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TEMPLE

LEADERS IN ENVIRONMENT,
PLANNING & SUSTAINABILITY.

University College London Hospitals Charity
Middlesex Hospital Annex

**Planning Statement in support of a planning application and application
for Listed Building Consent at the former Middlesex Hospital Annex, 44
Cleveland Street, W1T
4JT**



Document Version Control

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1.0 Introduction

1.1.1 This Planning Statement has been prepared by Temple Group and is submitted to the London Borough of Camden in support of applications for full planning permission and listed building consent on behalf of University College London Hospitals (UCLH) Charity (the Applicant), for the site known as Middlesex Hospital Annex, 44 Cleveland Street, Fitzrovia, London W1T 4JT (the Site).

1.1.2 The Charity is an entirely separate organisation to UCLH Foundation NHS Trust and operates as an independent charitable trust, which raises critical additional funding for the UCL Hospitals.

1.2 UCLH Charity's Objectives

1.2.1 UCLH Charity funding provides support for patients and for staff and helps to finance medical research, equipment and facilities. The Charity's primary objective is to improve the experience for patients at the Trust's seven hospitals.

1.2.2 The Charity has a particular focus on funding facilities that are over and above what should be expected by a leading NHS hospital, such as:

- Buying an important piece of equipment the NHS cannot afford;
- Funding extra training for staff, particularly in specialist areas;
- Investing in research so that better therapies can be developed;
- Providing funds for innovative projects within the hospitals; and
- Improving the hospital environment.

1.2.3 In recent years, the charity has:

- Built the purpose-built University College Hospital Macmillan Cancer Centre opened in April 2012, which provides patients with access to the very best treatment, support and advice for their particular type of cancer;
- Fitted out a 35-bedroom, four star "hotel" for patients undergoing chemotherapy, giving them greater comfort and independence (at Tottenham Court Road);
- Invested £4m in new equipment in the UCLH opened in 2005;
- Invested £1.5m in the Trust's Making a Difference Together programme to improve the patient experience Helped UCL Hospitals to purchase a new PET/CT scanner – the first in the UK;
- Invested with UCL Hospitals in a state-of-the-art education centre, ensuring our staff are trained to the highest standards to improve patient care and every year, medical and non-medical staff can apply for financial support to continue their studies: over the last four years more than 100 people have benefited from this; and
- Committed £7m to support the UCL/UCLH Comprehensive Biomedical Research Centre, one of the UK's five top medical research centres.

1.2.4 Rather than acting as a developer in the traditional sense, as a charitable trust, all of the income from the development proposal at Middlesex Hospital Annex (MHA) generates funds that are fed directly back into University College London Hospitals to improve services.

1.3 The Application

- 1.3.1 Between 2014 and 2015 the UCLH Foundation Trust and Peabody undertook a series of pre-application discussions and review workshops for a wholly residential scheme. However an application was never brought forward with both viability and deliverability of the proposed scheme being significant issues at the time. In comparison, the Applicant has been committed to forming a development proposal that will result in a wholly viable and deliverable scheme, which secures the site's future in the long term.
- 1.3.2 The scheme comprises the demolition of part of the existing annex buildings on site and their redevelopment, the retention of the Grade II listed "Workhouse" and adjacent North and (for the most part) South House buildings, fronting onto Cleveland Street. The retained buildings will be refurbished to provide residential Class C3 use. To the rear of these buildings, a new-build mixed use block up to 8 storeys in height will be erected and will comprise Class B1 business space on lower ground to second with affordable housing (Class C3 use) above.
- 1.3.3 The scheme has been designed to deliver the objectives of the Development Plan, including the Fitzrovia Area Action Plan (FAAP) (2012). The application will deliver a predominantly housing scheme, including a quantum of affordable housing provision well in excess of adopted policy targets. In addition, the scheme will provide office space which is in very high demand, high quality public and private amenity space and restore the historic "Bedford Passage" which runs through the site, connecting Cleveland Street and Charlotte Street.
- 1.3.4 This application has been drawn up after substantial discussion with stakeholders and the local authority. There is a degree of conflict between the three main competing policy priorities for the site, not least because some of the policy requirements pre-date the listing of the Workhouse. Nevertheless, the Applicant has had due regard to all of them and the development as a whole. The priorities are:
- 1) The need to ensure the longevity of the listed building on the site and an appropriate approach to its alteration and setting as a Heritage Asset, being also a building on the Buildings at Risk Register,
 - 2) The need to deliver affordable housing while meeting an acute demand for commercial floorspace and
 - 3) The need to deliver public open space.
- 1.3.5 The description of development for the application is:
- "Refurbishment of the existing Workhouse and North and South Houses, part demolition of the South House and redevelopment of the remainder of the site, to provide a mixed-use development comprising 50 residential units (Class C3) (market units: 1x1-bed units, 3x2-bed units, 2x3-bed units; 1x2-bed townhouse, 1x3-bed townhouse, 2x4-bed townhouse) (affordable units: 18x1-bed units, 7x2-bed units, 15x3-bed units), 4,535sq.m of Class B1 Business space, public open space and associated landscaping, at Middlesex Hospital Annex, 44 Cleveland Street, W1T4JT"*
- 1.3.6 This Planning Statement should be read in conjunction with the documents listed in Table 1, below. The scope of the application has been agreed with officers following a series of pre-

