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Ref: 21-530
Via Camden Council Website

Dear Mr Fowler

OBJECTION TO PLANNING APPLICATION. YOUR REF: 2022/0528/P

THE O2 MASTERPLAN SITE FINCHLEY ROAD, NW3 6LU

I write on behalf of Chamoss International Ltd (Chamoss) to object to the part full, part outline planning application by LS Finchley Road Limited for the O2 Masterplan Site.

1. BACKGROUND

Chamoss are the freehold owners of the VW and Audi Showrooms which are part of the O2 Masterplan Site and sit within the 'Outline' portion of the planning application. The proposed development on the Chamoss land are identified as Plot N7 and part Plot N6 in the applicant's documentation.

As you are aware, Chamoss has previously submitted representations on the 'West End Lane to Finchley Road Supplementary Planning Guidance' and at all previous stages of the emerging Site Allocations, most recently on 24 January 2022, through Savills. These all confirmed Chamoss's continuing and consistent interest in the future development potential of the Showroom sites, subject to the existing uses.

We have also submitted a proposed residential and commercial redevelopment scheme on the showroom sites for your pre-application comments and discussed this with you at a meeting in September 2021. Your written response is still awaited. Please confirm when it can be expected.

2. INADEQUATE TIME FOR PUBLIC CONSULTATION.

While application 2022/0528/P was submitted on 16th February 2022, there was a delay in the Council's registration of the application and the documentation's availability on the website.

The public consultation period to 20th of March is inadequate for a development of this scale and significance including assessment of the accompanying technical reports and Environmental Statement.

These objections are therefore our preliminary comments and we reserve the right to submit further representations before the application is determined.

3. INITIAL PLANNING ASSESSMENT

Existing Uses

The existing car showrooms use play an important role in land use terms in support of the economy and local demand. They also provide local employment. Audi and VW are commercially bound to continue to operate the showrooms over the short to medium term.

The application scheme does not appear to be phased to allow demolition of the showrooms separately or their re-provision on completion. The proposed plot N7 block completely covers the Audi showroom and encroaches significantly onto the VW showroom.

We request that the application is amended to enable the showrooms to continue to operate during development and to provide for them to be re-accommodated within the new development. This should be required under a S106 legal agreement if planning permission is granted.

Quantum of Development

The application proposes that 35.84% of homes be affordable by floor area whilst identifying 31.51% of the units as being affordable by unit numbers; we note the affordable housing statement references 1,794 units although the Financial Viability Assessment (FVA) references 1,796 units.

Based on the FVA the outline application for Phase 2 gives an indicative 244 private units, 51 intermediate units and 72 low cost rent units for plots N6, N7 and S8.

It is noteworthy that phase 2 is predominantly the Car Showrooms and Builders Depot, i.e. those elements not owned by the applicant and that the break down by floor area of affordable is nearer 35.95% of the total floor area and 33.51% of units being affordable, whereas the affordable split on the applicant's land (Phases 1 and 3) are both lower with Phase 1 delivering 35.76% affordable by floor area and Phase 3 delivering 35.85% affordable by floor area. Phase 1 delivers 30.92% affordable by unit count and Phase 3 delivers 31.06% affordable by unit count. Indeed in respect of Block 7 on Chamoss's land, the affordable unit break down is 47.25% by floor area and 42.11% by unit numbers according to the FVA; to ensure the equitable brining forward of phases there should be an equitable spread of affordable homes across all ownerships and phases.

This imbalance of benefits places additional financial strain on the Phase 2 when combined with a disproportionate allocation of at grade public amenity space and infrastructure as noted below.

The applicant proposes a cap of 132,410sq. m GIA on the total amount of development in the outline application part of the site (Paragraph 5.41 of the Planning Statement). This applies to the showroom sites (Plots N6 and N7) and the Builders Merchants (Plot S8).

Masterplan Layout and Public Open Space

The proposed open space provision does not meet the Local Plan policy requirements or a key principle of the SPD which requires a green residential neighbourhood with open spaces for all (page 13). This is accepted by the applicant (Paragraph 10.42 of the Planning Statement).

The podium deck level of shared private amenity space servicing blocks 4 and 5, gives enhanced values to the units which have access to those amenities that may not be reflected in the FVA.

Objection is also raised for the following reasons:

- The Showroom sites are in the Outline part of the application. The timing of their development is uncertain for many reasons. The Council should consider and ensure provision of open space

available to residents of the detailed element which is intended to be constructed and occupied first.

- The proposed pedestrian and cycle route shows a simple, straight, east to west line through the middle of the site. This denies the opportunity of a more pleasurable meandering route which forms part of a coherent and interesting place.
- There is an over reliance on the Showroom sites which are at the west end of the masterplan to provide open space. A disproportionate amount is currently shown on the Showroom sites which comprise 17% of the master plan area but 24% of the proposed open space.

It is clearly preferable for future residents of the whole development to be as close to open space as possible. The open space should therefore be distributed more equally towards the east of the whole masterplan. This was indicated in the layout diagram on p15 of the SPD. It would also enable a better pedestrian and cycle route.

Proximity

The indicative scheme for Plot N5 is approximately 6.5m from the Showroom site boundary and approximately 12m from the existing VW garage. The separation is unacceptably close and should be increased to at least 9m from the Showroom site boundary so that the standard 18m separation distance between new blocks is shared equitably between ownerships.

The applicant proposes single aspect apartments in Plot N7 facing west towards this boundary. This would result in poor living conditions for residents of these units.

