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25 August 2022

Ref: 21-530
Via Email

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.

In addition, Chamoss have submitted a proposed residential and commercial redevelopment scheme on the showroom sites for your pre-application comments and this was discussed with you at a meeting in September 2021.

Chamoss have also previously submitted preliminary comments via an initial objection to the scheme on 18 March 2022. However, the letter below now constitutes our more comprehensive comments following a full review of the proposed scheme.

2. PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise. The Statutory Development Plan in this instance is the Camden Local Plan 2017 ('the Local Plan') and the London Plan 2021. The National Planning Policy Framework (NPPF) is also

a material consideration. The proposal fails to comply with the Development Plan as a whole for the following reasons.

Loss of Existing Employment Uses

Policy E1 - Economic Development states that the council will support local enterprise, maintain a stock of premises for business activities, safeguard existing employment sites which meet the needs of industry and other employers, and recognise the importance of employment generating uses, including retail.

Policy E2 – Employment Premises and Sites states that the council will protect premises or sites that are suitable for continued business use, and businesses and services that provide employment for Camden residents and those that support the local economy. In particular, Policy E2 states that the council will resist the loss of employment sites unless it can be demonstrated that the site is no longer suitable for its existing business use; or alternatively consider proposals for redevelopment of employment sites, *providing* it has been demonstrated that the redevelopment retains existing businesses on these sites “as far as possible”.

Policy A1 - Managing the Impact of Development states that the council will seek to balance the needs of the development with the needs of the existing local area.

The VW and Audi car showrooms within the site currently operate as successful businesses. The site meets the needs of the industry and the showrooms providing local residents with both training and employment opportunities. The scheme proposes the demolition of these existing car showroom sites, with no provision for their retention or the continuing operation of these successful businesses. Their retention is not considered by the applicant. The loss of these employment sites will adversely impact local residents who are currently employed by the car showroom businesses operating on these sites, as well as prevent future residents from accessing the employment and training opportunities they provide. Furthermore, the car showroom sites play an important role in terms of supporting the local economy. The existing businesses are in no way retained “as far as possible” under the proposed scheme, despite the fact both Policies E1 and E2 support the retention of both these sites and the employment generating uses. The proposal is therefore contrary to Policies E1 and E2 of the Local Plan.

The applicant attempts to justify the loss of the showroom sites by stating that they “represent an inefficient use land, not compatible with a high-quality residential development.” However, there is no reason given as to why car showroom sites could not be integrated into the scheme in a way which accords with contemporary urban design principles - while still retaining the employment benefits to local residents and the contribution of these uses to the local economy. Such an approach is not considered or discussed in any way under the applicant’s proposal. Furthermore, the assumption of the appropriateness of replacing employment sites with a housing-dominated scheme in this town centre location is also questionable, as discussed in more detail below. The loss of these showroom sites is contrary to Policy E2 – which explicitly seeks to safeguard against the loss of employment sites such as this. Furthermore, by making no provision for the retention of the car showroom sites, the proposed scheme fails to balance the needs of the existing community, in particular those local residents who are employed by the car showroom businesses. The proposed development is therefore contrary to Policy A1 of the Local Plan.

Over-Provision of Housing

Policy WHI2 of Camden Draft’s Draft Site Allocation (West Hamstead Interchange Area) provides an indicative allocation of 950 additional homes for the O2 Centre, Car Park and Car Showroom sites (4.5ha). Thus the expected density of the scheme is approximately 211 homes per hectare. However, the proposed outline development proposes “around 1800 new homes” on a site with an area of 5.7ha, resulting in an approximate density of 316 homes per hectare. This is a significant departure from the

council's Draft Site Allocation Plan, which the council states on p.12 has been based on robust evidence and the proper consideration and testing of alternative strategies. Given that the council's evidence-based approach to this site allocation, taking into account key site constraints including building heights, massing, density, heritage assets and infrastructure, has resulted in a far lower density than that proposed, this significant increase in residential units proposed would need to be robustly justified by the council should permission be granted.

Having assessed the scheme in detail, we conclude that the attempt by the applicant to maximise housing within the scheme far above the levels proposed by the site allocation has resulted in fundamental issues with regards to building heights, massing, townscape, heritage impacts, living standards, and quantum of open space provided. These fundamental issues with the scheme are outlined below. While it is recognised that housing provision should be optimised on a key site such as this, the attempt by the applicant to maximise housing has led to the scheme failing to comply with multiple Local Plan and London Plan policies in these regards. A less ambitious scheme, which optimised housing delivery with a design-led approach in accordance with the council's site allocation and evidence-based strategy for the site, would have had a significantly greater likelihood of complying with the relevant planning policies and significantly reduced harm to the local area. However, in this case, the applicant's approach to maximising housing within the scheme beyond what is feasible for the site has resulted in a significant departure from the Draft Site Allocations Plan; and substantial failure to comply with the Local Development Plan as a whole.