application meetings from early 2016 (refer to Section 3.1 for further detail and the accompanying Statement of Community Involvement).

Table 1 Planning Application Documents

Document	Prepared by
Covering Letter	Temple Group
Application Form, certificates of ownership	Temple Group
Planning Application Fee	£39,564
Application Drawings	Llewelyn Davies
Planning Statement	Temple Group
Affordable Housing Statement	Temple Group (within this statement)
Planning Obligations Statement	Temple Group (within this statement)
Statement of Community Involvement	Newington
Site Waste Management Plan	Temple Group
Design and Access Statement	Llewelyn Davies
Preliminary Ecological Appraisal	The Ecology Consultancy
Preliminary Bat Roost Assessment	The Ecology Consultancy
Air Quality Assessment	Temple Group
Acoustic Assessment	Temple Group
Transport Assessment	Crosby Transport
Travel Plan	Crosby Transport
Construction Management Plan	Crosby Transport
Lighting Strategy	Llewelyn Davies (within D&A)
SuDS Strategy	Arup
Heritage Statement	Urban Counsel
Basement Impact Assessment	Aecom
Structural Report, Statement of Justification and Schedule of Works to Listed Building	Aecom
Desktop Contamination Assessment	Aecom
Foul Sewerage and Utilities Assessment	Aecom
Sustainability Assessment	Arup
Energy Assessment	Arup
Daylight/Sunlight Assessment	Delva Patman

2.0 Site Description & Planning History

2.1 The Site

- 2.1.1 The site is located in the Bloomsbury Ward, of the London Borough of Camden. Situated at 44 Cleveland Street, it lies south of Howland Street, north of Tottenham Street and Tottenham Mews and west of Charlotte Street. The site is located close to the Camden-Westminster local authority boundary and is situated within the Charlotte Street Conservation Area (CSCA).
- 2.1.2 The total site area is 0.305 hectare. A Site Location Plan is included within **Appendix 1**.
- 2.1.3 University College London Hospitals last used the site for medical purposes in 2006 and it has since remained largely vacant with Camelot Property Guardians using the buildings as temporary accommodation. The entrance to the site is currently boarded up with restricted access to the temporary occupants.
- 2.1.4 The site comprises the U-shaped, 18th Century former Strand Union Workhouse which is Grade II listed and on the Historic England Buildings at Risk Register. The remainder of the site benefits from a Certificate of Immunity Against Listing (2016). The Workhouse is four-storeys in height and fronts onto Cleveland Street. The building is set behind a tall boundary wall. Behind the Workhouse two wings of a similar height extend eastwards forming a courtyard were added in the 19th Century. Two three-storey 19th Century buildings sit on the site boundaries to the north and south of this, referred to as the North and South Houses respectively. The Workhouse has been built with yellow brown stock brick and stone dressings with the 19th Century wings to the rear built with brown stock brick and red brick banding. The listing notice and certificate is included within **Appendix 2**.
- 2.1.5 Whilst the workhouse and North and South Houses are both currently in partial use, all of the buildings on site are in a poor aesthetic condition as a consequence of lying vacant for several years.

2.2 2004 Section 106 Legal Agreement

- 2.2.1 The site is the subject of an historic section 106 agreement dated 1 July 2004 and made between University College London NHS Foundation Trust and the Mayor and Burgesses of the London Borough of Camden (2004 S106). The agreement consolidates planning obligations from two S106 agreements and a separate proposed Heads of Terms (HoTs) between the UCLH NHS Trust ("the NHS Trust") and LB Camden. The two S106 agreements are associated with full planning permission (application reference: PS9604299R2) granted on the 5th August 1997 for the redevelopment of a new UCL Hospital and provision of two community health facilities on Grafton way, Tottenham Court Road, W1 (known as the "Odeon Site"). Amongst other obligations the second agreement intended to secure off site affordable housing on either the Middlesex Annex Site or a separate Obstetrics site.
- 2.2.2 In 2001, the NHS trust applied for planning permission to redevelop the Odeon Site as a hospital with community facilities. The committee report recommended approval and included in the Heads of Terms (HoT) within the S106 agreement, an obligation for affordable housing with a total floorspace of no less than 1,425 sq. m. In 2004, the case

officer's committee report recommended that the previous two S106 agreements and the 2001 HoTs were consolidated into a single S106 agreement ("the 2004 S106 agreement"). On the 1st July 2004, the consolidated S106 agreement was completed and the permission for the redevelopment of the Odeon site was issued.

