

Land to the North of the British Library

Local Planning Authority: Camden

Local Planning Authority reference 2022/1041/P and 2022/1320/L

Strategic planning application stage 2 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of the British Library Centre for Conservation, alterations of the British Library and erection of a new building of 12 above-ground storeys and one basement level for use as library, galleries, learning, business and events spaces (Class F1) and retail and commercial spaces (Class E); provision of internal and external public spaces, landscaping and a community garden; improvement works adjacent to Dangoor Walk; provision of cycle and car parking and servicing facilities including new crossovers; provision of Crossrail 2 infrastructure; means of access; and associated works.

Listed Building Consent for both internal and external works.

The applicant

The applicant is **SMBL Developments Limited (SMBL) in partnership with The British Library Board** and the architect is **Rogers Stirk Harbour and Partners**.

Key dates

GLA stage 1 report: 20 June 2022

LPA Planning Committee decision: 30 January 2023

Strategic issues summary

Land use principles: The proposed development is in accordance with the site allocation and the CAZ allocation. Delivery of Crossrail 2 infrastructure is secured.

Affordable housing and workspace: £23 million off-site affordable housing contribution secured. 1,000 sq.m. affordable workspace at 70% below market rent for 10 years plus additional affordable incubator space for SME's secured.

Urban design and heritage: The overall layout, scale, massing and landscaping is supported. The heritage harm to the Grade I listed British Library and the loss of the BLCC building are outweighed by the public benefits in this case.

Transport: Delivery of Crossrail 2 infrastructure and mitigation secured in line with Safeguarding. Management plans and contributions towards cycle hire infrastructure and walking and cycling improvements have been secured.

Other issues on **sustainable development**, and **environmental issues** have also been resolved.

The Council's decision

In this instance Camden Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

Recommendation

That Camden Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.

Context

1. On 10 May 2022 the Mayor of London received documents from Camden Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:
 - 1Bb “*Non-residential developments in Central London excluding City of London and floorspace more than 20,000 square metres*”; and
 - 1Cc “*The building is more than 30 metres high and is outside the City of London*”.
2. On 20 June 2022 the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report GLA/2022/0363/S1/01¹ and subsequently advised Camden Council whilst the proposal is supported in principle, the application did not fully comply with the London Plan policies, as summarised below:
 - **Land use principles:** The site is within the Central Activities Zone (CAZ) and is allocated within both Camden’s Site Allocation Plan 2013 and Camden’s draft Site Allocation Plan (2019) for development that meets the future operational needs of the British Library and/or a mix of uses including other complementary Central London uses. The principle of use as a library, galleries, learning, business and events spaces (Class F1); and retail and commercial spaces (Class E) is supported.
 - **Affordable workspace:** Further details on the quantum and type of affordable workspace is required.
 - **Delivery of affordable housing:** Viability discussions are ongoing to determine the maximum viable level of affordable housing contribution.
 - **Urban design:** Further details are required in relation to the fire statement and public realm.
 - **Heritage:** Less than substantial harm has been identified to the British Library (Grade I) and the British Library Centre for Conservation (non-designated asset). GLA officers will consider the agreed public benefits package in order to reach an overall conclusion at Stage 2.
 - **Transport:** Works should be in line with Development Agreement for Crossrail 2 safeguarding; proposed disabled drop-off on Midland Road is not supported; a S278 agreement is required; and further information on Active Travel Zone (ATZ), safety and trip generation is required.
 - **Sustainable Infrastructure:** Further information is required in relation to energy; whole life-cycle carbon; and circular economy.

¹ <https://gla.force.com/pr/s/planning-application/a0i4J000006cZAvQAM/20220363>

- **Environmental Issues:** Further information is required in relation to urban greening; biodiversity; flood risk; drainage and air quality.
3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.
 4. On 30 January 2023 Camden Council decided that it was minded to grant permission for the application subject to planning conditions and conclusion of a Section 106 agreement and on 19 June 2024 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct Camden Council under Article 6 to refuse the application; or, issue a direction to Camden Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 2 July 2024 to notify the Council of his decision and to issue any direction.
 5. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.
 6. The decision on this case, and the reasons, will be made available on the City Hall website: www.london.gov.uk

