

REDINGTON FROGNAL
NEIGHBOURHOOD FORUM

2 June, 2022

Mr. David Fowler
Deputy Team Leader
Regeneration and Planning
Supporting Communities
London Borough of Camden

Dear Mr. Fowler,

Planning application 2022/0528/P – objection

Redington Frognal Neighbourhood Forum would like to register its objection to this proposal to regenerate the O2 Centre car park.

The proposal conflicts with many existing adopted policies and its public benefits are far less than the substantial harm which will result from the development. The proposed development shares many of the shortcomings identified in a recent Planning Inspectorate appeal where the hybrid planning application for 9 residential tower blocks of 8 to 28 storeys, similarly, would not have made a positive contribution and failed to take the great opportunity presented by the appeal site.

Key harms relate to loss of amenity and community assets, poor design, harm to many heritage assets, insufficient green space, inadequate urban greening, harm to the viability of Finchley Road Town Centre and an increased risk of local flooding. Some of these harms are considered below.

Demolition of a 1998 community asset

The O2 shopping and leisure centre was completed as recently as 1998. It fulfils a valuable purpose as a community asset, comprising a grocery superstore, bookstore, multiplex cinema, community meeting hall, gym, a 25-metre swimming pool and numerous cafés and restaurants.

This family-friendly community asset is much valued and used by young people, families and the elderly alike. The developer's plan to reprovide substantially smaller and inferior facilities in a location which is less accessible, offers little compensation to the many existing users of the O2 grocery superstore, the gym and swimming pool, the multiplex cinema and the many other facilities for shopping, meeting and socialising.

The O2 Centre's value as a Community Asset is evidenced by some 4,324 Google reviews, which accord the O2 Centre an average score of 4.1 out of 5. Reviewers describe the O2 Centre as a "*Vibrant complex with a supermarket, international chains & casual restaurants, open till late*", while the O2 Centre management states that,

"The O2 Centre is an enticing, convenient and vibrant retail and leisure destination on Finchley Road NW3, providing great shopping and entertainment seven days a week. With big-name shops, restaurants and cafes, a state-of-the-art Sony 4K digital screens in our Vue cinema, a Virgin Active gym and an interactive child's play area with Gymboree, there's something for everyone."

It should also be noted that the Communities Secretary has not agreed to the demolition of the Marks & Spencer store at Marble Arch:

<https://www.architectsjournal.co.uk/news/ms-oxford-st-demolition-scheme-halted-by-gove>

Furthermore, retention of the O2 Centre is supported by the Sustainability Appraisal of Camden's Local Plan – Supplement to the Local Plan Adoption Statement. Para. 4.55 of the Sustainability Appraisal Framework states that,

“4.55 The borough continues to favour retention over demolition and innovative sustainable construction methods which help to contribute towards reducing carbon emissions in the borough. “

Failure to incorporate good design and conform to the National Design Guide

Para 128 of the NPPF links the plan making process to the government's National Design Guide and National Model Design Code so that buildings *reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design*".

The latest revision to the National Planning Policy Framework (NPPF) requires that "Development that is not well designed should be refused" (para. 134). The test for good design includes aesthetic considerations to enable the creation of high quality beautiful new buildings.

The social objective in the NPPF has been revised so that all new developments should be "well designed, beautiful, and safe spaces" so that communities, not developers, are put in the driving seat to ensure good quality design is the norm¹.

Emphasis is placed on community involvement and "Neighbourhood planning groups" and the NPPF therefore now gives even stronger weight to the need to follow local design guidance. Paragraph 129 states that "[if there is no local \[design\] guide or \[design\] code, decisions are to be made in accordance with the National Design Guide and National Model Design Code](#)". For an Urban Neighbourhood site, such as the O2 site, building heights of 3 to 4 storeys are appropriate (not tower blocks of 15-16 storeys).

[Appropriate densities range from 60-120 dwellings per hectare and not the super densities of 312 dwellings per hectare, which are envisaged by the developer.](#)

The prevalent building forms in the surrounding five Conservation Areas are mid-rise in height and comprised of red brick houses, 1930s mansion blocks and white stucco villas, all set in large gardens and on tree and hedge-lined streets. This provides the local character, the design preferences and the sense of place, as seen in the photos below.

