

**From:** Sacha Bielawski

**Sent:** 30 August 2022 13:24

**To:** David Fowler; Planning

**Subject:** ref: 2022/0528/P / O2 Centre Finchley Road Development Plans

Dear Mr Fowler,

ref: 2022/0528/P

Having now received and reviewed a copy of the Planning Representations from the Confederation of Local Community Groups, please accept my own objections to this planning application which are fully represented by the Confederation's detailed objections which have already been submitted.

Sacha Bielawski  
33 Achilles Road  
London NW6 1DZ

**From:** Jackie Spreckley  
**Sent:** 30 August 2022 12:38  
**To:** David Fowler; Planning  
**Subject:** O2 Centre developement

Dear Mr Fowler,

ref: 2022/0528/P

Having now received and reviewed a copy of the Planning Representations from the Confederation of Local Community Groups, please accept my own objections to this planning application which are fully represented by the Confederation's detailed objections which have already been submitted.

Jackie Spreckley  
1 Aldred Road  
NW6 1AN

From: Kay Boyd  
Sent: 30 August 2022 11:06  
To: David Fowler  
Subject: ref. 2022/0528/P

ref. 2022/0528/P

Dear Mr Fowler

I have read the Planning Representations from the Confederation of Local Community Groups. Please accept my own objections to this planning application. I agree entirely with the objections which have been submitted.

Kay Boyd

**From:** Anne Devlin  
**Sent:** 31 August 2022 17:19  
**To:** David Fowler; Planning  
**Subject:** ref: 2022/0528/P

Dear Mr Fowler,

ref: 2022/0528/P

Having now received and reviewed a copy of the Planning Representations from the Confederation of Local Community Groups, please accept my own strong objections to this planning application which are fully represented by the Confederation's detailed objections which have already been filed. I endorse and support the Confederation's own statement of objections for the reasons they give.

This proposal represents a massive overdevelopment which is going to lead to a poor quality environment for the new residents and our neighbourhood. The density of the development (in particular building height) will also impact the surrounding conservation areas and the South Hampstead skyline (one of the key objectives of the Confederation's response is to force a building height reduction). The proposed development will lead to an unacceptable overshadowing which will extend as far as Broadhurst Gardens and the top of Fairhazel Gardens.

The size and scale of the proposed development will also have a major impact on local infrastructure and services, tubes, buses etc. Further, the duration of the proposed development, and associated noise, traffic, air quality pollution and disruption, over a 10-15 year period, is an unreasonable burden to impose on the adjacent neighbourhoods and streets.

Finally, it is important to note that little or no adequate consideration has been given to climate impact of the buildings, their materials and construction.

Please keep me informed of the process for this development and explain local residents right to object on aspects of this development.

Best wishes,

Anne Devlin

47 Fairhazel gardens

NW6 3QN

**From:** Rory Devlin  
**Sent:** 31 August 2022 17:07  
**To:** David Fowler; Planning  
**Subject:** ref: 2022/0528/P

Dear Mr Fowler,

ref: 2022/0528/P

Having now received and reviewed a copy of the Planning Representations from the Confederation of Local Community Groups, please accept my own strong objections to this planning application which are fully represented by the Confederation's detailed objections which have already been filed. I endorse and support the Confederation's own statement of objections for the reasons they give.

This proposal represents a massive overdevelopment which is going to lead to a poor quality environment for the new residents and our neighbourhood. The density of the development (in particular building height) will also impact the surrounding conservation areas and the South Hampstead skyline (one of the key objectives of the Confederation's response is to force a building height reduction). The proposed development will lead to an unacceptable overshadowing which will extend as far as Broadhurst Gardens and the top of Fairhazel Gardens.

The size and scale of the proposed development will also have a major impact on local infrastructure and services, tubes, buses etc. Further, the duration of the proposed development, and associated noise, traffic, air quality pollution and disruption, over a 10-15 year period, is an unreasonable burden to impose on the adjacent neighbourhoods and streets.

