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Mr James Earl
Chair of the Fortune Green and West Hampstead Neighbourhood Forum

31 July 2013

Dear Mr Earl,

Fifth Draft of the Fortune Green and West Hampstead Neighbourhood Development Plan

On behalf of our client, Land Securities, owners of the O2 Shopping Centre, we have prepared these representations to the fifth draft of the Fortune Green and West Hampstead Neighbourhood Development Plan, June 2013 (NDP).

We submitted comments on the previous fourth draft of the NDP on 10 June 2013. We were pleased that the fourth draft of the neighbourhood plan recognised West Hampstead as a Growth area in the Development Plan and that the development could help transform and benefit the Fortune Green and West Hampstead neighbourhood. Whilst the 4th draft of the NDF recognised the O2 Centre as having development potential at some time in the future, we highlighted the need to acknowledge the constraints of the site and the impact that restrictions will have on the possibility to bring forward any development that can deliver improvement in the local area and urban environment. The site is in the very early stages of assessing whether development could be brought forward.

We note the fifth draft of the NDP now proposes policies for the future development of the area between 2014 – 2031. Of particular interest to Land Securities are the proposed policies related to the development of the O2 Centre and the general development management policies relating to housing, design and character.

Similar to our previous comments on the fourth draft, we still believe the fifth draft places restrictions on the O2 car park which will impact on the possibility of bringing forward any development on the site and deliver improvement in the local area and urban environment. We set out this in further detail below.

Section B – West Hampstead Growth Area

Section B of the NDP sets out policies relating to the West Hampstead Growth Area, as identified in Camden Council's Local Development Plan, where the O2 Centre car park is identified as a development site. Whilst the NDP supports the target of a minimum of 800 new homes across the West Hampstead Growth Area, it considers this can only be accommodated with considerable additional investment in the infrastructure of the Growth Area. Paragraph B3 suggests that the development of 800 homes should only proceed when there is significant infrastructure in place including significant redevelopment of the West Hampstead Underground Station, the provision of a new GP surgery and a new primary school.

Whilst investment in infrastructure is required to support the growth area, the delivery of this infrastructure will be through the planning process and Section 106 negotiations. Developments in the area will come forward at different times, each providing contributions toward transport and social infrastructure required as part of their scheme. Therefore, it is more suitable that these infrastructure requirements are set out as

objectives toward which developments will contribute toward. It will also enable the infrastructure to be built in manageable phases.

Section B7 – O2 Car Park

The O2 car park has been identified as a development site within Camden's emerging Site Allocations Document as suitable for a town centre, mixed use development including housing, retail, community uses and open space. The NDP has set out further detail on what it might expect from the development site:

B7. O2 Centre car park. This site was developed in the late 1990s from railway land. As part of the West Hampstead Growth Area any development of this site should provide new homes (including affordable housing) as well as opportunities for employment and public facilities. The need for additional retail development is far less on this site, due to the already excellent provision of shops in the neighbouring O2 Centre, as well as the Finchley Road and West Hampstead town centre areas. The height of any new development on this site should not exceed the height of the existing O2 Centre. Any development of this site needs to provide:

- *As much open and green space as possible*
- *A possible new park*
- *A 'green corridor' between West End Lane and Finchley Road; and landscaping of the area.*
- *Improved pedestrian and cycle links between West End Lane and Finchley Road; and provide a new north-south pedestrian link.*
- *As the site has excellent public transport links, all developments on this site should be classified as car-free.*
- *A new primary care facility/GP surgery?*
- *A new primary school?*
- *A new secondary school?*

Camden's Site Allocation Document has recently been found 'sound' by the Planning Inspector on 24 June 2013. The NDP should be in accordance with this latest draft. Based on this, we have identified a number of conflicts between the NDF and the Site Allocation Document which are potentially detrimental to bringing forward development on this site. We set these out below:

Retail development

The NDP states - *The need for additional retail development is far less on this site, due to the excellent provision of shops in the neighbouring O2 Centre, as well as the Finchley Road and West Hampstead town centre areas*

The Site Allocations Document states "*Development will be expected to ensure retail provision is appropriate in scale and would enhance Finchley Road Town Centre and not detrimentally affect West Hampstead Town Centre*".

