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FAO: Richard Limbrick and David Fowler

Our Ref: U0011576

Your Ref: 2022/0528/P

13 February 2023

Dear Sirs,

O2 Centre Masterplan Site, Finchley Road – Scheme Amendment

We write on behalf of LS (Finchley Road) Limited (“the Applicant”), in relation to the proposals for the O2 Centre Masterplan Site (“the Site”) and to formally submit amendments to the scheme.

This cover letter should be read alongside the suite of addendum/ revised planning application documents, which out and explain the scheme amendments, and which are formally submitted to the London Borough of Camden (“LBC”) for consideration as part of application ref. 2022/0528/P. The proposed amendments respond to a government consultation which includes a proposal to mandate second staircases in residential buildings of over 30 metres in height to improve fire safety.

Introduction and Background

A hybrid planning application (“the Application”) for the redevelopment of the Site was submitted to LBC on 1st February 2022 (application ref. 2022/0528/P).

The Application was submitted for the following:

“Detailed planning permission for Development Plots N3-E, N4, and N5 including demolition of existing above ground structures and associated works, and for residential development (Class C3) and commercial, business and service (Class E) uses in Development Plot N3-E, residential development (Class C3) and local community (Class F2) and commercial, business and service (Class E) uses in Development Plot N4, and residential development (Use Class C3) and commercial, business and service uses (Class E) uses in Development Plot N5 together with all landscaping, public realm, cycle parking and disabled car parking, highway works and infrastructure within and associated with those Development Plots. Outline planning permission for Development Plots N1, N2, N3, N6, N7, S1 and S8 including the demolition of all existing structures and redevelopment to include residential development (Class C3) commercial, business and service uses (Class E), sui generis leisure uses (including cinema and drinking establishments) together with all landscaping, public realm, cycle parking and disabled car parking, highway works and infrastructure within and associated with those Development Plots”.

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In response to feedback received on the application submission, the Applicant reviewed the proposals and made a number of changes to the scheme. On 20th September 2022 the Applicant submitted revised formal submission documents. The changes made were summarised in the cover letter by Gerald Eve LLP dated the 20th September 2022.

In addition to the September amendments, further points were raised and clarified through ongoing discussions with LBC and stakeholders. This necessitated the need for revised documentation resulting in a further submission in December 2022. On 19th December 2022 the Applicant submitted further revised formal submission documents. The changes included as part of the submission were summarised in the cover letter by Gerald Eve LLP dated 19th December 2022.

This letter provides a summary of the further changes that are now proposed to the application. The cover letter should be read alongside the full suite of addendum/revised planning application documents, which set out and explain the scheme amendments, and which are formally submitted to LBC for consideration as part of application ref. 2022/0528/P. The documentation submitted in support of the revised proposals is as follows:

- Revised Development Specification Document;
- Revised Proposed Plans in respect of the detailed part of the application;
- Revised Design and Access Statement Addendum;
- Revised Accommodation Schedule;
- Revised Waste Management Strategy;
- Addendum Transport Assessment;
- Revised Fire Statement;
- Revised Gateway One;
- Addendum Energy Strategy;
- Addendum Sustainability Statement; and
- ES Letter of Conformity with appended Revised Internal Sunlight and Daylight Report.

Proposed Amendments

The Department for Levelling Up, Housing and Communities began a 12-week consultation on 23rd December 2022 which recommends a maximum height threshold for the use of one staircase in residential buildings. The consultation documentation proposes to introduce a new trigger in Approved Document B making provisions such that new residential buildings of more than 30 metres in height are required to provide/include a second staircase.

In response to the proposed fire safety changes, the Applicant has amended the design of the buildings on the Detailed Plots to include a second staircase. The proposed changes to the detailed part of the planning application are set out within the Revised Design and Access Statement Addendum prepared by AHMM Architects.

No changes have been made to the Parameter Plans nor the outline part of the application as fire safety matter will be addressed at the Reserved Matters Stage. The proposed changes are summarised below:

Detailed Proposals

- Each building core in the Detailed Plots now has two separate staircase providing separate means of escape;
- All pressurisation shafts and plant added to the revised submission of September 2022 are no longer required and have been removed from the proposals;
- Number of units across the Detailed Plots remains the same. No change / amendments to the Outline Plots;

- There have been minor amendments to the residential mix including converting 10 number 1 bed 2 person apartments to 10 number Studio apartments in building N5C;
- Following the addition of a second staircase, access is now permissible from residential cores to amenity spaces, plant rooms, bicycle stores, car parks and refuse stores through a ventilated lobby;
- The above changes resulted in very minor amendments to the building facades limited to horizontal position of windows within some apartments;
- Some small changes to the footprint of non-residential spaces resulted from the addition of secondary final means of escape. This results in a small change in floorspace to some of the non-residential uses in Plots N3(E), N4 and N5;
- Slight change to building façade on N4/N5 limited to window positions on upper levels;
- Amended position of lift overruns, no change in building heights; and
- N4 and N5, reduced area of plant / requirement to dig partial basement depressions.