Finally, it is important to note that little or no adequate consideration has been given to climate impact of the buildings, their materials and construction.

Please keep me informed of the process for this development and explain local residents right to object on aspects of this development.

Regards,  
Rory Devlin

47 Fairhazel Gardens  
NW6 3QN

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Rory Devlin  
Columna Capital LLP  
7 Cavendish Square,  
London W1G 0PE

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**From:** Kay Boyd [REDACTED]  
**Sent:** 30 August 2022 11:08  
**To:** Planning Planning  
**Subject:** ref. 2022/0528/P

[REDACTED]

ref. 2022/0528/P

I have read the Planning Representations from the Confederation of Local Community Groups. Please accept my own objections to this planning application. I agree entirely with the objections which have been submitted.

Kay Boyd



**From:** Simon Inglis  
**Sent:** 01 September 2022 13:03  
**To:** David Fowler; Planning  
**Subject:** ref: 2022/0528/P Planning Objection to Landsec's proposals for O2 site

Dear Mr Fowler

**ref: 2022/0528/P**

I have reviewed a copy of the Planning Representations from the Confederation of Local Community Groups, and wish to state that my objections to this planning application are fully represented by the Confederation's detailed objections which have already been submitted.

My objections are exactly in line with those of the Confederation in the following respects:

1. Having attended two events (one live, one online) at which the plans have been explained by Landsec, I take particular exception to their claim that the scheme offers over 50 per cent open space. Technically this assertion is correct - 50 per cent of the site would not be covered in buildings. But that does not mean that the undeveloped space is 'open'. Does a pavement count as 'open space'? I repeat the statement that, ' Para 10.42 of the Planning Statement confirms that, under this particular design concept "the Proposed Development is unable to meet the full policy requirement in respect to open space."

I also wish to repeat, and reiterate, that as stated in the Confederation report "the real, usable, and recreational green space under this application is of fundamentally poor quality and is a miserable 0.68ha out of 5.77ha, or 11.7%.'

2. This development is clearly trying to pack too many people and too many flats into the space available. As a resident of West Hampstead since 1984- nearly 40 years - and a member of both WHAT and GARA, I have seen crowd densities around the tube station reach worrying proportions. This development will only add to those densities. My understanding is that a density of 947 person per hectare is Landsec's aim. Even if this density were to be halved, this would still represent a density level way above the Camden

average. Would any of the individuals involved in this submission wish to live in such a densely populated development?

3. The application should be withdrawn or rejected pending a redesign in compliance with the Neighbourhood plan, and in genuine cooperation with the FGWHNF and the adjacent community. I strongly feel that there has been no *meaningful* co-operation or consultation. We were repeatedly told at the meetings that as local residents we should be excited by this development and that we will benefit from it, yet I do not know a single local resident who is anything other than worried and resentful of the proposals, particularly as pressures continue to build on water usage, sewerage, medical facilities, schools and open space. This is not simple 'nimbyism' but genuine concern.

4. The proposals are described as 'mixed use'. No they are not. The vast majority of the development (89%) consists of residential use. Only 270 sq m are allocated to community use. Do they think we are stupid?

I therefore concur most stringly with the Confederation's assertion that the Landsec scheme fails owing to the excessive heights of the proposed flats, the density of construction, the poor design of both the proposed buildings and their masterplanning, and the insufficient provision of green space amenity.

To repeat, and reiterate a statement from the Confederation report:

'it is clear that this is in fact a plan which is entirely guided by commercial interests instead, and is basically "human warehousing", absent respect for the future residents or for the surrounding communities, and we trust it will be rejected as such, particularly when a high-quality, design-led solution is available.'

Yours

Simon Inglis  
1 Aldred Road, London NW6 1AN

**From:** eric.peel

**Sent:** 26 August 2022 14:15

**To:** David Fowler; Planning

**Subject:** Objection to Planning Application 2022/0528/P (Proposed O2 Centre site redevelopment)

Dear Mr Fowler,

**Ref: Objection to Planning Application 2022/0528/P (Proposed O2 Centre site redevelopment)**

Having now received and reviewed a copy of the Planning Representations from the Confederation of Local Community Groups, please accept my own objections to this planning application which are fully represented by the Confederation's detailed objections which have already been lodged with the Camden Planning Team.

