

## **NDF Public Meeting & AGM, 17 April 2023**

**7.30 pm, West Hampstead Library**

**Attendees:** Keith Moffitt, Nick Jackson, Guy Shackle, David Brescia, Ian Cohen, Cllr Gio Spinella, Flick Rea, Sue Measures, Thomas Davis, Marcel Maag, Lorna Russell, Eugene Regis, Jackie Spreckley, Simon Inglis, Susan Eisenbach, Ron Dellal, Jenny Noble, Tibor Gold, Gillian Sagor, Roy Dantzic, Diane Dantzic, Wayne Stalley, John Saynor, Jacqueline Rubens, Rosalind Stewart, Margaret Murphy, Janet Grauberg, Nicki Cohen, Helena Paul.

### **1. Welcome and apologies for absence**

Keith thanked the residents for attending, and thanked Simon for setting up the sound system. The NDF committee members present were introduced (Keith, Nick, Ian, David, Flick, Guy). Keith said it was a pity that none of the Fortune Green or West Hampstead councillors could make it. Cllr Gio Spinella from Frognal Ward was welcomed. Keith introduced the NDF committee.

Apologies were received from Linda Sluys, Joanne Scott, Cllr Nancy Jirira, Cllr Sharon Hardwick, Cllr Shiva Tiwari, Cllr Nazma Rahman, Cllr Richard Olszewski, Cllr Lorna Greenwood, Enyd Norman, Mark Hutton, Virginia Berridge, Geoff Berridge.

Keith explained this event was both the AGM, and a general meeting of the NDF which would discuss the O2 Centre and other matters. Keith mentioned this was the NDF's first AGM in just under 18 months, which was coming up against the limit.

### **2. Minutes of previous AGM on 1 November 2021 and matters arising**

The minutes of the previous AGM were provided, and formally approved. It was agreed the 'matters arising' were covered on the agenda for the present meeting.

### **3. Chairs' report**

Keith recounted that the NDF had held a previous public meeting in February 2023. The meeting had been busy, since it was coming up to the Camden Council planning committee meeting that was going to consider the O2 Centre redevelopment.

Although not the sole issue, the O2 Centre had dominated NDF activities over the last year. The NDF had been working as part of a 'confederation' of local organisations, including WHAT (West Hampstead Amenity and Transport, chaired by John Saynor); CRASH (Combined Residents' Associations of South Hampstead); and RedFrog (Redington Frognal Association). About a year ago, they had held an online meeting with Danny Beales, the Camden cabinet member responsible for the environment, and Dan Pope, senior planning officer, well-organised by WHAT.

The whole process of the O2 application had been protracted: the application had been put in about a year ago, and amended twice, each time with a further consultation.

The confederation had paid a planning expert to produce a good 30-page objection, which they had jointly submitted. Consequently, it was frustrating that the Camden Planning Officer had made mistake and said the NDF had produced no comment. The NDF had protested accordingly, and wondered how much attention Camden had actually paid to the report.

John and Keith had spoken at last week's planning committee meeting. Gio had spoken about loss of jobs. The meeting lasted 3-and-a-half hours. Sadly, the outcome appeared to be a foregone conclusion. Only three councillors had voted against the application: Cllr Andrew Parkinson (Conservative), Cllr Tom Simon (Liberal Democrat), and Cllr Will Prince (Labour councillor for South Hampstead– who had since resigned).

The confederation was now working on what could be done next. There were several more stages to go – so it was not totally a lost cause. The next stage was that Camden would have to sort out the finalisation of the s.106 agreement, which was about spending money in the area. Once such loose ends were tied up, the application would have to go to the Mayor of London, who would have a fortnight to decide whether he was happy with it, or wanted to call it in and examine it all over again.

There was also a possibility to get Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities, to call it in as well and make the decision as well. That was the NDF's our focus now: those on the NDF's mailing list had been encouraged to email Michael Gove, and many had done so. Keith thanked the Conservative councillors in particular for raising this.

The confederation was also trying to get something into the Mayor of London, but was considerably less optimistic about that succeeding.

