 units at first floor level would not have an adverse impact on the local environment or neighbouring properties. The proposal would result in a small addition of A3 floor area in comparison to the existing within the O2 Centre without causing any loss to the existing retail floor area or reducing the retail presence onto the street another key driver of CPG5. Therefore, proposal is considered to be acceptable in principle in land use terms.

### 6.3 Design

6.3.1 The proposal involves extending the front elevation of the building partially infilling the area beneath the existing front roof canopy and remodelling of the entrance. The existing frontage is characterised by a curved glass shop frontage which leads visitors toward the main entrance which is further recessed into the centre. The proposed façade would follow the curve of the existing building which ensures that the proposal respects the integrity of the existing building.

6.3.2 The existing frontage is set behind a colonnade of five full height columns which give vertical emphasis and break down the scale of the frontage. These columns are considered to add visual interest to the building and are a key feature of the building's original design. The proposed frontage would be recessed around the southernmost three columns at ground floor level. Whilst, the close proximity of the columns to the frontage would lessen their visual significance the columns would still be stand proud of the façade and would maintain vertical emphasis. The façade would curve away before reaching columns further north. This is considered appropriate as it maintains the appearance of the columns at ground floor level.

6.3.3 The proposal also includes the addition of doors in the front façade giving direct access into the 3 shop units. This would increase the permeability of the centre and create a more action frontage. The detailed design of the entrance doors would be secured by condition and an informative would be included advising that the proposed doorways should provide level access.

6.3.4 At first floor level balconies are proposed for the restaurants. The balustrade of the balconies would be flush with the building line of unit 4C (The Walkabout public house) and would infill the double height entrance. The existing columns would be retained and would extend through the balconies. The floor of the balcony would break up the columns with a horizontal barrier however, in long views of the building the vertical division that the columns provide would still be visually strong. The proposed elevational treatment at first floor level would include glazed openings to match those at ground floor level and folding doors. Above the main entrance there would be an expanse of solid cladding. The proposed infill extension at first floor level would not harm the appearance of the building.

6.3.5 The submitted plans show where the signage of the units would be located at first floor level. The position of the signage corresponds to that at ground floor level and elsewhere on the development. The position of the signage is considered appropriate, however a separate application for advertisement consent would be required for the signage, an informative to this affect would be included on any permission.

- 6.3.6 The proposed façade would be constructed in glass and glass reinforced concrete (GRC) panels that match the appearance of the existing reconstituted stone. GRC panels are proposed instead of reconstituted stone as the balconies would not be able to hold the weight of the stone. The proposed materials are considered appropriate subject to a condition requiring details of the GRC panels to ensure they match the stone in terms of colour and texture.
- 6.3.7 It is considered that the proposed extension would preserve the overall appearance of the O2 Centre and would respect the appearance of the surrounding area. The proposed drawings also show a recessed balcony serving unit 7 (weatherspoons) to the north of the main entrance at first floor level. However, this cannot be assessed as part of this application as it falls outside of the red line of the application site. The applicant would be encouraged to submit a separate application for this potential feature as it would maintain the overall character and appearance of the building.

#### **6.4 Community Safety**

- 6.4.1 The applicant has advised that one of the main drivers for this proposal is to address community safety issues. The applicant has provided details of anti-social behaviour occurring under the existing canopy. Incidents include vagrants, begging, spitting, attempts to break into the doors to the centre at night, and noise disturbance. The Council's Community Safety Officer has been consulted and has advised that despite these incidences the O2 Centre is not a crime or anti-social behaviour hot-spot within the borough.
- 6.4.2 The proposal would result in a more recessed style entrance to the Centre which is more concealed than the current however, the amendments to the design to create a curved façade still affords good clear views into the entrance when approaching from the south. The reduced size of the covered canopy would provide less covered space, therefore discouraging vagrants and other persons to shelter within the entrance. The proposed design has been assessed by the Community Safety Team and is considered acceptable.

#### **6.5 Amenity**

- 6.5.1 The nearest residential properties to the development are those to the south of the site on the western side of Finchley Road (nos. 235-237) and those opposite the O2 Centre on the eastern side of Finchley Road (nos.132-148). The proposed balcony of the restaurants would be situated approximately 26 metres from the windows of the residential units opposite. The distance between the properties and the fact that the properties front Finchley Road, with 6 lanes of noisy traffic at this point, it is considered that the proposed balconies would not impact on neighbour amenity in terms of noise. No new kitchen extract or ventilation equipment is proposed and the restaurants would operate using the existing kitchens therefore, the proposal would not have an impact on amenity as a result of odour from food preparation or noise from plant.
- 6.5.2 No condition to control hours of operation is necessary in this case as the proposal is for extending existing A3 units within the O2 Centre which can only be accessed by the customers while the O2 centre is open.



## **6.6 Refuse storage**

- 6.6.1 The O2 centre has its own waste management facilities which can be used by the proposed new retail units and the extended restaurant units therefore in this particular case it is not necessary to condition further details of refuse storage and disposal to be submitted.

## **6.7 Transport**

- 6.7.1 Given the relatively small increase in floor area in comparison to the floor area of the existing Centre, it is considered that the proposal would not significantly increase traffic generation from customers or in terms of deliveries. The Centre which is highly accessible by public transport and also has its own dedicated car park and servicing area is capable of accommodating any such increase in activity associated with the additional floorspace.
- 6.7.2 There is a bus shelter located on Finchley Road outside of the main entrance of the centre. At present the forecourt of the O2 Centre is used by passengers waiting for buses. During the course of the application the frontage has been set back adjacent to the bus stop. This ensures that the proposal would not result in congestion on the pavement, which would remain significantly wide at 4.5 metres.
- 6.7.3 The proposed increase in A1 and A3 floorspace does not meet the threshold set out in the Council's Parking Standards to require provision of additional cycle parking.
- 6.7.4 Overall the proposal is considered not worsen the existing transport conditions in the area and acceptable in transport terms.

## **6.8 CIL**

- 6.8.1 This proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme is likely to be £37,250 (£50 x 745 sqm). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

## **7. CONCLUSION**

- 7.1 The proposed additional A3 and A1 floorspace is considered to contribute to the function and character of the O2 centre or the vitality and viability of the retail function of the wider town centre. The design of the extension would compliment the appearance existing building and the surrounding area and the proposal would have no detrimental impact on terms of neighbour amenity or transport.
- 7.2 Planning Permission is recommended subject conditions.

## **8. LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.