Response to neighbourhood consultation

7. Camden Council publicised the application by sending letters to local addresses, and issuing site and press notices. The relevant statutory bodies were also consulted. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.
8. Following the neighbourhood consultation process Camden Council received a total of 21 responses, all in objection. The reasons for objection raised as part of the neighbourhood consultation process (which comprise material planning considerations) are collectively summarised as: carbon emissions from demolition; heritage harm; poor design; out of character with area; overdevelopment; visually overbearing; too much commercial development; loss of daylight, sunlight and outlook; and whole life-cycle carbon (demolition of BLCC building). A further objection was also received from the Twentieth Century Society raising concerns with the harm caused to the fabric of the Grade I listed British Library and the loss of the BLCC.
9. A letter was also received from the Somers Town Neighbourhood Forum which did not object however raised concerns regarding: balancing sectors within the Knowledge Quarter; prejudicing community objection to Crossrail 2; financial contributions should be higher; design is out of context with existing; heritage impact; overshadowing and loss of daylight/sunlight; loss of residential amenity; management of new public realm; and loss of on-street car parking.
10. Letters of support were received from The British Museum, The Knowledge Quarter, and MedCity.

Responses from statutory bodies and other organisations

Environment Agency

11. No comments.

Health and Safety Executive

12. This planning application does not appear to fall under the remit of planning gateway one.

Historic England

13. The proposed extension and associated works to the library would cause some harm to the significance of the Grade I listed library and the setting of other heritage assets in the local area. Acknowledge the efforts the Applicant has made to mitigate that harm, particularly in relation to wider townscape views and the setting of the Grade I listed St Pancras and Kings Cross Stations. Satisfied the harm has been avoided wherever possible. When making its decision, the Council should weigh the remaining harm against any public benefits in accordance with the NPPF.

Natural England

14. No objection.

Thames Water

15. No comments.

Transport for London (Crossrail)

16. The application relates to land outside the limits of land subject to consultation by the Crossrail Safeguarding Direction. No comment.

Transport for London (Infrastructure Protection – Crossrail 2)

17. The site relates to land within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction.
18. The Applicant is in communication with TfL Infrastructure Protection with regard to the development, therefore no comments.

The Crick Institute

19. The Crick Institute has provided several responses to the consultation. The institute has no in principle objection to the proposals subject to appropriate mitigation (particularly relating to noise, vibration, possible electro-magnetic interference). In relation to this, the Council, the Crick and the British Library have

been in discussions regarding the construction impacts and a Deed of Variation to the Crick's s.106.

Response to public consultation - conclusion

20. Having considered the local responses to public consultation, Camden Council has sought to secure various planning obligations, conditions and informatives in response to the issues raised. GLA officers have had regard to the above statutory and non-statutory responses to the public consultation process, where these raise material planning issues of strategic importance.

Update

21. Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of the Council's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below, having regard to responses to the public consultation.

Relevant policies and guidance

22. Since consultation stage the following is now a material consideration:
 - Urban design: Fire Safety draft LPG (2022); Characterisation and Growth Strategy draft (2022); and
 - Transport: Sustainable Transport and Walking LPG.

Land use principles

23. The proposed development is in accordance with the site allocation pursuant to the Camden Site Allocation Plan 2013 and Camden's draft Site Allocation Plan 2013, which are both for mixed use development which meets the future operational needs and expansion plans of the British Library, including other office, culture, tourism, and community uses. The development is also in accordance with the Central Activities Zone (CAZ) designation.
24. The principle of development was supported at consultation stage in accordance with London Plan policies HC5; S3; E1; E2; SD6; E8 and E9. Safeguarding of land and delivery of Crossrail 2 infrastructure was also supported at Stage 1 in accordance with London Plan Policy T3. At Stage 2, the principle of development remains the same and GLA Officers remain supportive of the scheme in land use terms.

Affordable workspace

25. At Stage 1, GLA Officers sought clarification on the quantum of proposed affordable workspace, rental levels and the type of offer, noting that discussions between the Applicant and LPA were ongoing.