Keith added that it had felt like, almost at last moment, the property developers Landsec came up with 'goodies' to try to win approval for the O2 Centre application, including £10 million for the improvement of West Hampstead underground station – a project the NDF had been advocating for a long time. He wondered if this investment would be contingent on the entire development site being completed, including the large parts of the site to which the planning permission covered but which did not belong to Landsec. He was concerned that Landsec might complete only the first phase of the works, for which they had detailed permission, and therefore avoid having to give the money for the underground station. He wondered whether Camden Council would use its compulsory purchase powers against the owners of adjoining land covered by the application, such as the builders' depot and Audi dealership.

Keith reported on the NDF's presence at the Jester Festival last year, which had been the first such festival in a couple of years. The NDF would be there again this year, on 1<sup>st</sup> July.

Other issues the NDF had been involved in included:

- The building of new premises at 156 West End Lane. Janet had been involved in the construction working group for this development, and Keith and Ian had also attended. Keith said Camden had been very disappointing at keeping developers to promises they had made to minimise disruption to neighbouring residents. Neighbours were having to push complaints – and the disruption (e.g. from the construction of the foundations) was particularly disturbing to residents of neighbouring Lymington Road working from home. He, and other residents present, expressed concern that the same problem would occur on a greater scale during the O2 Centre redevelopment. Ian referenced the similar disruption the Liddell Road development (180+ flats) was causing to residents of nearby Maygrove Road.

Keith expressed regret that the fact a development would cause a lot of disruption during its construction phase was not grounds for refusing planning permission.

- The NDF has periodic meetings with developers who want to talk to us, as a statutory consultee, when building new premises or modify existing ones, to find out our views. The most recent such meeting was the previous week: Feng Sushi had closed down, and a company called The Grocery Depot has bought it, and wanted to turn it into an upmarket food store.

#### 4. Financial report & accounts

Attendees were provided with copies of the annual accounts for 2021/2022 and 2022/2023, and the budget for 2023/2024. Nick presented a summary.

- The financial year **2021/2022** consisted of 11 months from 2021, plus January 2022; very little had happened that year, due to the Covid measures. Donations of £79 had been collected at that year's annual general meeting. The -£118 'creditor repaid' was Nick, who had paid for some NDF expenses on his credit card the previous year.
- The financial year **2022/2023** was also pretty quiet. The NDF had participated with a stall at the Jester Festival, and incurred related expenses printing forms (£40). Every year the NDF paid £96 for public liability insurance.
- The budget was more eventful for the present financial year, **2023/2024**, starting 31 January 2023. The NDF had already held two meetings, including the present one. The price of hiring the West Hampstead Library for meetings had gone up from £50 to £89.60, due to having to hire a security person for the meeting. The £269 budget anticipated that a third such meeting would be held this year. The NDF would again have a Jester Festival stand. The NDF had also committed to making a £500 contribution to the confederation, although had not made the payment yet. At the present AGM, donations of £55 had been received so far, and Nick was hoping for at least £150. Builder Depot had given a 'special donation' of £100 to cover the costs of the earlier meeting they had spoken at.

Nick stressed that individual donations were pretty much the NDF's only source of funding. The NDF was budgeted to have a bank balance of only £735 by 31 January 2024, and Nick believed that the NDF needed to have over £1,000 to be able to operate with any degree of security. He referred attendees to the NDF's bank account number, name, and sort code, in case they wished to donate that way.

Nick explained that the bank balance was the same on 31 Jan 2023 as on 31 Jan 2023, because all the NDF's expenses for the financial year (totalling £176) had been paid by Nick, and he had not yet been reimbursed.

Keith referred back to the possible next steps that had been discussed regarding the O2 Centre. He said the 'nuclear option' would be to go for a judicial review. The confederation would have to consider this carefully, as it would be very expensive, requiring legal advice, and beyond the means of its member organisations. He said they would have to consider crowd-funding, and warned that judicial review could require the process to be re-run, but end up with the same result.

Nick said the NDF did not charge membership fees, but was thinking of doing an appeal for donations to its wider mailing list. The attendees present agreed that was a good idea.