2.2.3 Section 4 of the 2004 S106 agreement contains the provisions relating to affordable housing. This includes provisions to provide a minimum of 30 affordable housing units ("Legacy Affordable Housing Units") and 1,425 sq.m of affordable housing linked to the redevelopment of the Odeon site permission submitted in 2001.

2.2.4 This application includes the provision of the 30 affordable housing legacy units associated with the 2004 S106 agreement as part of this development proposal. Officers have agreed that as the application submitted in 2001 for the redevelopment of the Odeon Site was never implemented and an alternative scheme implemented, the requirement for the 1,425 sq.m is no longer relevant.

2.3 Planning History

Relevant Site Planning History

2.3.1 The site has been subject to the following relevant decisions which are summarised below:

- 2013/5062/P (S106A) - Application for modification and discharge of planning obligations of the s106 planning agreement signed July 2004. The application was refused 9th September 2013.
- 2013/5050/P (S106BA) - Application to modify or discharge affordable housing requirements of the s106 planning agreement signed July 2004. The application was refused 8th August 2013.
- Statutory Listing (of the Workhouse) reference 1242917 14th March 2011
- Certificate of Immunity Against Listing reference 1434178 10th June 2016
- 2010/2205/P (Full Planning Permission)– Demolition of former hospital building and redevelopment of the site to provide 142 residential units (Class C3) and 397sq m of commercial floorspace capable of being occupied by retail (Class A1), financial and professional services (Class A2) or offices (Class B1a) within a part 5, 6 and 10-storey building; cycle parking; disabled car parking; associated access arrangements and landscaping; and the means of providing a pedestrian route through the site. The application was withdrawn on the 6th of July 2010 as the Workhouse was listed.
- 913004 (Circular 18/84) - The installation of a six person lift to the south west corner of the main Out Patients` Department (Observations – No objections 18th June 1991).

Neighbouring Schemes (approved)

2.3.2 There are a number of schemes in the area of relevance to the proposals. The relevant planning permissions are:

- Astor College (2015/1139/P): adjacent to the east of the site at 99 Charlotte Street, W1T 4QB. The planning permission is for: the refurbishment of the existing student accommodation (Sui generis) comprising 2 storey upper ground floor front extension, 8 storey rear extension and front central bay extended forward to provide an additional 60 bedrooms. The permission is also for the relocation of the main access, provision of a ground floor café (A3) and the pedestrianisation of the Bedford Passage. The scheme was

granted planning permission (and is subject to S106 legal agreement) on the 27th August 2015.

- Emerson Bainbridge House (13/02670/FULL) is opposite the Middlesex Hospital Annex site at 47 Cleveland Street, London W1T 4JQ (LB Westminster). The planning permission is for use of basement and ground floors to provide four residential units (Class C3) including; alterations to the front elevation at basement and ground floors to re-introduce light well and set back ground floor frontage; provision of railings to front at pavement level; provision of balconies to rear of existing residential units at second to fourth floors and terraces at first floor level and associated alterations. The scheme was granted planning permission on the 14th November 2013.
- Courtauld Building (14/11660/FULL) is opposite the Middlesex Hospital Annex at 91 Riding House Street, London W1 (LB Westminster). The planning permission is for the refurbishment of the building including the installation of rooftop plant machinery, alterations to fenestration at ground floor level, installation of replacement windows throughout, re-cladding of mansard roof, re-facing of rear elevation and installation of replacement access ramp on Foley Street elevation. The scheme was granted permission on the 20th January 2015.
- Part of the comprehensive Middlesex Hospital (11/08831/FULL) site at Mortimer Street, W1W 7EY (LB Westminster) lies slightly to the south of the Middlesex Annex Site. The planning permission is for the development of nine to eleven storey buildings plus two basement levels for mixed use purposes comprising 291 residential units (Class C3), office (Class B1), retail (Class A1), financial and professional services (Class A2), restaurant (Class A3) and community/health uses (Class D1); creation of new open space; new vehicular and pedestrian accesses; works to the public highway; basement car and cycle parking; associated works including landscaping, servicing areas and plant; retention and repair of existing chapel, No.10 Mortimer Street and Nassau Street facades.