Heights, Massing and Heritage Impact

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policies D1 (Design) and D2 (Heritage) of the Local Plan seek to secure a high standard of design for new development and to preserve and enhance Camden's range of heritage assets and their settings, including Conservation Areas (CAs). The site is not located within any Conservation Areas, but is located within close proximity to the West End Green, Redington Frogna, Fitzjohns Netherall, Belsize and South Hampstead CAs. The vast majority of buildings are Victorian and Edwardian housing which are domestic in scale with relatively few visual encroachments from any more modern, larger developments. The absence of such modern developments from views within the CA's contributes to their character as heritage assets. In addition to this, it should be noted that the Adopted Site Allocation and the council's West End Lane to Finchley Road SPD emphasise that the height, bulk and massing of any new buildings should respect, and be sensitive to, the height and massing of existing buildings in their vicinity and setting. The site has also not been allocated as a site for tall buildings in the Camden Local Plan. Tall buildings should only therefore be approved in this location subject to excellent design standards being met and where it can be demonstrated that harm to heritage assets has been avoided.

The scheme includes tall buildings of up to 15 storeys, and the buildings proposed are substantially greater than those found within the nearby street scene and Conservation Areas. In addition, proposed buildings would appear in views from within the CAs, resulting in a harmful impact to their distinctive architectural character and the historic sense of enclosure experienced from within them. This is particularly true of the taller buildings proposed along the northern boundary of the site within Outline Phase 3, which will result in harm to the setting of the South Hampstead and Fitzjohns Netherall Conservation Areas. Furthermore, the rising topography of the site to the east appears to result in the buildings proposed in Outline Phase 3 having a more significant visual impact than the rest of the site. Such an approach is contrary to the approach set out in the SPD which states that the topography of the site should shape and influence the acceptability and scale and height of buildings. The positioning of tall buildings in this part of the site is therefore not well rationalised and contributes to the harm caused to nearby CAs.

The harm identified ultimately stems from an attempt by the applicant to include a far greater amount of housing on to the site than is practicable. This harm is contrary to Policies D1 and D2 of the Local Plan which seek to preserve and enhance Camden's Conservation Areas as heritage assets. Paragraph 199 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits of the scheme when assessed against the harm caused to Conservation Areas as designated heritage assets is considered in more detail in the Planning Balance section below.

Open Space

Policy A2 - Open Space seeks to protect and enhance access to open space and green infrastructure within the Borough. Part M of this policy states that in order to secure new and enhanced open space, the council will apply a standard of 9 sqm. per proposed occupant. The policy compliant level of public open space for the proposed scheme would be approximately 33,000 sqm. Due to the overprovision of housing and built form within the scheme, the proposed development falls well short of this policy requirement. The proposal incorporates 16,480 sqm of open space, thereby failing to provide even half of that required by Policy A2 of the Local Plan. Policy A2 (N) states that priority will be given to securing new public open space on-site, with provision off-site near to the development only considered acceptable where provision on-site is not achievable. However, it is evident that a far greater provision of on-site open space per proposed occupant could be achieved with a reduced amount of housing within the scheme. The proposal therefore fails to comply with Policy A2 of the Local Plan, and the adopted SPD, which sets out the provision of open space as a core principle for the site.

Residential Living Standards

Policy D1 - Design states that the council will seek high quality design in development which provides a high standard of residential accommodation. Supporting Para 7.32 states that residential development should be dual aspect except in exceptional circumstances. However, the proposed scheme includes 39% of new homes as single aspect, mainly in Blocks N3E, N4 and N5, -with some of these single aspect units in Block N3E north facing. The applicant has not provided any justification or exceptional circumstances for this. In addition, Camden Planning Guidance states that separation distances between residential properties should be 18m. The proposed scheme does not achieve this, with some units having separation distances of 12-14m. The proposal therefore fails to comply with Policy D1 of the Local Plan.

Loss of Retail Floorspace

Policies TC1 - Quantity and Location of Retail Development), TC2 – Camden's Centres and Other Shopping Areas, and TC4 - Town Centre Uses seek to ensure the viability of Camden's Town Centres. The site is located within the Finchley Road / Swiss Cottage Town Centre. Policy TC1 states that the council will promote retail and other town centre uses within town centre locations such as this. Furthermore, Policy TC1 states that the council will promote additional provision of retail space as part of the redevelopment of growth areas, one of which is identified as the West Hampstead Interchange. This additional provision of retail space forms part of the overall strategy for achieving 30,000sqm of additional retail floorspace across the Borough - in order to meet Camden's objectively assessed needs to 2031. The site also includes primary and secondary retail frontages, which are protected under Policy TC2 of the Local Plan in order to support both the retail function of the centre for residents and to support the viability and vitality of the town centre location.

