



Historic England

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Development Management
Town Hall
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Direct Dial: 020 7973 3765

Our ref: P01458834

2 March 2022

Dear Mr Fowler

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**THE O2 MASTERPLAN SITE FINCHLEY ROAD LONDON NW3 6LU
Application No. 2022/0528/P**

Thank you for your letter of 16 February 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

The O2, Finchley Road is a large, prominent site in NW London that lies between Finchley Road and West Hampstead Stations. Whilst the site itself is not within a conservation area, there are five within close proximity to it.

Each of the conservation areas is highly characterful with buildings - predominantly houses - heavily influenced by the Arts and Crafts movement. There are also some very attractive 1930s mansion blocks that also make a positive contribution. Modern development tends to be set outside their boundaries and is largely absent from views within them. The result is a very distinctive area that is rich in architectural character and highly regarded.

The hybrid planning application seeks approval for a mix of residential, commercial and business uses across 10 development plots up to 15 storeys in height.

Whilst Historic England does not object in principle to these proposals, there will be some harm to neighbouring conservation areas through development within their setting. This harm is less than substantial, as defined by the NPPF. Heritage must be given 'great weight' in your assessment of these proposals including any public benefits that are real and cannot be delivered by any other means.



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Historic England Advice Significance of the historic environment

The conservation areas

This part of NW London was largely undeveloped until the arrival of a series of railway lines in the mid C19. Intensive settlement of the area subsequently followed, creating a place well known for the attractiveness of its Victorian and Edwardian buildings. This is reflected in the designation of five conservation areas that are in close proximity to each other:

- West End Green
- Redington Frogna
- Fitzjohns Netherhall
- Belsize
- South Hampstead

Whilst each of these areas have their own distinctive buildings and character, they also have much in common. The vast majority of buildings are Victorian and Edwardian housing and as such, have a recognisable domestic scale. The roads are often wide and as buildings are typically set back from the street line, there is ample space for the mature trees that line the roads. The combination of buildings and streetscene creates an attractive and highly desirable place.

Much of the original development in this area was influenced by the popular Arts and Crafts movement of the late C19. Red and orange brickwork is often highlighted with white stucco and terracotta detailing. Closer to West Hampstead, brown and buff masonry is more prevalent. Clay tile/welsh slate can be found across the wide variety of roof forms found here including dutch gables, turrets and dormers. The richness of colour, style and detailing creates a place that is characterful and distinctive.

Many of the houses found here were developed as individual plots or as small estates. However, more substantial mansion blocks began to be built at the turn of the century and beyond. These, too, make an important contribution to local distinctiveness. Although greater in height, scale and width than the earlier houses, the mansion blocks are consistent with the established palette, style and detailing of the earlier houses. There are also some high-quality 1930s mansion blocks in the Ocean-liner style that is so synonymous with this period, adding a further layer to the richness of the architectural character and appearance of the area.

There are several landmark buildings within these conservation areas - educational and public buildings, churches, a synagogue - which all share a similar style and material themes to the residential buildings described above. Although larger in height and scale, they are relative and recognisable in the context of the domestic vernacular. As such, they make a positive contribution to the conservation areas.



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The local topography in this place is distinctive and important; is renowned for its undulating roads and streets, some of which afford local views through the conservation areas. There is also change in level across the site which is described in the adopted SPD,

'From the middle of the current O2 site, land rises to the west and north along West End Lane, sharply up to Finchley Road and then further to the north east (a difference of c38m over about 800m).'

As a result, topography is a key consideration in the development of this site. The siting of taller buildings, in particular, is important as it needs to account for these level changes and how these can impact short and longer local views.

Overall, there is a sense of enclosure inside the conservation areas that contributes to their character. From within, the areas feel self-contained and there are few visual encroachments from development beyond their boundaries. Generally, where development does appear, it is in more distant views. Only very few developments perforate through to have a damaging impact.

Finchley Road

The Finchley Road, running NW to SE, is a spine which separates the conservation areas east/west. It is a main thoroughfare to the West End from NW London and has a gradual incline from St John's Wood north towards Hampstead. It is largely outside the conservation areas identified above.

The Finchley Road becomes increasingly commercial as it reaches Finchley Road and Swiss Cottage stations. The O2 Centre, set within this commercial setting and between the Thameslink railway line and Metropolitan/Jubilee Underground line. The centre was built in the late 1990s following the demolition of single storey railway shop units. It contains restaurants, a cinema and retail superstores as well as a large carpark. The height of the centre itself sits comfortably with its long established neighbours.

West End Lane

Much of West End Lane falls within either West End Green CA to the north or South Hampstead CA. The only area outside of these is centred around its three stations - West Hampstead Thameslink, Overground and Underground. The Travis Perkins depot, which runs alongside the Thameslink cutting, is set back some distance from the road and has little street presence.