2.4 Arthur Stanley House Appeal Decision (APP/X5210/W/15/3141159) 13th October 2016

- 2.4.1 Planning Application (2015/0391/P) was refused (despite a recommendation for approval by Officers) by LB Camden for the redevelopment of the neighbouring Arthur Stanley House (ASH) at 40 Tottenham Street W1T 4RN on the 2nd of July 2015. The application was submitted by Temple Group on behalf of the UCLH Charity.
- 2.4.2 The scheme comprised the refurbishment of the existing eight-storey ASH building and new build elements to the rear facing Tottenham Mews to enable a change of use from health care (Class D1) to a mixed use development comprising office floor space (Class B1), flexible office (Class B1)/ health care (Class D1) floorspace at ground floor level and 12 residential units (Class C3) (market units: 1 x 1bed, 8 x 2bed, 1 x 3bed. affordable units: 2 x 3 beds) and associated landscaping fronting Tottenham Mews.
- 2.4.3 The main reason for refusal in the Council's decision notice and also the key point of contention at the Planning Committee was reason for refusal 1, relating to land use. The Council considered that the site was identified in the Fitzrovia Area Action Plan (FAAP) as an opportunity site for the provision of self-contained homes (including affordable) and the

proposed development would subsequently fail to maximise the site's contribution to the supply of homes in the Borough, which is the Council's preferred replacement use for existing healthcare uses. It concluded that in terms of land use, the development was contrary to the Development Plan (DP).

- 2.4.4 While UCLH Charity no longer had an interest in the site, it was the appellant for the subsequent appeal, given planning appeal procedural requirements. The Planning Inspectorate allowed the appeal on the 13th October. The full decision is appended to this document in **Appendix 3**

2.5 The Site and Surrounding area

- 2.5.1 The heritage assets within the vicinity of the site are the Charlotte Street Conservation Area (CSCA) and Charlotte Street West Conservation Area (CSWCA) and are divided by the boundary between Camden and Westminster Councils, with the latter being in the City of Westminster. The character of the area covered by both these conservation areas is summarised by the CSCA in paragraph 3.4: *"The area's spatial character derives from the densely developed grid pattern of streets and limited open space. Development is predominantly four storeys and set back from the street by a small basement area creating a strong sense of enclosure. The sense of enclosure is intensified on narrower streets"*.
- 2.5.2 The main structure of the original Strand Union Workhouse (built 1778) building which fronts onto Cleveland Street on the application site is an important heritage; which is reflected by its statutory protected status (Grade II Listed). The Workhouse is one only 3 of its kind surviving in London and is strongly associated with some prominent reformers from the 1850s-60s including Dr Joseph Rogers who's actions to improve living conditions within Workhouse influenced wider reforms on conditions in such institutions generally. The surviving Workhouse contributes to the character of the conservation area in the way that it has influenced the subdivision and development of the grid block within which the site lies, and its visibility within the street scene of Cleveland Street.
- 2.5.3 Within this context, the three storey buildings either side of the listed workhouse (known as North and South House respectively), and the twentieth century wall and railings which encloses the frontage onto Cleveland Street are considered to form a significant heritage feature in views up and down Cleveland Street and in views from west along Foley Street.
- 2.5.4 The surrounding area contains a range of built forms and scales, reflecting the evolving nature of the area with traditional four-five storey terraced buildings to the immediate west, and more modern institutional and commercial blocks to the north, south and east of the site. As the area is close to Tottenham Court Road it is vibrant and contains a broad mix of uses including a significant number of commercial uses, typical to its Central London Area location.
- 2.5.5 In the immediate vicinity of the site, the original character of the area is illustrated by the four storey Georgian terrace of houses opposite although most have been converted to business uses on the ground and lower floors/ground floors and the larger 5-6 storey blocks directly behind these and fronting Foley Street. To the north of this is a late-Georgian mansion block *Regent's Residence* at 57-59 Cleveland Street. To the south is the early twentieth century (1911) block of flats in arts and crafts style (listed in 1987 at Grade II). To the south of this on the north corner of Foley Street is the late Victorian neo-Gothic King and Queen Public House (also listed at Grade II at the same time). The Site is within the settings of listed

buildings on the west side of Cleveland Street. These buildings all post-date the original Workhouse, and include the Grade II Listed King and Queen public house and 45-47 Cleveland Street, together with the unlisted but largely original block of Georgian houses from 49-55. Together with the Workhouse to the east, they provide a sense of the original character of the street.