¹ Former Housing Secretary, Robert Jenrick, stated that, "*this is about putting communities, not developers, in the driving seat to ensure good quality design is the norm.*"

Red brick mid-rise mansion block



White stucco villas (Belsize Park)



Mansion block rear garden (Canfield Place)



The developer has made no attempt to engage with the Fortune Green and West Hampstead Neighbourhood Forum for the purpose of developing design codes, and nor has any consideration been given to mid-rise development.

The aggressive form of the generic concrete tower blocks is clearly overbearing, alien and jarring with the elegance of the Conservation Areas.

As in PINS case APP/Q1445/W/20/3259653, the proposals are for excessive density and massing, with inadequate spaces between buildings, representing an unacceptable quality of building design, which would fail to positively enhance the environment, and cause unacceptable townscape harm. In the same way, the O2 tower blocks will substantially harm the Finchley Road townscape character, instead of enhancing it, and will cause loss of daylight and blight properties in Lithos Road, Rosemont Road and Broadhurst Gardens and Blackburn Road.

A photograph of the 3D model exhibited to the public is reproduced below.



The proposed tower blocks fail to make use of the National Model Design Code and the consequence is that they cannot, under any stretch of imagination, be considered to be of a good design or of a high quality.

The tower blocks would be overwhelmingly (89%) for residential use. This is in conflict with the recommendations of the London Assembly Planning and Regeneration Committee, which advises that [tall buildings of six storeys or more “will not produce the high-quality homes and neighbourhoods that London needs for residential use and tall buildings for commercial and mixed use”](#) and that [“Proposals for tall buildings should be required to demonstrate that other building configurations, which would achieve similar densities, have been considered.”](#) [London Assembly Guidance note of 14 January 2021].

Substantial Harm to Heritage Assets

Para. 202 of the National Planning Policy Framework requires that “great weight” is given to the harm to heritage assets when determining planning applications and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

London Plan Policy HC1 similarly requires development to avoid harm to heritage assets, as does Policy D2 of the Camden Local Plan. Protection of heritage assets is further reinforced in Policies 2, 3 and 4 of the Fortune Green and West Hampstead Neighbourhood Plan.

The occasion of such harm also conflicts with the National Model Design Code, which requires proposals to demonstrate,

“an understanding of the context, history and character of an area must influence the siting and design of new development. This context includes the immediate surroundings of the site, the neighbourhood in which it sits and the wider setting”.

Historic England has expressed concern that the development would cause harm to the five surrounding Victorian and Edwardian Conservation Areas, described by Historic England as a “very distinctive area that is rich in architectural character and highly regarded”.²

The tower blocks would be highly intrusive at numerous locations throughout the South Hampstead, West End Green, Fitzjohn’s Netherhall and Redington Froggnal Conservation Areas.

Inadequate green space and nature contribution

Green space is essential for well being and, especially, where family housing is planned. Camden has therefore developed policy A2, which requires new developments to provide a [minimum green open space amount](#) of 9 sq. metres per occupant.

The O2 site is situated in one of the UK’s most green space deprived areas. Policy A2 implies an open space requirement of 40,000 – 45,000 sq. metres (based on 2.5 occupants per flat). The proposals, however, fall substantially short of this minimum requirement and, instead, offer just 15,500 sq. metres of usable open space (or [one-third of the Camden policy requirement](#)). The open space is to be comprised of a Community Garden (3,000 sq. metres), Finchley Square (3,000 sq. metres), a Public Green (3,800 sq. metres) and a narrow linear walkway (5,200 sq. metres).

² It should be noted that Historic England’s representation was written prior to the test for substantial harm provided by the judgment in *The London Historic Parks and Gardens Trust vs Minister for Housing et al.* This clarifies substantial harm as “the ability to appreciate that asset in its setting is very much reduced”.

The Friends of the Earth Green Space Analysis of 2020 found West Hampstead and South Hampstead to have the highest Green Space Deprivation score (1) and the most deprived Green Space Deprivation Rating (E). Under provision of green space will exacerbate further the level of green space deprivation.

In a similar case³, the Planning Inspector found that “the usefulness of the communal spaces for residents would be limited because of the significant population they would need to serve”.

Inadequate Urban Greening Factor

The Environment Act of 2021 provides for nature recovery networks and sets quantified requirements for developments to achieve ‘biodiversity net gain’ and this need is also recognised in para. 174 of the NPPF.