Although retail uses are proposed at ground floor level, the proposed scheme is housing-dominated and will result in a significant loss of the retail floorspace currently provided by the O2 Centre. The O2 centre provides a large amount of retail, employment and entertainment uses for the local community, and contributes strongly to the vitality and viability of the Finchley Road / Swiss Cottage Town Centre as a “destination” development. Overall, the proposals will result in a 54% reduction in retail floorspace, resulting in a significant reduction in town centre uses on this site. The proposed loss of retail floorspace is contrary to Policy TC1 of the Local Plan, and completely fails to accord with the Local Plan strategy to increase retail floorspace in this growth area in order to contribute to the objectively assessed need of 30,000sqm additional retail floorspace across the Borough by 2031. In addition, it is also questionable whether such a housing-focussed scheme is appropriate for a town centre location such as this. The loss of this shopping destination and the low provision of retail frontages are considered to harm the vitality and viability of the Finchley Road / Swiss Cottage Town Centre, contrary to Policy TC2 of the Local Plan.

Climate Change and Environment

Policy CC1 – Climate Change Mitigation states that the council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards. Part E of this policy states the council will require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing buildings. The West End Lane to Finchley Road SPD and London Plan Policy SI7 also state that substantial demolition and reconstruction should be fully justified in terms of viable alternatives and optimisation of resources and energy use in comparison with existing buildings. The applicant’s Whole Life Carbon (WLC) Assessment assesses carbon emissions from the O2 Centre associated with three different scenarios over a period of 60 years: retention, refurbishment and demolition / rebuild. However, while this assessment evaluates the whole life carbon implications for the demolition and reconstruction of the O2 centre, it does not demonstrate that the other buildings within the site which are scheduled to be demolished cannot be retained and improved. The proposal does not therefore comply with Policy CC1 of the Local Plan, the West End Lane to Finchley Road SPD, or and London Plan Policy SI7.

Urban Greening

London Plan Policy G5 – Urban Greening states that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. An Urban Greening Factor (UGF) of 0.4 is recommended for predominately residential schemes. The proposed scheme has a UGF of 0.35 (detailed element), and 0.32 (outline element). Both phases are therefore below the 0.4 target. The proposed scheme therefore fails to comply with London Plan Policy G5.

Transport

Policy A1 - Managing the Impact of Development seeks to ensure that new connections to the highway network from developments do not cause harm to the existing network, to its users or the environment. The Camden Transport SPG emphasises the importance of safe movement of vehicles to, from and within development sites. The proposal for Blackburn Road, in the vicinity of Plot N5, will be very narrow and will restrict vehicle movements to a contra flow only arrangement. Given this route will be used by a range of vehicles including bus services, the proposal will negatively impact the existing highways network in this regard. Furthermore, the servicing strategy proposed for the detailed plots shows three loading bays, two of which are located on Blackburn Road. Given the narrow width of Blackburn Road, the use of these bays would also restrict the traffic to a contra-flow only arrangement. Given this route is to be used by cyclists, cars, goods vehicles, refuse trucks, buses and emergency vehicles, this is not considered appropriate or safe design of a highway. In addition, the detailed plots

do not seem to make adequate spatial provision for deliveries and servicing, potentially requiring heavy goods vehicles to reverse within the site, an unsafe movement. The proposal therefore fails to comply with Policy A1, the Camden Transport SPG and London Plan Policy T7 G.

Policy T1 - Prioritising walking, cycling and public transport states that the council will seek connected, high quality, convenient and safe cycle routes to promote cycling as a sustainable method of transport. The primary cycle route will be along Blackburn Road at the northern boundary of the site. However, the scheme has therefore been designed to direct the majority of cyclists along a trafficked route as opposed to a traffic free route, with vehicle types including buses and goods vehicles. Furthermore, the proposal includes using Blackburn Road as the primary location for servicing, which is also considered to present a safety hazard to cyclists. The proposed development therefore fails to take opportunities to provide safe cycle routes across the site, which is also a core aim of the site SPD. The proposal therefore fails to comply with Policy T1 of the Local Plan, Chapter 3 of the London Cycle Design Standards and LTN/120, which require cycle routes to be coherent, direct, safe, comfortable and attractive. London Plan Policy T5 and the Camden Transport SPG require the provision of end of trip facilities comprising showers, lockers and changing spaces for staff members of non-residential uses. Provision for these facilities have not been allowed for with the proposals.

In addition, the public realm proposals at the corner of Blackburn Road and Finchley Road would decrease the space available for pedestrians which is in conflict with London Plan Policy D8 and Local Plan Policy T1. Given the considerable increase in pedestrian numbers to be created by the intensified use of the site under this proposal, this is considered unacceptable. No pedestrian level of service assessment has been undertaken to support the proposals.