Table 1 summarises the proposed areas and units scheduled for the three Detailed Plots and provides a comparison with the original submission (January 2022), and the revised proposals submitted in December 2022. A full breakdown of the residential unit mix and area schedule is set out within the Revised Development Specification submitted as part of this application.

As set out in page 74 of the Revised DAS Addendum the provision of 36% affordable housing by floorspace in the Detailed Application remains unchanged. The Provision of 35% affordable housing by floorspace in the Outline Application remains unchanged also.

Table 1: Comparison of Proposed Development Detailed Application

Plot	Land Use	Original Submission (January 2022)	December 2022 Proposals	February 2023 Proposals (Current)	Net Change from December 2022
N3(E)	Residential	68 units (18 x studios, 16 x 1-bed, 34 x 2-bed)	68 units (18 x studios, 16 x 1-bed, 34 x 2-bed)	68 units (18 x studios, 16 x 1-bed, 34 x 2-bed)	No change
	Retail	186 sqm GIA	137 sqm GIA	145 sqm GIA	+8 sqm GIA
	Food and Drink	114 sqm GIA	92 sqm GIA	97 sqm GIA	+5 sqm GIA
N4	Residential	234 units (1 x studio, 91 x 1-bed, 142 x 2-bed)	234 units (79 x 1-bed, 155 x 2-bed)	234 units (79 x 1-bed, 155 x 2-bed)	No change
	Community	270 sqm GIA	268 sqm GIA	268 sqm GIA	-2 sqm GIA
	Retail	186 sqm GIA	91 sqm GIA	91 sqm GIA	No change
	Financial and Professional Services	155 sqm GIA	161 sqm GIA	158 sqm GIA	-3 sqm GIA

N5	Residential	306 units (40 x studios, 112 x 1-bed, 154 x 2-bed)	306 units (45 x studios, 109 x 1-bed, 152 x 2-bed)	306 units (55 x studios, 99 x 1-bed, 152 x 2-bed)	0 units (+10 x studios, -10 x 1-bed)
	Retail	1,361 sqm GIA	1,073 sqm GIA	1,072 sqm GIA	-1 sqm GIA

Amended Description of Development

In addition to the amendments in relation to fire, set out above, the Applicant has taken the opportunity to amend the description of development so that it is in line with the legal principles advanced in the recent *Hillside*¹ decision.

The recent *Hillside* decision has created a number of considerations for masterplan/regeneration applications. This includes the need to ensure that a planning permission is expressly severable, if there may be a need in the future to submit an amended scheme on part of the site. Therefore, the description of development now explicitly notes that planning permission is to be granted separately and severably for each of the plots as set out in the plan submitted.

Accordingly, the amended description of development is set out below:

“Detailed planning permission for Development Plots N3-E, N4, and N5 and Outline planning permission for Development Plots N1, N2, N3, N6, N7, S1 and S8, including demolition of all existing structures and associated works, and redevelopment to include residential development (Class C3), commercial, business and service uses (Class E), local community uses (Class F2), and sui generis leisure uses (including cinema and drinking establishments) together with all landscaping, public realm, cycle parking and disabled car parking, highway works and infrastructure within and associated with those Development Plots, in accordance with the Development Specification.

For the avoidance of doubt, the Detailed and Outline planning permission are separate and severable for each of the Plots shown on plan P011 and the description of development on any decision notice issued pursuant to the application would reflect that.”

The cover letter now summarises the scheme amendment documents and the conclusions set out in each document.

1) Clarifications and changes to submission documents

a. Revised Development Specification

A limited number of revisions have been made to the Development Specification document as shown in the version dated February 2023. The revisions are set out below:

- Revised description of development which responds to the recent Hillside decision expressly refers to the planning permission being severable;
- Revised cycle parking provision;
- Revised area schedule to account for detailed proposals which include two staircases within each core and minor changes to floorspace;
- Revised detailed residential unit mix in Plot N5; and
- Changes to the detailed non-residential area schedule.

There is no change to the number of residential units for the Detailed Proposals but the mix has changed for Plot N5, replacing 10 x 1-bed units with 10 studios. The Detailed Proposals still comprise 608 new homes. The Detailed Proposals affordable housing provision is unchanged.

¹ *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30

As a result of the scheme revisions, the Detailed Proposals will provide 58,616 sqm (from 58,568 sqm) GIA total floorspace. It is considered that this is a *de minimus* change to the overall development.

b. Revised Addendum DAS and Revised Accommodation Schedule.