26. The S106 Agreement secures 1,000 sq.m. of on-site affordable workspace within the Class E floor space of the development which equates to approximately 1.3% of the commercial floorspace uplift. The LPA's Committee Report notes this is a significant shortfall to the Local Plan policy requirement of 20% however, the LPA has accepted this where the Applicant has agreed the affordable workspace would be let at a rate 70% lower than the market value of comparable space within a one mile radius of the site, for a period of at least 10 years, with occupiers then offered first refusal at market rent. This has been secured via S106 Agreement, as well as an affordable workspace plan. In addition to the affordable workspace offer, the British Library has committed to providing an affordable (below market rent) incubator space for socially responsible and creative SMEs within the BIPC provision of the library, with 10% of the space ring-fenced to local businesses at no cost. This is supported in line with London Plan Policies SD4, SD5 and E3.

Delivering affordable housing

27. London Plan Policy H4 states that affordable housing should be provided on site; and that affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances.
28. Camden Local Plan Policy H2 promotes the provision of residential development in mixed use schemes where non-residential land uses are proposed. In the Central London Area, where development involves additional floorspace (GIA of 200 sq m+), the Council seeks 50% of all additional floorspace to be self-contained housing. Where the Council is satisfied that providing on-site housing is not practical, the Council will in exceptional circumstances seek a payment in lieu.
29. At consultation stage the Applicant had submitted a financial viability assessment which was reviewed by GLA and LPA officers to ensure the scheme delivers the maximum amount of affordable housing contribution. The S106 Agreement secures an affordable housing contribution of £23 million to be paid to the Council on or before the commencement date. This figure was calculated to be the amount required for the Council to deliver 35 affordable units in Somers Town, taking into consideration land values and construction costs. The Applicant's financial viability assessment was scrutinised by GLA Officers and Officers are satisfied this is the maximum viable contribution. The S106 also sets out that the affordable housing contribution is to be used towards obtaining all planning consents (including any variation) necessary to authorise a 100% affordable housing scheme on Plot 2 of the Somers Town Scheme as soon as reasonably practical following receipt of the contribution.
30. The Council's Planning Committee Report states the payment-in-lieu contribution is acceptable (over on-site provision) in this instance as it serves to better meet the wider policy objectives of the local plan. The affordable housing contribution which would help to deliver affordable housing in line with the objectives of the London Plan and is supported.

Urban design

31. Camden's Local Plan defines tall buildings as those which are "substantially taller than their neighbours or which significantly change the skyline" and does not identify specific sites for future tall buildings. The proposed building is not considered substantially taller than the surrounding buildings and therefore is not considered a tall building in line with London Plan Policy D9 and the Local Plan definition for tall buildings.
32. At consultation stage GLA Officers were broadly supportive of the site layout, scale, massing and landscaping. The proposed development improves ground level activation and permeability through the site, also increasing connectivity to the surrounding area. GLA Officers were also supportive of the proposed materials and finishes, which have been secured by condition. Conditions have also been secured requiring approval of a detailed landscape plan; living roof details; and any external fixtures.

Fire safety

33. A fire strategy which satisfies the requirements of London Plan Policy D12 has now been received. This has been secured by condition.

Heritage and strategic views

Heritage

34. The proposed development involves demolition of the British Library Centre for Conservation (BLCC), which would result in the total loss of a non-designated heritage asset, and works to the listed British Library (Grade I listed) itself which are considered to cause a low level of less than substantial harm. The proposed development would also cause a low level of less than substantial harm to the setting of designated heritage assets nearby. It is noted that the design has been through long-term review with Historic England, who comment that the harm has been avoided as far as possible and who support the proposals overall.
35. The public benefits package has been finalised and secured via a S106 Agreement. These benefits include a £23 million off-site affordable housing contribution ; 1,000 sq.m. of affordable workspace (on-site), plus additional affordable incubator space; creation of a continuous north-south route through the site beginning at the entrance of the existing British Library forecourt, terminating in a new public space in the north west of the site; public realm improvements; pedestrian and environmental contributions of £400,000; and additional community facilities. Further, the works in kind delivery of Crossrail infrastructure is also secured through a separate development agreement with TfL.
36. While the scheme would cause heritage harm and thereby would not comply with London Plan Policy HC1, in this instance, it is considered the proposed public benefits would outweigh the loss of the BLCC and the less than substantial harm caused by the works to the British Library in line with Paragraph 207 of the NPPF.