London Plan Policy T6 – Car Parking states that for 3% of dwellings, at least one designated disabled person parking bay per dwelling is available from the outset. The proposal is compliant with Policy T6 in this regard. However, Policy T6 also states that proposals should demonstrate, as part of a Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. No Parking Design and Management Plan has been submitted, and it is not clear how proposal scheme will allow for the required increase to 10% disabled parking. The proposal therefore fails to comply with Policy T6 of the London Plan.

Local Plan Para 10.7 states that the council will consider the impacts of movements to, from and within a site, including links to existing transport networks via transport assessments. The applicant has submitted a Transport Assessment which assesses the impact of the proposed development on the highways and public transport network. However, the TRICS sites selected for this assessment are located within London's CAZ, despite the site being located outside of this area. This has resulted in an underestimation of trips undertaken by public transport. We share TfL's view that the 1% increase in trips on the Jubilee line, for example, should not be accepted, and consider that the use of TfL's Railplan data should be used to provide a more complete assessment. The impact of the proposal on existing transport networks has not therefore been sufficiently assessed.

Planning Balance

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 199 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Less than substantial harm has been identified to nearby Conservation Areas. Given the loss of employment sites which provide jobs and opportunities for existing local residents, the significant loss of retail floorspace in this town centre location, the low provision of public open space and the low provision of urban greening, it is not considered that the applicant can reasonably argue that the proposed scheme

provides public benefits which outweigh the less than substantial harm to the significance of nearby designated heritage assets. In addition, it is also not considered to have been demonstrated why the benefits of the scheme cannot be achieved in a more sustainable and appropriate way which minimises the harm to these designated heritage assets. In consideration of the planning balance then, the scale of harm caused to Camden's designated heritage assets is not considered to be outweighed by any public benefits of the scheme. The proposal is therefore contrary to Para. 202 of the NPPF and should be refused.

Other Matters

Site Allocation SPD

It should be noted that 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 proposed development, including demolition and replacement of existing successful businesses in this area is therefore not yet adopted policy.

Phasing and Landownership

In addition, 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 and 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. A disproportionate amount of public open space is therefore proposed for the Showroom sites. The cost and benefits 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. As it is, the proposal fails to integrate the proposed phases with land ownership considerations across the overall site.

3. CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise. The proposal fails to comply with the Development Plan as a whole for the following reasons:

- **Loss of Existing Employment Sites.** The proposed scheme will result in the loss of successful employment sites which are safeguarded by Policy E2 of the Local Plan. The applicant has made no provision for their retention within the scheme and has failed to provide justification for their loss. The proposal therefore fails to comply with Local Plan Policies A1, E1, E2
- **Heights and Massing.** The proposed scheme will introduce buildings which are substantially greater than those found within the nearby street scene, resulting in a harmful impact to the character of nearby Conservation Areas. The proposal therefore fails to comply with Local Plan Policies D1 and D2

- **Public Open Space.** The proposal will provide 16,480 sqm of public open space against a policy requirement of approximately 33,000 sqm. The proposal therefore fails to comply with Local Plan Policy A2.
- **Residential Accommodation.** The proposed scheme includes 39% single aspect units and fails to achieve sufficient separation distances between residential units. The proposal therefore fails to comply with Local Plan Policy D1.
- **Loss of Retail Floorspace.** The proposed development will result in a 54% reduction in retail floorspace in a town centre location, thereby harming the retail function of the centre for residents the viability and vitality of the town centre location. The proposal therefore fails to comply with Local Plan Policies TC1, TC2 and TC4.
- **Climate Change and Environment.** The applicant has failed to demonstrate that the buildings within the site which are scheduled to be demolished cannot be retained and improved. The proposal therefore fails to comply with Local Plan Policy CC1.
- **Urban Greening Factor.** The proposal scheme will achieve a UGF of between 0.32 and 0.35 against a policy requirement of 0.4. The proposal therefore fails to comply with London Plan Policy G5.
- **Transport** – The proposed development will negatively impact the highways network, fails to take opportunities to provide safe cycle routes across the site, and decreases space available for pedestrians. The impact of the proposal on existing transport networks has also been underestimated. The proposal therefore fails to comply with Local Plan Policies A1 and T1 and London Plan Policy D8
- **Planning Balance.** Given the loss of employment sites which provides jobs for existing local residents, the significant loss of retail floorspace in this town centre location, the low provision of public open space and the low provision of urban greening, the proposed development fails to provide public benefits which outweigh the harm caused to designated heritage assets. The proposal therefore fails to comply with Para. 202 of the NPPF.

In view of the above, we strongly consider that the proposed O2 Masterplan redevelopment should be refused.

Yours sincerely



Anna Snow
DIRECTOR
Iceni Projects