- 2.5.6 The site's northern boundary is formed and dominated by the modern Sainsbury's Wellcome Centre Building (completed 2015), with the 8 storey Astor College that provides UCL student accommodation forming the site's eastern boundary. The block to the south of Foley Street, opposite the former Workhouse is fronted to the west by the six-storey 1930s red brick Courtauld Institute building. Behind this, facing Foley Street is the Grade II listed All Souls Church of England primary school, built in 1908 in neo-classical style.
- 2.5.7 The block to the south of Middlesex Annex comprises the Middlesex House (30 and 32 Cleveland Street) built in 1930s which is now largely used for commercial purposes. The back of Tottenham Mews is immediately south east of the site and has been in industrial use at least since the Nineteenth Century. The Mews contains a range of workshop and warehouse buildings which are associated with and illustrative of such uses from that time onwards, with most now adapted for office use and some for residential use.
- 2.5.8 The application's accompanying heritage appraisal by Steven Bee Urban Counsel provides further details on the Heritage Assets on the application site and within the surrounding area.

2.6 Access

- 2.6.1 The site has the highest level accessibility, with a PTAL level of 6b. It is currently well connected to public transport services with Great Portland Street underground station (480m) to the north, Goadge Street (480m) to the east and Oxford Circus (800m) to the south. These offer services on the Circle, Hammersmith and City, Metropolitan, Northern, Bakerloo, Central and Victoria London Underground lines. Frequent bus services are available from Tottenham Court Road, Euston Road and Oxford Street and there are a number of Santander Cycle Hire points located within close proximity of the site. This is reflective of its status within the Central London Area of the London Plan and its location generally.

3.0 The Development Proposal

3.1 Pre-Application Consultation

- 3.1.1 An extensive series of meetings and an exhibition has been held. This is set out in detail within the accompanying Statement of Community Involvement. Several meetings have been held with LB Camden officers during March (23rd), May (18th), June (14th, 21st), September (22nd, 28th), October (4th, 18th and 25th), November (17th) and December 21st 2016. Site visits have also taken place, with interested parties, Members and Historic England. The discussions largely focused on the appropriate land uses for the site, the quantum of housing proposed, the design approach to public realm and the scheme's detailed design.
- 3.1.2 During the pre-application stage, the scheme was presented to the Camden Design Review Panel (CDRP) on the 21st June 2016 and 16th December. Their advice has been incorporated as far as possible into the application scheme.
- 3.1.3 A series of consultations were also undertaken with interested Council Members and amenity groups to present the Applicant's vision for the site. Generally, the feedback was positive with stakeholders were pleased by the Applicant's commitments to delivering housing, including affordable housing whilst retaining the listed building and re-opening the Bedford passage. The primary concerns were focused around the height (then 9 storeys) of the new building and the importance of ensuring vitality along the Bedford passage.
- 3.1.4 A public consultation event was held on the 7th September 2016 at the Fitzrovia Community Centre. 87% of responses to the development proposal were positive and in support of the scheme however many members of the public raised concern over the proposed maximum height of the new build element (then 9 storeys). Subsequently the applicant sought to reconfigure the scheme, reducing the building height from 9 to 8 storeys in response to the concerns raised. Further detail regarding the public consultation event can be found within the Statement of Community Involvement submitted as part of this application. The submitted design is explained in detail within the accompanying Design and Access Statement.

3.2 The Proposal

- 3.2.1 The proposed development comprises three main elements. Firstly the east- west wings of the hospital annex will be demolished with the listed part of the structure, the former Strand Union Workhouse fronting onto Cleveland Street, retained and refurbished as mix of high quality market housing (Use Class C3) units.
- 3.2.2 Secondly, the existing buildings to the north and south (known as the North and South Houses respectively) of the main hospital annex building and also fronting onto Cleveland Street will be largely retained and refurbished (a section of the South House will be demolished). The buildings will provide a mix of high quality (Use Class C3) market and affordable housing units.
- 3.2.3 Thirdly, to the rear of the retained Workhouse and North and South Houses a new 8 storey building is proposed, with its footprint enabling the reformation of the historic 'Bedford Passage' route through the southern part of the site. The new building incorporates a mix of

uses, comprising affordable housing floorspace (Use Class C3) and Class B1 business space, along with shared amenity space for the residential units. **Table 2** below sets out the proposed schedule of areas for the development.

3.2.4 In addition to re-establishing the historic route, now named ‘Bedford Passage’ by the Council, the proposed development will deliver further public open space through the creation of the “Workhouse Yard” using the space defined by the new build to the rear of the retained Workhouse building. Private amenity space for the market housing and shared amenity space for the affordable housing is also incorporated into the scheme.

3.2.5 **Table 2** sets out the proposed mix of uses included as part of this application.