A limited number of revisions have been made to the Revised Addendum DAS as shown in the version dated February 2023. Section 4.0 and 5.0 of the document have been updated to show revisions made to the Detailed Plots of the building in response to the inclusion of two staircases in all buildings greater than 30m in height.

c. Revised Waste Management Strategy

The revised Waste Management Strategy has been submitted to supersede the version submitted in September 2022. The updates to the Waste Management Strategy include the following:

- Revised waste routes due to modified vertical circulation;
- Revised waste handling strategy for specific townhouses; and
- Revised residential waste room sizes and indicative bin locations.

d. Transport Assessment Addendum

The proposed changes result in total of 1,059 (from 1,054) number of long stay and 86 (from 80) short stay cycle spaces proposed in relation to the Detailed Proposals. These numbers supersede those submitted to the Council in November 2022 due to the slight changes to the floorspace and unit mix. Access to the cycle stores will remain at ground floor/street level and will be located internally within each Plot in the same location. Direct walkway connections to the northern cores within Plots N4 and N5 are provided through the car park, with routes provided at the rear of car parking spaces. This is considered an improvement compared to the November 2022 proposal, which could not accommodate direct connections.

The Addendum Transport Assessment concludes that the proposed changes do not alter the forecast trip generation associated with the proposed development or result in any additional impacts on the network operation. The changes in cycle parking numbers and parking access is detailed in the Transport Assessment Addendum.

e. Revised Fire Statement

The revised Fire Statement assesses the development proposals in relation to fire safety and concludes that the detailed planning application for Plots N3(E), N4 and N5 is compliant with London Plan Policy D5 and D13, as well as compliant with the draft guidance issued by the Greater London Authority (GLA) in February 2022.

f. Revised Gateway One Report

A revised Gateway One Report has been prepared by the Applicant. The report forms part of the amended submission and confirms that all detailed buildings are now provided with two staircases.

g. Addendum Energy Strategy

The Applicant has undertaken a review of the minor amendments to detailed Plots N3(E), N4 and N5 in relation to the potential implications of these changes on the energy strategy, energy consumption and CO2 emissions against the assessments undertaken to inform the energy strategy submitted in January 2022.

The review concludes that the minor amendments do not result in a change to the energy strategy, consumption, or CO2 emissions.

h. Addendum Sustainability Statement

The Applicant has clarified through an addendum to the Sustainability Statement that the overall sustainability impacts of the changes are likely to be minor. The scope of assessment of the changes is set out within the addendum Sustainability Statement and as the overall quantum of change is small, an update to the Sustainability Statement is not required.

i. ES Letter of Conformity

The Applicant has reviewed the changes in the context of the previous environmental assessment undertaken, namely the 2022 ES, 2022 ES Review Response, 2022 EIA Statement of Conformity and 2022 ES Addendum, to assess whether they give rise to any materially new or materially different likely significant environmental effects as previously assessed and report. No changes have been made to the demolition and construction programme and phasing. The ES letter of conformity includes a conclusion on the following chapters in relation to the proposed design changes:

- Noise and Vibration;
- Air Quality;
- Transport;
- Flood Risk and Drainage;
- Ground Conditions;
- Archaeology;
- Daylight, Sunlight and Overshadowing;
- Wind Assessment;
- Ecology;
- Socio-Economics;
- Green House Gas and Climate Change;
- Townscape, Heritage and Visual Impact Assessment; and
- Cumulative Impacts.

Due to the nature of the changes, the letter concludes that the previous environmental assessment undertaken remains valid and no further environmental information is required.

Conclusion

This cover letter and accompanying suite of plans and revised/addendum application documents are submitted formally in relation to planning application ref. 2022/0528/P.

Annex A to this letter sets out a schedule of the submission documents and which version they supersede.

Should you have any questions on the revised submission documentation please contact Leonie Oliva [REDACTED] or Luke Davies [REDACTED] of this office.

Yours faithfully

[REDACTED]

Gerald Eve LLP

[REDACTED]

Annex A

Submission Document Schedule

Document	Date Submitted	Version Superseded
Covering Letter	13/02/2023	-
Revised Development Specification	13/02/2023	19/12/2022
Revised DAS Addendum	13/02/2023	19/12/2022
Accommodation Schedule	13/02/2023	19/12/2022
EIA Statement of Conformity	13/02/2023	-
Revised Fire Statement	13/02/2023	01/02/2022
Revised Gateway One Report	13/02/2023	01/02/2022
Addendum Energy Strategy	13/02/2023	-
Addendum Sustainability Strategy	13/02/2023	-
Revised Waste Management Strategy	13/02/2023	20/09/2022
Addendum Transport Assessment	13/02/2023	-
Severability Plan	13/02/2023	-
Detailed Drawing Pack	13/02/2023	19/12/2022