The Confederation of Local Community Groups Objection document is also available [here](#).

My own individual objection to the same application was lodged with you some months ago, and is also attached for reference.

Best regards

Eric Peel

172 Goldhurst Terrace, London, NW6 3HN

To: Mr David Fowler, Case Planning Officer, London Borough of Camden

From: Eric Peel, Goldhurst Terrace, NW6 3HN

**Strong Objection to O2 Centre site redevelopment plans (Ref. 2022/0528/P)**

Dear Mr Fowler,

I strongly object to the proposed development on the following grounds and as measured against the principles outlined in the various plans which already exist namely:

The London Plan; the Camden Local Plan; the Fortune Green & West Hampstead Neighbourhood Plan and Camden's own 2013 site allocations and its 2019 draft Site Allocations (the 'West Hampstead Interchange' site within the latter, which includes the sites which are the subject of the current application, was very recently substantially objected-to on its second consultation by up to 666 local residents. Please see: <https://growthsalp.commonplace.is/proposals/west-hampstead-interchange> ).

It is disgraceful that Camden planners appear, over the last 18-24 months, to have explicitly and knowingly guided the developer to propose such an overblown scheme, which is totally out of keeping with the surrounding four Conservation Areas, and introduces a vastly excessive degree of massing, multiple building heights and dwelling density that goes against all the principles of good design. This will adversely impact many of the unfortunate new residents who are to be housed there, and will undoubtedly lead to social problems and widespread anti-social, if not criminal, behaviour on the new estate. Please also refer to the recent comments and concerns of the Metropolitan Police on this matter.

Closely-related to this, it also ignores the excellent guidance given by the recent report from the London Assembly Planning and Regeneration Committee on Housing Typologies and Design in London, for the post-Covid19 era (September 2021). They conducted an investigation into COVID-19, Housing Typologies and Design in London. A key emphasis was on housing density and the development of tall buildings for residential use in London. Key areas touched on during the course of the investigation are:

- The costs of tall buildings
- Density
- The impact on families
- Quality of design
- Post-COVID 19

Please see the following links, and in particular the letter to London Councillors from Andrew Boff (AM), the Chair of the London Assembly Planning and Regeneration Committee of 2<sup>nd</sup> September 2021:

<https://www.london.gov.uk/about-us/london-assembly/london-assembly-publications/covid-19-housing-typologies-and-design-london>

[https://www.london.gov.uk/sites/default/files/good\\_quality\\_housing\\_response.pdf](https://www.london.gov.uk/sites/default/files/good_quality_housing_response.pdf)

[https://www.london.gov.uk/sites/default/files/letter\\_to\\_councillors\\_-\\_housing\\_typologies\\_1.pdf](https://www.london.gov.uk/sites/default/files/letter_to_councillors_-_housing_typologies_1.pdf)

For Camden to have proudly admitted to having 'co-designed' such an over-blown development scheme with the developer (as was apparently recently stated in a report to a Cabinet meeting) is a disgraceful reflection of where Camden's true interests now appear to lie, and is a complete betrayal of Camden's proud history of supporting human-scale and very enlightened housing schemes. Both the relevant Planning Officers and the relevant Cabinet members should hold their heads in shame at this.

Specific grounds for objection and refusal are as follows:

## Tall Buildings

London Plan policy D9, paragraph B states, “Tall buildings should only be developed in locations that are identified as suitable in Development Plans.”

As Camden has not designated anywhere in the borough as suitable for tall buildings, it would be reasonable to assume that were it to, it would designate this area as unsuitable. This is based on the factors specified in paragraph C:

Where harm is done to heritage assets, there must be a “clear and convincing justification”. It does do significant harm to the surrounding conservation areas without such a justification.