Nick summarised how, in past year, the NDF had objected to seven local schemes (other than the O2 centre), with various degrees of success:

- **56-58 Fortune Green Road.** Opposite the police station at the corner of Burrard Road, this building had previously been a shisha café, then a shop/office. At the behest of a local resident, the NDF had objected to an application regarding this property, saying it did not comply with the Neighbourhood Plan: namely loss of pavement space. The NDF had also mentioned issues with parking and traffic. The outcome was awaited.
- **104 Mill Lane.** This property was an old hire shop, which the NDF had fought long and hard to try and stop from being converted to residential. The NDF had lost. However, there was some related good news. The law allowing properties to change from retail to residential without planning permission (though still needing building permission) allowed councils to mark out certain streets which they considered were inappropriate to mix residential with retail, and Camden had recently given such status to parts of Fortune Green Road and Mill Lane.
- **Corner of Mill Lane and Broomsleigh Street.** This property was a former glass shop, with flats above it. Owners had put in an application to change the ground floor into a flat (plus a separate application to use the basement as a flat). The NDF had objected strongly, saying this would be disastrous.
- **Weech Hall.** The NDF had objected to an application to erect aerials on the building. The application had been turned down.
- **Chipotle on West End Lane.** The NDF's objection had been unsuccessful. Keith expressed frustration, given how many people had objected, that strictly speaking, planning permission was not required for the change of use to a restaurant, unless it was delivery focussed. Chipotle had insisted that their business model was not delivery focussed, which Keith considered surprising as it seemed to be their business model throughout the rest of the UK and USA. Flick reported seeing ten delivery motorbikes outside the restaurant this evening; Ian reported 18 on the nearby green. Keith said the head of planning enforcement at Camden Council agreed with them that Chipotle was *de facto* running a delivery business, and Camden would consider taking enforcement action. (Keith recalled that Chipotle had previously wanted to instal a delivery window on the West End Lane side of the building, but this had not been approved.) A local resident warned that Chipotle was now applying to allow tables and chairs along the West End Lane frontage, which he was concerned would obstruct the zebra crossing: he said Chipotle had put notices on the front of their shop advertising this application, but had taken them down again after a few days. Keith said the NDF should have been notified of this, but had not been. Keith explained that a business that operated primarily on a delivery basis was in a different planning category than retail; Camden had agreed to observe what was going on at Chipotle. Residents pointed out that they hardly ever observed customers sitting down eating inside the restaurant.
- **140A Maygrove Road.** An applicant had wanted to build four houses on a small patch of land behind a narrow entrance. The NDF had objected on the basis of overdevelopment. An outcome was awaited.
- **38 Hillfield.** The application related to land forming part of the garden, which if approved would result in a new building on Mill Lane. The NDF had objected since the building would be set back, too high, and had a pitched roof which was not in character with other houses.

Other properties were discussed:

- **2 Hillfield.** Nick and Keith described how the property had been in renovation for at least ten years. The building kept getting bigger, bit by bit, as planning permission amendments were submitted. Flick said builders had been (mis)using it as a depot for building materials for

their other jobs for years: trucks had been coming and going, probably for 12 years. There was no sign of it ending. A hole had been dug for what was presumed to be an indoor swimming pool, although it was full of bricks, planks and scaffolding.

- **Gondar Gardens reservoir.** Flick mentioned an approach made to GARA (Gondar and Agamemnon Residents Association) by the developers, but she did not believe it had amounted to anything.
- A development **adjacent to South Mansions in Gondar Gardens.** The NDF had opposed the original application. The developers had brought in new architects, and produced a design that Camden planning seemed to have liked, although local residents did not, and this had been approved. However, the approved design was a lot smaller than the earlier submission had been.
- A resident enquired about a **house on Sumatra Road, which had fallen down** in February 2017. The front had recently been removed, but there was no notification for this on the Camden planning website. Nick recalled that the owners had claimed the property had been hit by a lorry; this was considered unlikely, due to the presence of a tree in front. Another resident said she had spoken to one of the builders onsite, who had said they were replacing the house with another in the same style. Keith and Flick said planning permission was not required to replace like with like. Attendees believed an application had previously been submitted to turn this building into five flats, and then withdrawn. Keith said the NDF would look into this.

## 5. Elections

Keith asked if the present committee members were willing to stand again, and they confirmed: Keith Moffitt and Nick Jackson as Co-chairs; Nick Jackson as Treasurer; David Brescia as Secretary; Linda Sluys as Membership Secretary; Ian Cohen and Guy Shackle as other committee members. Keith reported that the NDF's previous Communications Officer, Sam Campling, had moved to Manchester, so committee member Joanne Scott had taken on the communications role. Flick Rea had also been co-opted onto the NDF committee – Keith recalled that Flick as a former councillor had been on the Camden planning committee for some 30 years. No other nominations had been received for new members.