Table 2 Proposed Uses (excluding ancillary plant areas)

Use	GEA Sq. m	% of total	GIA Sq. m	% of total
Market Housing (Existing Workhouse Buildings)	1,850.32	16%	1,502.17	15%
Market Housing (*New Build Lift Core)	52.34		38.25	
30 ‘Legacy Affordable’ Housing Units	3,338.65	28%	2,849.16	28%
Additional Affordable Housing Provision	2,059.62	17%	1,831.04	18%
Class B1 Business Space	4,535.04	39%	4,128.89	39%
Total Residential	7,300.92	61%	6,220.62	60%
Total Non-Residential	4,535.04	39%	4,128.89	40%
Total	11,835.96	100%	10,349.51	100%
Total Affordable Residential	5,398.27	74%	4,680.20	75%
Ground level Public Space (of site area)	711	23%	-	-

4.0 Planning Policy Context

4.1 National Planning Policy

4.1.1 The National Planning Policy Framework (NPPF) (2012).

4.2 The Development Plan

4.2.1 Section 38 of the Planning and Compulsory Purchase Act 2004 (PCPA) requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

4.2.2 The Development Plan (DP) comprises:

- The London Plan (consolidated with alterations since 2011) (adopted March 2016);
- Camden Core Strategy (adopted November 2010);
- Camden Development Policies (adopted November 2010); and
- Fitzrovia Area Action Plan (adopted March 2014).

4.2.3 Other relevant policies and guidance include:

- Central Activities Zone Supplementary Planning Guidance (SPG) (March 2016);
- Housing SPG (March 2016);
- Charlotte Street Conservation Area Appraisal and Management Plan (2008);
- Camden Planning Guidance (updated 2013, 2015 and 2016):
- CPG1: Design;
- CPG2: Housing;
- CPG3: Sustainability;
- CPG4: Basements and lightwells;
- CPG6: Amenity; and
- CPG7: Transport.
- Shaping Neighbourhoods: Character and Context SPG (June 2014);
- The control of dust and emissions during the construction demolition SPG (July 2014); and
- Emerging Camden Local Plan.

4.3 National Planning Policy Framework

4.3.1 The National Planning Policy Framework (NPPF) was published in March 2012. The 'golden thread' of the planning system, as articulated in the NPPF, is the presumption in favour of sustainable development. It indicates that proposed development that accords with an up-to-date Local Plan should be approved (Paragraph 12) and that local authorities should approve such development without delay (Paragraph 14).

4.3.2 The Framework reinforces the importance of up to date plans and its policies are material considerations, which local planning authorities should take into account in decision making.

4.3.3 The Framework sets out the 12 core planning principles that underpin both plan-making and decision-taking in the planning system (Paragraph 17). The third of these states that planning should proactively drive and support sustainable economic development to deliver

homes, business and industrial units, infrastructure and thriving local places. The fourth seeks high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. The eighth supports the effective use of land, through re-using land previously developed and the tenth seeks the conservation of heritage assets in a manner appropriate to their significance.

- 4.3.4 Paragraphs 18-22 (Policy 1) of the NPPF focus on how planning can support the economic elements required to deliver sustainable development. The framework provides that planning should encourage sustainable economic growth, with significant weight being given to the need to support economic growth (Paragraph 19).
- 4.3.5 To help achieve economic growth the NPPF (Paragraph 20) states that planning authorities should plan proactively in order to meet the development needs of business.
- 4.3.6 To help deliver sustainable development Policy 4 in the framework sets out how planning policies and local authorities can promote sustainable transport (Paragraphs 29-41). The NPPF seeks to ensure that development that impacts on the existing transport network significantly is robustly assessed and mitigated where necessary (Paragraph 32). The framework also provides that plans and decisions to ensure development generating significant movement is located where the need to travel is minimised and the use of sustainable transport is maximised (Paragraphs 34 and 37).
- 4.3.7 Through Policy 6, NPPF seeks to ensure a wide choice of quality homes is delivered. Local authorities are expected to plan for a mix of housing in terms of unit type, size tenure and location, based on local current and future demographic trends and need (Paragraph 50).
- 4.3.8 Paragraph 56 (Policy 7) of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
- 4.3.9 Through Policy 8, the NPPF seeks to promote healthy communities and particularly new development which includes a mix of uses, creates safe and accessible environments and developments with legible pedestrian routes and high quality active public space (Paragraph 69).
- 4.3.10 Policy 10 outlines how planning should help secure significant reductions in Greenhouse gas emissions and establish resilience to the impacts of climate change (Paragraph 93).
- 4.3.11 The NPPF also sets out how the planning system can conserve and enhance the historic environment. Paragraphs 128-135 (Policy 12) require an applicant to describe and consider the significance of any heritage asset affected, its setting and the development's potential impact on the asset or wider contribution to a conservation area. Paragraph 131 specifically states that local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.3.12 Paragraphs 109-125 of the framework seek to conserve and enhance the natural environment (Policy 11) and promote development which incorporates biodiversity. Paragraph 123 encourages local authorities to avoid development which creates noise giving rise to significantly adverse impacts on health and quality of life. However, Paragraph 123 also recognises that development will often generate some noise and so businesses

wishing to develop should not have unreasonable restrictions put on them because of neighbouring land uses.