Furthermore, it must be demonstrated that the capacity of the transport network nearby is “capable of accommodating the quantum of development”. It clearly would overburden the local Underground stations, which are already stretched to capacity and limited in access.

The area is not suited to high-rise buildings with 10 storeys an absolute maximum height for the area, in-keeping with the tallest buildings already in the area, eg:

The 11-storey Lessing building is the tallest in West Hampstead & the 12-storey Ellerton tower is the tallest in the Fortune Green & West Hampstead Neighbourhood Plan Area.

The proposed development contains several buildings that are taller than either of the above. It is thus extraordinarily tall compared to the surrounding area.

As a result, while Camden has been derelict in not designating areas as suitable or not, the factors specified in the London Plan would lead an objective observer to conclude that the area is not suitable to tall buildings and that a ‘tall building’ is defined as anything taller than 10 storeys. As a result, the development should be limited to 10 storeys – preferably less - under London Plan policy D9. But as it is not, it should be resisted.

## Conservation

The development is sandwiched tightly between the Fitzjohns & Netherhall, Belsize, South Hampstead, and West End Green Conservation Areas. These conservation areas are defined by similar characters and development typologies namely:

These are low- and medium-rise, the most typical building being three to four storeys above ground with a lower ground level. They are primarily red- or yellow-brick terraces and mansion blocks. Unrendered brick is the absolutely dominant material in the conservation area, and both palette and materials are traditional in nature.

Furthermore, while it is not located within a Conservation Area, is it located in the Fortune Green & West Hampstead Neighbourhood Plan Area. This contains ‘Conservation Area-like’ protections in Policy 2, namely development that:

“Is human in scale”

“Has regard to the form, function, structure, and heritage of its context, including the scale, mass”

“Is sensitive to the height of existing buildings”, including that tall buildings should “avoid *any* negative impact” (emphasis ours) on the West End Green or South Hampstead conservation areas.

“Has regard to the impact on local views” as identified in A11 of the Neighbourhood Plan. This designates views southwards, out of the Neighbourhood Plan Area across South Hampstead: views that would be obliterated by the development.

Given the above requirements, more careful consideration should be given to the impact on conservation. Instead, the developer has acted as though it being located a few metres outside these conservation areas means that it does not have to have regard to conservation. So, another of many reasons that it should therefore be resisted.

For example, a number of the simulation pictures offered in the planning documentation to illustrate the visibility of the tall and closely-packed buildings in the O2 site proposals when viewed from key points in the South Hampstead Conservation Area, appear to have been framed as 'wide-angle' photographs (eg. 28mm lens), which of course greatly diminishes the impact and visibility of more distant objects. This is wholly misleading, not to say mendacious, and shows bad faith on the part of the developers and their agent that did this work. The views from Priory Rd and Fairhazel Gardens looking north will be particularly egregious and the looming mass of buildings will generally do substantial harm to the vistas from this and many other CAs.

In observations, already posted on the O2 planning application, Historic England comments: *'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.'*

### **Car parking and continuing amenities**

This application fundamentally misunderstands Camden's policy of car-free development, and in doing so, cannot provide for the amenities that it states. Camden's policy of 'car-free development' is defined for redevelopments at paragraph 10.20 of the Local Plan. This paragraph states that:

The council will consider retaining or re-providing existing car parking where it can be demonstrated that the existing occupiers intend to return to the development after it is redeveloped.

The applicant has said that it intends to retain a commercial involvement and management of the site, so it is a redevelopment.

This is particularly the case where the car park supports the functioning of a town centre. In this case, the O2 Centre is within the Finchley Road & Swiss Cottage town centre. The existing (2013) site allocation states that the redevelopment of the car park is permitted 'provided it does not result in a detrimental impact on the surrounding area and the functioning of the Town Centre'.