Strategic views

37. The site is located within four strategic views - View 2A.1 Parliament Hill to St Paul's, View 3A.1 Kenwood to St Paul's, View 4A.1 View 6A.1 Blackheath to St Paul's. At Stage 1, GLA officers agreed with the conclusions of the TVHIA and the Heritage Impact Assessment that the impact of the development would be negligible or neutral and the proposed development would have no impact on the viewer's ability to recognise and appreciate St Paul's Cathedral.
38. There has not been significant changes to the height, bulk, scale or siting of the proposed building. GLA Officers are satisfied there would remain no impact. As such, the scheme would be consistent with London Plan Policy HC3.

Transport

39. At consultation stage, the provision of Crossrail 2 enabling works (shaft and associated infrastructure) via a stand-alone development agreement (DA) was noted. Subsequent discussions have established that the proposed development includes those works and the respective designs are consistent with the DA scheme. In addition, any other Crossrail safeguarding requirements have been secured by condition. All safeguarding matters associated with the 2015 safeguarding direction have therefore been appropriately addressed.
40. The total scope of local highway and public realm works secured is in the order of £600,000 which includes walking and cycling improvements on Midland Road, Ossulston Street and Dangoor Walk, which are part of the Camden Council network. As requested, £150,000 has also been secured for TfL to provide additional cycle hire docking station capacity on Ossulston Street. The pickup and drop off area for Blue Badge vehicles has also been retained on Midland Road.
41. Full Delivery and Servicing and Travel Plans have been secured in the S106 Agreement for the library and commercial uses respectively. These will ensure active travel and public transport are promoted and conflicts between service vehicles, cyclists and pedestrians and public amenity impacts from servicing are minimised.
42. The S106 Agreement also includes £29,000 and £21,000 and for Council monitoring of the Construction Management and Travel Plans respectively. A Public Open Space Management Plan has also been secured to ensure appropriate long-term maintenance and access for all new internal and external public realm areas.
43. The development principles and mitigation measures secured ensure an active travel and public transport first approach is embedded in line with London Plan transport policies and the Sustainable Transport, Walking and Cycling LPG.

Sustainable development

Energy strategy

44. At consultation stage GLA Officers considered the energy strategy submitted was in general accordance with London Plan Policy SI 2 however, some additional information was requested on carbon emissions reporting; heat loads; communal heat network; PV; and heat pumps.
45. Further information was subsequently provided and conditions have been secured to ensure carbon emissions reduction and installation of on-site renewable energy technologies. An Energy Efficiency and Renewable Energy Plan has been secured in the S106 Agreement which secures the measures set out in the Energy Statement; achievement of net zero carbon through a carbon offset payment; 31% Be Lean reduction through energy efficiency; energy performance monitoring; further details of reduction of regulated carbon emissions from renewable energy technologies; and separate metering.
46. The scheme does not provide connection to a district heat network (DHN), which the energy strategy sets out is because in this instance, connection to a DHN would not be beneficial whereby its efficiency does not exceed that of the alternative heating proposed. For this reason, the proposed development does not make provision for a future connection, as the proposed heating systems are high efficiency, low carbon air source heat pumps. While this is contrary to the London Plan which seeks to secure futureproofing, this is accepted on balance where the scheme would achieve net zero carbon (through the secured carbon offset contribution) and is otherwise broadly compliant with the London Plan. It is also noted the Applicant has identified an internal connection route to the north east of the site for future connection to a district cooling scheme if one is developed. This is supported in line with the London Plan's aim to secure futureproofing.

Whole life-cycle carbon

47. At consultation stage although the Applicant had submitted a whole life-cycle carbon (WLC) report, an excel version of the GLA WLC template was requested to enable GLA Officers to undertake a full assessment of the WLC proposals against the guidance. This was subsequently submitted by the Applicant and reviewed by GLA Officers who required further information regarding the operational modelling methodology; cost modelling; estimated emissions; building retention options; opportunities to reduce emissions; materials; end-of-life; and all life cycle modules.
48. The Applicant provided further information and all outstanding concerns have been addressed. The LPA has secured a condition requiring post-construction WLC assessment. The scheme complies with London Plan Policy SI 2.

Circular economy

49. The application was supported by a Circular Economy (CE) Statement which was reviewed by GLA Officers at consultation stage. Officers found the CE Statement did not yet comply with the London Plan and required further information in

relation to key commitments; bill of materials; recycling and waste reporting; operational waste; plans for implementation; and end of life strategy, as well as some other further supporting documentation. The application was also supported by a demolition justification report which considered the impact of retention vs. demolition of the BLCC building, which is only 14 years old, presenting the main case for demolition as daylighting concerns and declining quality of internal conditions giving the surrounding development. The report concluded this could not be addressed through refit/refurbishment as the main issue arises from the massing of the building.