The proposals and their impact on the historic environment

The proposals



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The proposals by AHMM seek to replace the O2 Centre, the retail warehouses and associated yards/carparks with a new, largely residential development in a series of blocks of between 8 and 16 storeys. The blocks would be sited between Finchley Road and West End Lane creating a link between these two areas.

The development does not extend to the full scope of the adopted SPD.

The impact

The height of the proposed towers would be substantially greater than that found locally within the conservation areas.

Where the development would appear, the impact of the change in height and scale will be apparent because there is limited encroachment into these areas at present. There will be some impact on all conservation areas identified above.

In some views, the proposed development would be perceptible above the roofline of the houses creating a modern visual intrusion into places where such development is not evident. These are:

- (a) View 3 Frogmal Lane (Redington Frogmal CA)
- (b) View 4 Fitzjohn's Avenue (Fitzjohns Neatherhall CA)
- (c) View 5 Arkwright Road (Redington Frogmal CA)

Such an intrusion is undesirable as it diminishes the sense of enclosure from within the conservation area and alters its character. Although some of these views may not be pristine, further encroachment contributes to a diminution of the impact that the sense of enclosure has in this place.

In View 7 Nutley Terrace (Fitzjohns Neatherhall CA) at the junction with Maresfield Gardens, the height and bulk of the new development will be clearly visible above the rooflines of the buildings on Netherhall Gardens dominating the street clearly causing harm to the designated heritage asset through development in its setting.

The development will also appear in LVMF 5A.2 Greenwich Park view towards St Paul's, appearing in the background of the view to the east of the dome and peristyle. Its appearance in the view does have an impact and causes further minor harm to that view.

Policy and guidance

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a statutory duty on planning authorities to consider the impact of proposals upon listed buildings and their settings. Section 72 of the Act requires local





authorities to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

Government guidance on how to carry out this duty is found in the National Planning Policy Framework (NPPF, July 2021). At the heart of the framework is a presumption in favour of 'sustainable development' where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental).

Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes it clear at Paragraph 199 that when considering the impact of a proposed development on a heritage asset (which includes its setting), local planning authorities should give 'great weight' to preserving the asset's significance. Any harm or loss should require clear and convincing justification (paragraph 200).

In considering applications, local planning authorities should also require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (Para 194).

Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, Paragraph 202 of the NPPF requires that harm to be weighed against the public benefits of the proposals.

The New London Plan (Mayor of London, 2021) is also relevant to these proposals. Policy D9 required boroughs to determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the plan. It states that any such locations and appropriate tall buildings should only be developed in locations that are identified as suitable in Development Plans.

Other relevant London Plan policies include D3 (regarding optimising site capacity whilst avoiding harm to heritage), HC1 (regarding heritage conservation and growth) and HC3 (regarding strategic and local views).

Section C of Policy HC1 states that development proposals affecting heritage assets and their settings should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.





Camden Site Allocations Development Plan (2013) includes this site (29: O2 Centre car park). The West End Lane to Finchley Road SPD (adopted September 2021) builds on this as well as other established adopted planning policies including Camden Local Plan (2017) and Neighbourhood Plan (2015).

Building massing and height is addressed in paragraphs 4.13 to 4.15 of the SPD. It references taller and differently scaled recent developments in the local area. It states 'Whilst optimising the use of land is supported, these are not benchmarks, and designs should respond appropriately to their context.'

Historic England's advice note on Tall Buildings (HEAN 4, 2015) advises that "what might be considered a tall building will vary according to the prevailing character of the area" (1.4). Its advice note 'The Setting of Heritage Assets' (HEAN 3, 2017) is also relevant.

Historic England's position

Historic England does not object to the redevelopment of this site.

Although the SPD for the site's redevelopment does not set maximum heights for new buildings, it makes clear that designs should respond to the established context. This includes all five neighbouring conservation areas. It also indicates that recent modern development in this area should not be considered the benchmark for the height of development on this site.

The buildings on the site are substantially greater than that found within the conservation areas and would appear in some views from within them and out of them. The volume and scale of the development means that there is a harmful impact to designated heritage assets through development within their setting. This harm would be, in my view, less than substantial as defined in the NPPF.

This harm should be reduced where possible and any remaining impact requires justification, as set out in paragraph 202 of the NPPF. In considering public benefits associated with these proposals, there must be clear and not achievable by other means.

I recognise that this scheme is uniquely placed to offer improvements to the public realm in the provision of new permeable routes through the site between Finchley Road and West Hampstead that could benefit both local communities. However, the weighting of wider public benefits would need to be carefully considered against the harm to heritage assets. Heritage assets must be given 'great weight' in your assessment.



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Given that this scheme does not build to the boundary of the site set out in the SPD, we would expect that any conditions and subsequent development follow the planning principles established in this adopted policy document.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 200 and 202 of the NPPF.

I also remind you of your duties under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas **and** Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority.

The full GLAAS consultation criteria are on our webpage at the following link:

<https://www.historicengland.org.uk/services-skills/our-planning-services/greater-london-archaeology-advisory-service/our-advice/>

Yours sincerely

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