I also draw to your attention that the proposed building on Plot N7, which includes a basement, appears to clash with the existing main sewer and the below ground electricity cable.

4. POLICY

As they stand the proposals are contrary to local planning policy (Camden Local Plan 2017) for the following reasons:

Protection of Existing Uses

Policy A1- Managing the Impact of Development - The proposed development proposes demolition of the existing uses which is contrary to the policy of balancing the needs of the development with the needs of the existing local area, as it seeks to replace the existing uses.

Economic Development

Policy E1- Economic Development - states that the Council will support businesses of all sizes, maintain a stock of premises that are suitable for a variety of business, support local enterprise development, employment and training schemes for Camden residents. The policy confirms Camden will safeguard the existing employment premises in the borough that meet the needs of industry and other employers and will recognise the importance of employment generating uses including retail. The aim of this policy is to retain, not remove or redevelop, active and successful businesses.

Employment protection

Policy E2- Employment Sites and Premises - states that the Council will protect premises or sites that provide employment for Camden residents and those that support the functioning of the local economy. The policy states that the Council will consider higher intensity redevelopment of premises or sites that

are suitable for continued business provided that the redevelopment retains existing businesses on the site as far as possible. The current car dealership buildings are an existing employment use and the applicant has not taken any steps to retain or re-provide them as part of the redevelopment scheme. The proposed scheme is therefore contrary to this policy and the Council should not support the loss of the car dealerships as part of this redevelopment.

Site Allocation SPD

The Camden Site Allocations Document (2013) allocates only the O2 Centre car park area (1.35ha) for mixed use housing development. Consultation on the draft site allocations local plan took place in March 2020 with additional engagement through to 24th January 2022, on which Chamoss made representations. The draft site allocations plan document included a wider area (4.5ha) including the O2 Centre, the car park, the Homebase store and the car showrooms for mixed use redevelopment. This is not yet adopted policy and therefore currently only the car park area of the site benefits from a mixed-use allocation. Any further development, including demolition and replacement of existing successful businesses in this area is therefore not yet adopted policy.

Retail

Primary and Secondary Retail Frontages are located within the O2 Centre Building and along Finchley Road. Policy TC2 states that primary frontages will be protected for retail use in order to maintain the retail function of the centre and secondary frontages will be protected as locations for shops together with a broader range of other town centre uses to support the viability and vitality of the centre. The policy states that residential uses may be supported above retained ground floor retail frontages. Although the proposals include an element of commercial space at ground floor levels of the building, this is limited, and residential units are still included at ground floor level throughout the development. These proposals are therefore contrary to Policy TC2.

Climate Change Mitigation

Part E of Policy CC1 of the adopted Local Plan requires all proposals that involve substantial demolition demonstrate that it is not possible to retain and improve the existing building. The applicant's justification for demolition is not considered to be sufficiently robust in terms of assessing a retrofit option and as such the application does not comply with adopted local plan on climate change mitigation.

5. PHASING AND LANDOWNER COLLABORATION

The Council states on P30 of the SPD that:

"Phases of comprehensive development should aim to stand by themselves as a coherent part of an emerging urban fabric."

We support a phased approach for development which respects ownership boundaries; this gives increased flexibility over delivery of the Council's aspirations for development on the wider site and assists in ensuring that delivery can be delivered at an appropriate pace rather than being constrained by cross-ownership boundary arrangements having to be put in place first. We note building N6 bridges ownership boundaries.

We note that the applicant's programme envisages the demolition of the car showrooms in Q4 2025 while the car showrooms are still operational, whereas the applicant's O2 site is not due for demolition until Q1 2032, with completion scheduled in 2037. It would seem appropriate that the scheduling of demolition and development be reflective of the existing occupational uses and ownerships.

Third party landowners, including Chamoss, have sites that have been apportioned lower value uses within the masterplan such as public open space, vehicle access routes or the relocated bus/vehicle

turning circle. The consequence is that phases 1 and 3, which are predominantly in the applicant's control, account for 76% of the site area but is proposed to accommodate 79% of the residential development and 84% of the non-residential uses.

As explained above, a disproportionate amount of public open space is proposed for the Showroom sites. The cost of infrastructure and other public amenities will need to take this into account so that it is equitably apportioned.

The proposed phasing of the application should be structured to ensure that suitable infrastructure and amenity space is provided on a phase by phase basis.

The current application fails to address these fundamental issues. We also draw your attention to the limited engagement initiated by the applicant with Chamoss. This means that we have been unable to consider fully the impact on the showroom sites nor participate in discussions regarding potential phasing of development to take into account existing uses.

6. CONCLUSION

Page 30 of the SPD requires that phases of comprehensive development should aim to stand by themselves as a coherent part of an emerging framework.

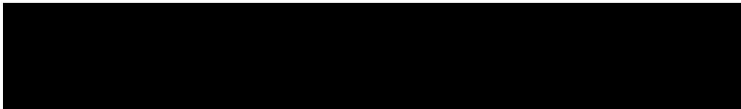
Whilst the general principles of the planning application promotes development on the Showroom sites as part of the wider masterplan, it fails to integrate the proposed phases with the land ownership or respect the current uses that contribution to employment and the economy in Camden.

Moreover, the current scheme has material planning defects which should be rectified before it is determined.

For the reasons set out above objection is raised and we reserve the right to submit further representations.

We also await your written response to the pre-application scheme discussed with you last September.

Yours sincerely



Anna Snow
DIRECTOR
Iceni Projects