50. The Applicant has since submitted additional information to address the outstanding information. Post-completion reporting has been secured by condition. As such, the scheme is in accordance with London Plan Policy SI 7.

Environmental issues

Urban greening

51. At application stage GLA Officers requested clarification of the calculated urban greening factor (UGF) score, as well as further improvements to increase the UGF of 0.25, to meet the London Plan target of 0.3. In this instance further improvement has not been possible at this stage but may improve as the detailed design progresses. As such, the LPA has secured a condition requiring approval of a plan detailing biodiversity enhancements on the site (including bird and bat boxes) prior to the commencement of works. This is acceptable on balance.

Biodiversity

52. At consultation stage the Applicant provided a Biodiversity Net Gain (BNG) Assessment based on Metric 2.0 however, Metric 3.0 was published in June 2021 and should have been used for the assessment. As such GLA Officers requested this be amended prior to Stage 2. The Applicant subsequently provided an updated BNG Assessment using Metric 3.1, which is supported, confirming a BNG of 41.97%. The LPA has secured compliance with the BNG Assessment. The proposed development is consistent with London Plan Policy G6.

Flood risk

53. The application was supported by a Flood Risk Assessment (FRA) which was reviewed by GLA Officers at consultation stage. Officers raised concerns and requested further information regarding groundwater monitoring to confirm the risk of groundwater flooding to the site and inform the exact mitigation measures required. The Applicant subsequently provided additional information which addressed these concerns and GLA Officers have no further comments in this regard.

Sustainable drainage

54. At consultation stage GLA Officers raised concerns and requested the discharge rate be further reduced towards the Qbar greenfield rate; for SuDS to be included

on the drainage plan and for an assessment of the exceedance flood flow routes. Additional information was subsequently provided by the Applicant which addressed concerns raised on consultation stage with the exception of SuDS. To address this the LPA has secured a condition requiring approval of details for the SuDS which is accepted by GLA Officers. As such the scheme complies with London Plan Policy SI 13.

Water efficiency

55. GLA Officers were satisfied the scheme would comply with London Plan Policy SI 5 at consultation stage. This remains the case.

Air quality

56. Since Stage 1, the Applicant has provided an updated Air Quality Neutral Assessment and subsequent additional information (Air quality addendum). This information satisfactorily addresses the concerns raised at Stage 1 in relation to using up to date guidance for assessments and road traffic impacts.
57. The Council has secured a condition for NRMM and air quality monitoring. GLA Officers are satisfied that the proposed development would be in accordance with London Plan Policy SI 1.

Section 106 agreement

58. The Section 106 agreement will include the following provisions:
- £23,000,000 off-site affordable housing contribution;
 - 1,000 sq.m. of on site affordable workspace;
 - £400,000 pedestrian and environmental contributions;
 - £150,000 contribution to TfL (paid via the Council) for provision of additional cycle hire docking facilities;
 - £7,500 cycle parking contribution;
 - £229,886.12 Highways contribution;
 - A Travel Plan and £10,392 monitoring contribution;
 - A Construction Management Plan and £30,513 for implementation;
 - Energy Efficiency and Renewable Energy Plan and a Carbon Offset contribution of £1,240,000, capped at £1,771,000;
 - £760,000 Employment and training contribution;

- Construction apprentice contribution of £20,000 per apprentice required on site to be paid by the developer to the Council, as well as £1,700 per apprentice to support the recruitment and training of apprentices; and
- Interface agreement with the Francis Crick Institute.

Legal considerations

59. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

60. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.
61. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.
62. Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

63. The strategic issues raised at consultation stage with respect to the affordable workspace; delivery of affordable housing; urban design; heritage; transport; sustainable development; and environmental issues have been addressed or otherwise acceptably resolved on balance. Having regard to the details of the application, the matters set out in the committee report and the Council's draft

decision, and considering the material planning considerations of strategic importance raised in responses to the public consultation the application is acceptable in strategic planning terms, and there are no sound planning reasons for the Mayor to intervene in this case. It is therefore recommended that Camden Council is advised to determine the case itself, subject to any action that the Secretary of State may take.

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