The urgent need to enhance the natural environment is recognised in Camden’s constitution of 22 November 2021:

2.03 Roles and functions of all Councillors.

[Councillors] “*will have the opportunity to perform the following roles..... (iv) protect and, if possible, enhance the natural environment to the benefit of the borough and its residents and act to mitigate and ensure resilience to climate change in recognition of the declared climate emergency.*”

Estimates of the likely urban greening score from the O2 development vary but, in view of Camden ‘s ecological emergency and the severity of nature depletion in this urban neighbourhood, the application should provide for a significantly greater Urban Greening Factor, substantially in excess of the minimum score, using evidenced calculations of areas and habitats.

Notwithstanding the involvement of London Wildlife Trust, the proposals are not compliant with the [minimum](#) Urban Greening Score of 0.4 for predominantly residential development, as required by Policy G5 of the London Plan, and the proposals fail to provide the required gains for nature.

Failure to address the threat from surface water flooding

Section N2 of the National Model Design Code part 2 notes that “*Managing water is an important element of a site’s response to nature. It can reduce flood risk and improve water quality while providing habitats and recreational activities and dealing with flooding when it happens.*”

This is of great importance, since the O2 site lies within an area where there are many instances of surface water flooding: at the site, upstream in West Hampstead and downstream in South Hampstead.

In July 2022, the O2 Centre and Lymington Road were again affected by surface water flooding, causing the O2 Centre to close:

<https://www.hamhigh.co.uk/news/weather/flash-flooding-south-end-green-hampstead-8139756>

³ APP/Q1445/W/20/3259653

Surface water flooding in South Hampstead, 11 July 2022



Cars are left abandoned in around 2ft of water after heavy rain falls on a road in South Hampstead, north London, yesterday
<https://www.dailymail.co.uk/news/article-9779719/Flood-warnings-issued-Met-Office-TWO-INCHES-rain-set-hit-South.html>

Thames Water has expressed concern that the proposals do not meet the requirement for a runoff rate that is close to the greenfield runoff rate. It notes that the [surface water runoff rate of "260 litres per second must be reduced to the greenfield rate of 36 litres per second"](#) and that the existing surface water network is unable ["to accommodate the needs of this development proposal."](#) Thames Water further adds,

"Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents."

Underground water

Underground water (now culverted) flows from springs on Hampstead Heath to become the River Westbourne and Kilbourne, passing beneath the site and then flowing out into The Thames. Compliance with the National Model Design Code and the London Plan would be improved by seizing the opportunity to separate the clean water from foul water and daylight the underground rivers.

This would have the dual benefits of reducing pressure on sewers and introducing blue infrastructure to the development. Daylighting is being adopted across cities worldwide:
<https://www.timeout.com/climate-action/how-our-cities-lost-rivers-are-being-revived>

As a Lead Local Flood Authority, Camden Council is liable to conform with London Plan Policy SI 13 Sustainable drainage.

Policies indicating refusal of the application

Although Camden is unable to demonstrate a five-year supply of housing land, paragraph 11(d) of the NPPF indicates that planning permission should not be granted if:

- “(i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.”

The planning application contravenes so many planning policies so as to make it impossible to grant consent.

Policies which the application openly disregards include:

- national policies and guidance:
 - NPPF paras. 128, 129, 133, 134, 174 and 202
 - Planning (Listed Buildings and Conservation Areas) Act 1990 , s. 72 (1)
 - The Environment Act
 - the National Model Design Code
 - the National Design Guide
 - recovered appeal APP/Q1445/W/20/3259653
 - High Court Judgment of 8.4.22 (case no. CO/3041/2021);
- London Plan policies and guidance, including Policies:
 - D3, D6, D9 C
 - H4
 - HC1 C, HC4
 - G1, G5, G6 D, G6 E, G7 C
 - SI2, SI5 E and F, SI12 G, SI13 A-D and SI17 B
 - London Assembly Guidance note of 14 January 2021;
- Camden Local Plan Policies and Guidance:
 - A1, A2
 - C1, C2
 - D1, D2
 - G1
 - H4, H6, H7
 - TC1, TC2, TC4
 - WHI2 West End Lane to Finchley Road SPD
 - Sustainability Appraisal supporting Camden’s Local Plan;
- Camden Constitution;
- the Fortune Green and West Hampstead Neighbourhood Plan:
 - Policies 1, 2, 3, 4 and 10
- Conservation Area character appraisals and management strategies for five Conservation Areas.

Yours sincerely,



Nancy Mayo
Secretary

Redington Frogna! Neighbourhood Forum
<https://www.redfrogforum.org>
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