4.3.13 Paragraph 124 says that planning policies should comply with and contribute towards EU limit values or national objectives for pollutants, whilst also taking into account Air Quality Management Areas (AQMA) and cumulative impacts on air quality from individual sites in local areas. Accordingly, paragraph 124 notes that planning decisions should ensure any new development in AQMAs is consistent with the local air quality action plan.

4.3.14 In summary the key policies in delivering sustainable development, relevant to the proposal are:

- 1. Building a strong, competitive economy;
- 3. Delivering a wide choice of high quality homes;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenges of climate change, flooding and coastal change; and
- 12. Conserving and enhancing the historic environment.

4.4 London Plan (consolidated with alterations since 2011) (adopted March 2016)

4.4.1 The London Plan is the overall strategic plan for London, published by the Mayor in July 2011 and subsequently updated. It provides an integrated economic, environmental, transport and social framework for the development of London up to 2031. The Plan sets out the framework for local planning policymaking and planning application decision making at the local level. As such local policies of every London borough should be in general conformity with the London Plan. Revised early minor alterations (REMA) were published in October 2013 to ensure consistency with the NPPF and the Government's approach to affordable housing. Further alterations to the London Plan (FALP) were published in March 2015 to reflect Mayoral Priorities set out in the 2020 Vision: The Greatest City on Earth – Ambitions for London¹. Minor alterations to the London Plan (MALP) were published in March 2016, bringing the plan in line with new National housing standards and the Government's approach to parking policy.

4.4.2 Relevant spatial policies and strategic objectives to this application are:

- Policy 2.10 Central Activities Zone – Strategic Priorities;
- Policy 2.11 Central Activities Zone - Strategic Functions;
- Policy 3.3 Increasing Housing Supply;
- Policy 3.4 Optimising Housing Potential;
- Policy 3.5 Quality and Design of Housing Developments;
- Policy 3.8 Housing Choice;

¹ Mayor of London, June 2013: <https://www.london.gov.uk/about-us/mayor-london/ambitions-london>

- Policy 3.9 Mixed and Balanced Communities;
- Policy 3.11 Affordable Housing Targets;
- Policy 4.3 Mixed Use Development and Offices;
- Policy 5.1 Climate Change Mitigation;
- Policy 5.2 Minimising Carbon Dioxide Emissions;
- Policy 5.3 Sustainable Design and Construction;
- Policy 5.6 Decentralised Energy in Development Proposals;
- Policy 5.9 Overheating and Cooling;
- Policy 5.10 Urban Greening;
- Policy 5.11 Green Roofs and Development Site environs;
- Policy 5.13 Sustainable Drainage;
- Policy 6.3 Assessing the Effects on Transport Capacity;
- Policy 6.9 Cycling;
- Policy 6.10 Walking;
- Policy 7.1 Lifetime Neighbourhoods;
- Policy 7.2 An Inclusive Environment;
- Policy 7.3 Designing Out Crime;
- Policy 7.4 Local Character;
- Policy 7.5 Public Realm;
- Policy 7.6 Architecture;
- Policy 7.8 Heritage Assets and Archaeology; and
- Policy 7.14 Improving Air Quality.

4.5 Central Activities Zone Supplementary Planning Guidance (SPG) (March 2016)

- 4.5.1 The SPG was adopted in March 2016 and highlights at paragraphs 1.1.3 and 1.1.4 that the CAZ is an internationally and nationally important office location, where the office market has a distinct need that must be sustained to ensure sufficient capacity. The CAZ SPG recognises that recent demand from the residential market has placed great pressure on offices in the CAZ, which has had the potential to undermine the strategic business functions of the CAZ.
- 4.5.2 The SPG states that whilst housing is not a strategic function of the CAZ, it does play an important role in the character and function of the zone as a mixed use area. The CAZ states however, that non-strategic uses such as housing must not compromise the strategic functions of the CAZ (as shown in Table 1 within the SPG 2016) but should instead be complimentary to the Zone as a competitive business location (Paragraph 0.1.7).
- 4.5.3 As such, the SPG seeks to balance mixed use development in the area to ensure sustaining and promoting business uses within the area, remain the primary objectives of the CAZ (Paragraph 1.3.4).

4.6 Additional Supplementary Planning Guidance

- 4.6.1 Additional Supplementary Planning Guidance (SPG) documents were produced by the Mayor to further support the statutory development plans and provide further detail on

policies within the London Plan. Those documents relevant to this scheme in addition to the CAZ SPG (2016) are:

- Housing SPG (March 2016);
- Shaping Neighbourhoods: Character and Context SPG (June 2014);
- Sustainable Design and Construction: Supplementary Planning Guidance (April 2014); and
- Draft Affordable Housing and Viability SPG (November 2016).