All committee members were re-elected by a show of hands.

Keith said that if anybody else was interested in joining the committee, they should let him know, and they would be invited to the next committee meeting to get a taste of what was involved.

Ian added that, with O2 development progressing over next few years, it would be helpful to have more people on board. He praised the NDF as a non-political organisation trying to preserve the neighbourhood of West Hampstead and Fortune Green.

Flick said it was important for committee members to have a real interest in planning issues, as that was the NDF's primary focus. Keith said that WHAT had for almost 50 focused on local amenity and transport issues, although it continued to take an interest in major planning applications. He welcome the constructive relationship between WHAT and the NDF.

Both the NDF and WHAT were interested in improving the West Hampstead underground station. John Saynor recounted that Transport for London's ideas had not changed much since WHAT had spoken to them about three years ago. Their plan was for the small row of shops, to the left of

station, to be removed in order to build more ticket barriers, plus step-free access probably in the form of a lift. In Camden's response to the O2 planning application, Camden had said that Transport for London had said they would need to use the Builder Depot site as a base to upgrade the station. John was sceptical regarding this, as Transport for London had been able to upgrade the nearby Overground station extensively, utilising another site they owned near the bottom of Blackburn Road. He added that even if the O2 development went ahead, it was unknown when the £10 million would be forthcoming, and when Transport for London would then commence their own work, how much extra funding they would need, and how long the station upgrades would take to build.

## 6. Update on recent planning applications and developments in progress

Keith noted these had now largely been covered.

Helena and several other attendees characterised **Landsec's cash offers to Camden Council** as a 'bribe' and 'corruption'. Flick and Keith explained that this was legal: Camden had accepted the payment as mitigation for the lack of public open space included in the development. West Hampstead had been classified as deficient in open public space, and it was an ambition of Camden and the NDF to create more of it. Camden was accepting a payment of approximately £4 million in lieu, which might be used to upgrade existing open space, but was not creating new open space, which Keith said was disappointing. Ian recalled that new open space had been promised as part of the Ballymore development on West End Lane, and the result had been the underwhelming West Hampstead Square in front of the M&S, with its rusty clock and some benches – he characterised the developers' original promises as meaningless.

Keith referred to carbon net zero as another area where the new O2 Centre development would fall short: he said the idea of offsetting by spending money somewhere else did not help West Hampstead's air pollution. An attendee suggested that there was a contradiction between the London Mayor's ULEZ ambition, and the pollution allowed to be generated by the O2 Centre development. Helena described offsetting as a 'complete lie' which simply delayed meaningful action on tackling climate change and protecting biodiversity. Helena also raised concerns about possible issues that might arise with building standards, insulation and social problems.

Janet flagged the plan for the **Kilburn Arches**, owned by Transport for London, opposite Kilburn underground station, to be redeveloped between Iverson Road and Loveridge road, when the existing tenants' commercial leases came to an end. Nick confirmed that parts of it were within the area designated within the NDF's Neighbourhood Plan, and the NDF would be taking an interest.

A resident who lived at the top of Lymington Road said he had issues with how busy the pavement had become close to **Finchley Road underground station**. One of the bus stops had been cut away, so there were now only two where they used to be three. Walking on the O2 side of the road was quite narrow, and dozens of coaches stopped outside the Finchley & Frognal overground station and near the O2 Centre, sometimes forcing pedestrians to walk on the road. Flick recalled, when the O2 Centre was originally built, the developers Charter Hall had promised that secondary access would be made available to Finchley Road station from the back - but Transport for London had decided this was too difficult. Flick thought additional access to Finchley Road station ought to be feasible if the O2 Centre was being demolished. John Saynor agreed, but found the present proposals rather vague. He said WHAT had been vigorously trying to persuade Transport for London to move the coach stop to near Waitrose where there was more space, but that they had point blank refused to move it. He suggested attendees write to Transport for London to complain.

Ian added that the purchasers of Midland Crescent, an old station next to the O2 Centre about 25 metres towards Lymington Road, had obtained permission for some 50 student flats; but had now gone back to Camden with a potential proposal to open the crescent up for buses, and to change the site to what they called a 'box park' shopping centre, now the O2 Centre was going.