As a long time local resident, the O2 Centre fulfils an essential function for shoppers at both the O2 Centre and Homebase. Furthermore, Transport for London has recently designated the red route along Finchley Road as applying at all times permanently, rather than just within controlled hours, as was the case before 2020. This has put even greater importance on the car park for shoppers at commercial premises other than the redevelopment site, elsewhere in the Finchley Rd 'Town Centre'.

### **Viability of amenities**

The loss of a large car park will have a particularly harmful effect on the sustainability and viability of amenities. The large supermarket currently provided by Sainsbury's is an important destination for shoppers across north-west Camden, being the largest supermarket in the area, particularly with the recent loss of Morrisons at Chalk Farm due to other redevelopment. In the absence of being able to park at the site, Sainsbury's have been clear that they do not intend to take on a large store.

This makes the commitment to provide a supermarket meaningless, as there is both a quantitative and qualitative difference between large and small supermarkets. For example, smaller branded supermarkets are permitted under agreement with the Competition & Markets Authority to charge higher prices than larger supermarkets of the same brand. Furthermore, the failure to provide a large supermarket or DIY merchant on site would lead necessarily to trips being made by Camden residents to Brent Cross or similar locations: increasing, rather than reducing, traffic and climate change impact.

The loss of parking therefore will lead necessarily to harm to the town centre, make the amenities provided for in the outline permission unviable, and harm mitigation and prevention of climate change, and thus again is another reason it should be resisted.

### Lack of Affordable housing

The 35% of housing provided on site that is affordable is significantly below the policy target of 50% specified in Local Plan policy H4. This requirement specifically strengthened by Policy 1(i) of the Fortune Green & West Hampstead Neighbourhood Plan.

Even though Camden has admitted that few developments within the borough hit this target, it is still the policy target, and divergence should only be justified by compensatory factors. Such exceptions with little justification make a mockery of all these plans, and the London Planning Authority should not accept being short-changed.

However, the related factors are all, at best, the minimum that is required under Camden’s policies:

Policy H4 specifies a balance within the affordable housing component of 60-40 between social-affordable and intermediate, which this barely scrapes, being exactly 60% social affordable by both habitable rooms and floor areas.

Policy H4 specifies that London Affordable Rent is a ‘social-affordable’ rent levels. However, it is clearly the least preferred of social-affordable (being on average 30%-55% higher than social rent and being available only to households that are eligible for those – lower – social rents). All social-affordable units proposed are London Affordable Rent: thus meaning the offer is the least preferred under the Local Plan.

The development falls far short of the affordable housing target, and – furthermore – provides the bare minimum in both mix of affordable housing and affordability of that housing in a way that might compensate or mitigate that. It should therefore be resisted.

### Completely inappropriate Housing Mix

Local Plan policy H7 says that “we will seek to ensure that all housing development, including conversion of existing homes and non-residential properties:

- a. contributes to meeting the priorities set out in the Dwelling Size Priorities Table; and
- b. includes a mix of large and small homes.” [large is defined as 3-bedrooms and above]

The Dwelling Size Priorities Table is reproduced here:

**Table 1: Dwelling Size Priorities**

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

Analysis of the dwelling mix for the ‘detailed O2 site proposals’ (ie. Phase 1) show that the proposal falls very far short of Camden’s own Strategic Housing Market Assessment (SHMA) which indicates the mix that is needed throughout the Borough. The table below compares the proposed O2 site development mix (‘Detailed proposals’/Phase 1) with the Camden SHMA, which provides the evidence base for Policy H7.

	<b>Studio/1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
<b>Need in Camden SHMA</b>	<b>8%</b>	<b>37.5%</b>	<b>37.5%</b>	<b>16%</b>
<b>Proposed development (In 'Detailed Proposals')</b>	<b>46.1%</b>	<b>43.2%</b>	<b>10.6%</b>	<b>0 %</b>
<b>Over (+)/ under (-) supply</b>	<b>+38.1%</b>	<b>+5.7%</b>	<b>-26.9%</b>	<b>-16%</b>

This shows that 89.3% of the proposed 602 homes will be studio, 1-bed and 2-bed flats. As a proportion this is twice as many as Camden's own Strategic Housing Market Assessment (SHMA) says is needed throughout the Borough. There will be no 4-bed dwellings.