The O2 Centre is a key retail destination within the neighbourhood area. We therefore do not think the NDP should limit the amount of additional retail on the development site if it has the potential to enhance the retail provision both at the O2 Centre and in the area generally.

Height

The NDP states - *The height of any new development on this site should not exceed the height of the existing O2 Centre*

The Site Allocation Document does not prescribe a suitable height for development on this site stating "*Development will be expected to optimise the potential of the site to provide new housing (including*

affordable housing) while minimising potential conflicts between residential and other uses. In the supporting text, the site “has the potential to exploit the opportunity to include high density residential development which would contribute to meeting the Growth Area targets for housing”.

Whilst development must consider the character of the surrounding area, it is important to remember that applications are subject to detailed analysis and should be assessed on their individual merits. A prescriptive height limit may therefore impact on the prospect for development of the site and wider benefits this might bring.

New social infrastructure (primary care facility/ new primary school/ new secondary school)

As part of the planning process, proposals that come forward must mitigate against the impact of the development. This is outlined in the Section 106 agreements and CIL payments which can include contributions to new social infrastructure e.g. a new primary school. Whilst we recognise that future development of this site may need to contribute to infrastructure in the area, this will be relative to the impact of the specific development. Due to the early stage of the assessing the development potential of the site, we currently do not know the infrastructure requirements for the site.

If and when a potential development scheme comes forward, its impact on new social infrastructure will be assessed against the existing planning processes.

As much open and green space as possible

The NDP states – *Any development of this site needs to provide: As much open and green space as possible.*

Like new social infrastructure, the amount of open and green space to be provided is assessed on the final scheme that comes forward. This is reflected in the Site Allocations states “*Development will be expected to provide open spaces on site appropriate to the scale and nature of development proposed*” (our emphasis). However, the NDP requirement for “*as much open space as possible*”, is vague and a potentially onerous condition that could impact on the development potential of the site.

We consider it to be more appropriate that requirements for open and green space in the NDP should be assessed when a potential scheme comes forward in accordance with the Site Allocations document.

Policy 1 Housing, Design and Character

The NDP has now included paragraphs on the height, view and architectural heritage of housing in Fortune Green and West Hampstead. This is of relevance to the O2 car park development site, which is allocated for town centre mixed use development including housing.

Paragraph A4 of the NDP sets out that development higher than six storeys will normally be met with objections. However, as set out in the section above, this requirement for the NDP is too prescriptive and does not take into consideration the different types of schemes that may come forward that meet other aspirations for the area but be higher than this threshold. We therefore consider this paragraph should be amended to reflect this.

Section 5 – Delivery Plan

The NDP proposes to change the way draft Section 106 agreements are drawn up recommending that draft agreements should be published for all relevant planning applications and a requirement for Camden Council to have a duty to consult with local residents and groups on the content of any draft agreement.

Section 106 agreements are legal agreements between the Council and a developer which outlines the mitigation of a development on the surrounding area and any monetary contributions. We therefore consider

it would be inappropriate for third party involvement in Section 106 negotiations between the developer and the Local Planning Authority.

Summary

Land Securities is in the very early stages of considering whether it is viable to bring forward development on this site. As it is currently written, the fifth draft of the NDP recommends a number of requirements across the neighbourhood area and the O2 car park site, which we consider will impact on the potential for a scheme to come forward in this location. Land Securities are keen to work with the Fortune Green and West Hampstead Neighbourhood Forum to develop policies which will enable development to come forward and reflect the ambitions of the Neighbourhood Forum and Camden's Local Development Framework.

We look forward to meeting you to discuss our comments.

Yours Sincerely,



Shaun Andrews
Planning Director

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