Another attendee, living near the planned construction of a large tower block as part of the **O2 Centre development**, thanked the NDF for assisting him in drafting a letter, which he had sent to the Secretary of State for Levelling Up, expressing his concerns about rights of light. He asked what grounds, realistically, Landsec could be opposed on. Keith referred to the density and mass of the overall design. He said Michael Gove cared a lot about about 'intrusive developments that are out of place in area in which they are being planned' and suggested that was the NDF's best hope. The NDF's Neighbourhood Plan, which residents had voted to approve, had emphasised that the O2 Centre site was surrounded by Conservation Areas, and new developments ought to be sympathetic to this. Guy referred to the carbon impact of destroying a building which was only 25 years old (the O2 Centre).

Ian described how the O2 Centre was originally intended to be a leisure and entertainment centre, but now cinema audiences were dwindling, the restaurants were failing, and only the Virgin Gym was sustainable; leases were coming to an end, and he did not believe anything could be done to prevent Landsec allowing the building to become empty. Some attendees expressed opposition to redeveloping the site for housing, preferring something that would reinvigorate the area commercially. Doubts were expressed over whether the developers would keep their promises regarding the dust the construction work would generate. It was acknowledged that high-rise residential development in Zone 2 would be more profitable to the developer than continuing to manage the site as is. Keith said he got the impression that certain Camden Council planning officers, and individuals such as Danny Beales, were bending over backwards to say yes to the redevelopment.

Residents described the Sainsburys within the O2 Centre as a local asset. Flick said the Sainsburys needed a car park to survive, and there was a move against sites that needed car parks. Flick said Camden had made compromises with the developer to attempt to achieve a degree of affordable housing, resulting in the development not being up to Camden's desired standard, contravening the Council's plan, the Greater London Plan or the National Framework. She believed the site would only have 35% affordable housing, compared to Camden's target of 50%. All properties would be rental, with no right-to-buy.

Sue Measures asked what would happen to Phases 2 and 3 to the O2 Centre redevelopment after phase 1 was completed. She described her experience living near the Liddell Road development, where residents had to live with a 'wasteland' between the school and the Peace Park, still not complete 6 years later. The O2 was a much larger site. Sue wondered if pedestrians would be able to continue to use the site to connect from West End Lane to Finchley Road, or if the construction work would result into it being inaccessible for 6-10 years.

Keith noted that the Homebase on the O2 would be closing down soon. Ian predicted that, if Phase 1 was built and the developer had difficulty letting it, the rest of the site could become derelict. He reiterated that we could not stop the landlord closing the cinema and Sainsburys.

Another attendee asked for clarification around the s.106 funding, and its relation to the timing of the various phases of the development. Keith said Camden was now in the process of negotiating this. Flick said s.106, to be spent in the immediate vicinity of the site, was tiny by comparison to the

Community Infrastructure levy – a chunk of which would go to Camden, and a chunk to the GLA/Mayor. Keith said he believed Camden would genuinely be working hard to find a way to bind the developer into watertight commitments.

Guy, citing the Wembley Stadium development as an example, suggested it would be in the O2 developers' interests to build out the site as fast as possible, to make it attractive to residents and so attract the highest possible rental income.

Another attendee said, as an architect, he found it baffling how Camden has 'rolled over' on many of its planning policies to let the O2 Centre scheme to go ahead – despite it failing to meet Camden's environmental policies, or affordable housing targets. He noted the planned number of homes, 1,800, was double the number allocated in the original plan (900). Several attendees suggested this was a cynical attempt by Camden to obtain money. Ian pointed out, however, that the Liddell Road and 156 West End Lane sites had been 'crown jewels' directly owned by Camden, which Camden could have been utilised in way that would have been better for the community, such as with affordable housing for families, or social/community space; but instead Camden had sold them off.

Helena complained that 'affordable housing' was not affordable for most people in London. She further noted that Camden had one of highest rates of unoccupied properties in whole of UK.

Keith said that of the 1,800 units, 350 would be what one would consider 'social rent' levels. A lot of the sweeteners promised were on land LandSec don't own, in Phase 2, and would be dependent on Camden making a compulsory purchase from third party owners.

Keith confirmed that opposition to the O2 Centre redevelopment had not reached the end of the road yet.

## **7. Conclusion**

Keith pointed out that it was coming up to 9:00pm, by which time the NDF was obliged to vacate the venue. He thanked attendees for coming, and for their support. Nick added that donations raised that night, including promises, appeared to be in the region of £300.