In these respects the proposed dwelling mix is as egregiously out-of-kilter with what is required in Camden as is the dwelling mix proposals for the nearby Murphy's Yard development. This will continue to encourage 'transient' 1- or 2- person households in the area, and will force families needing 3 or 4 bedrooms out of the area, and probably out of Camden altogether, mitigating against any longer-term building of true communities.

### **In conflict with Camden's Climate Change and Clean Air Action Plan?**

There are sound reasons not to demolish the O2 Centre, which is only around 23 years old and is still in excellent condition. In the words of a Camden Council Planning officer: 'Land Sec will need to demonstrate that the redevelopment of the O2 centre is more sustainable than refurbishing the building.

To do this they will need to submit a whole life carbon assessment'. The embodied carbon as energy consumed in manufacturing, delivering and installing the materials to build, and fit-out these buildings over a planned 15 year construction and their disposal at end of life as well as operational carbon associated with electricity, gas and other fuels used for heating, cooling, ventilation, lighting, hot water, and other electrical equipment must be accounted for.

Unnecessary construction (ie. the need to rebuild from scratch many of the amenities and safe, indoor, social spaces already very well provided by the existing O2 Centre) also has a significant and negative impact on local air quality and potentially public health, if it is not carefully managed. Construction activity is responsible for 4% of NO<sub>2</sub> emissions, 24% of PM10 emissions and 9% of PM<sub>2.5</sub> emissions in Camden.

### **Lack of Open Space Green provision**

Camden's own Local Plan policy A2, sets out a requirement of 9 sq. metres of open space per occupant. This would imply an open space requirement at the O2 site of 40,000 – 45,000 sq. metres, (Based on an average occupation rate of 2.5 people per flat, the development may be expected to accommodate 4,500 residents).

Whereas the Landsec proposals fall very far short of this in offering only:

- 3,000 sq. m in the form of community gardens
- 3,000 sq. m 'Finchley Square'
- A public green (3,800 sq. m) and
- A linear walkway (5,200 sq.m)

Which in total only gives some 15,000 sq. m. This is just one third of Camden's own policy requirement – for an area that is already officially green-space deprived.



This will also be aggravated by the many very narrow, canyon-like, spaces between the tall blocks, that will mostly be in the shade, dark, and will be excellent 'venturi-effect' wind-tunnels in anything more than a light breeze. No-one can seriously consider this to be usable 'open green space', and yet it is egregiously and mendaciously counted towards the total by the developer. This shows a contempt by the developer for the well-being and amenity of the new residents, and Camden must not become complicit in also showing this same contempt for their own new residents.

In short, there many minuses and barely a single plus for this development as currently proposed.

**Please can Camden therefore refuse consent for the scheme as currently proposed?**

Instead, a smaller number of around 950 units maximum, accommodated in lower rise and less dense building over the larger 5.7ha site, with far more innovative and enlightened design, and with no demolition of the much-loved and highly-valued O2 Centre itself, is what is now required.

If Camden is unable to appropriately guide the developer to a more acceptable scheme (its Planners and Cabinet appear to have abysmally failed in this over the last 2 years) then please instead task the local community leads to work with the developer to achieve this.

Camden has acknowledged that it only needs to generate 950 new dwellings on this site to meet its housing targets. Anything above this number demonstrates pure greed on the part of the developer and of Camden, and contempt by both for their new residents and for all of Camden's existing residents who greatly appreciate and enjoy the present amenities.

I hope this is not just a box ticking exercise and that the above objections will halt this development as currently constituted in its tracks.

Thank you

Best regards,

E. Peel



D Fowler  
Planning Solutions Team  
Planning and Regeneration  
Camden Council  
2nd Floor  
5 St Pancras Square  
London  
N1C 4AG

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 S17 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 S17.

### **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 24<sup>th</sup> 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