4.7 Camden Core Strategy (adopted November 2010)

4.7.1 The London Borough (LB) of Camden's Core Strategy was adopted on the 8th November 2010. It is a 15 year strategy for growth and development across the Borough that forms part of the Local Development Framework (LDF), along with Development Policies (2010) and the Camden Planning Guidance documents. The key Core Strategy policies of relevance to this scheme are:

- CS1: Distribution of Growth;
- CS3: Other highly accessible areas;
- CS5: Managing the impact of growth and development;
- CS6: Providing quality homes;
- CS8: Promoting a successful and inclusive Camden economy;
- CS9: Achieving a successful Central London;
- CS11: Promoting sustainable and efficient travel;
- CS13: Tackling climate change through promoting higher environmental standards;
- CS14: Promoting high quality places and conserving our heritage;
- CS16: Improving Camden's health and well-being;
- CS17: Making Camden a safer place;
- CS18: Dealing with waste and encouraging recycling; and
- CS19: Delivering and monitoring the Core Strategy.

4.8 Camden Development Policies (adopted November 2010)

4.8.1 Camden Development Policies was adopted on the 8th November 2010. It sets out the detailed planning criteria used to determine applications for planning permission in the borough until 2025.

4.8.2 The policies of relevance to this application are:

- DP1 Mixed use development;
- DP2 Making full use for Camden capacity for housing;
- DP3 Contributions to the supply of affordable housing;
- DP5 Homes of different sizes;
- DP6 Lifetime homes and wheelchair housing;
- DP13 Employment premises and sites;
- DP15 Community and leisure uses;
- DP16 The transport implications of development;
- DP17 Walking, cycling and public transport;
- DP18 Parking standards and limiting the availability of car parking;
- DP21 Development connecting to the highway network;
- DP22 Promoting sustainable design and construction;

- DP23 Water;
- DP24 Securing high quality design;
- DP25 Conserving Camden's heritage;
- DP26 Managing the impact of development on occupiers and neighbours;
- DP27 Basements and lightwells;
- DP28 Noise and vibration;
- DP29 Improving access;
- DP31 Provision of, and improvements to, public open space and outdoor sport and recreation facilities; and
- DP32 Air Quality and Camden's Clear Zone.

4.9 Fitzrovia Area Action Plan (FAAP) (adopted March 2014)

4.9.1 The FAAP was adopted in March 2014. At page 12, the FAAP highlights delivering housing, office and institutional uses as the key planning objectives within the plan area. It is clear that the FAAP seeks to enhance the strategic economic role of the area whilst ensuring growth takes place in a way that strikes a balance between the residential, institutional and commercial uses and the impacts on residential amenity.

4.9.2 The Middlesex Hospital Annex is referred to within the plan as 'Opportunity site no. 2' and is among the sites that the Council has named the 'Bedford Passage sites'. The FAAP identifies the application site as being suitable for predominantly housing (including affordable housing) with small scale commercial uses to reflect the character of the area at groundfloor level also being suitable.

4.9.3 The FAAP confirms the site is within the CSCA and the Howland Street Character Area (page 94). It also identifies several Masterplanning principles for the 'Bedford Passage' sites (page 110) and illustrates on page 111 within the 'illustration of principles', the Council's adopted vision for the development of the sites. It then goes on to identify key development principles (pages 114-115).

4.9.4 The Council's Masterplanning principles for the site can be summarised as follows:

- Development or re-use of buildings around the listed Middlesex Hospital Annex / former Strand Union Workhouse should be sensitively designed and provide a complimentary setting to the listed building in terms of scale, height, form and architectural detailing;
- Buildings which contribute positively to the setting of the listed building should be considered for retention;
- Larger scale buildings are likely to be appropriate on the north east of the site;
- Routes across and between sites (i.e., those making up the totality of the Bedford Passage site) should reflect the grid pattern of streets in Fitzrovia. A new link east-west across the block should be created and a further link connecting south through to Tottenham Mews. Buildings should be designed to address the route where possible (our emphasis) with windows and entrances; and
- New public open space should be provided on site. Open space that is connected to the street network or the new route across the block is preferred. Public open space *could be* (our emphasis) located mid-block, south facing, with a frontage to the east-

west link. Public open space with a frontage to Cleveland Street *could* (our emphasis) also be provided in front of and to the sides of the listed former Strand Union Workhouse.

4.9.5 The Council's stated priorities and key development principles for the site are as follows, though there is overlap with the masterplanning principles set out above:

- The priority for the site is to deliver housing, including affordable housing;
- Housing should be the predominant use;
- It should provide public open space and preserve the listed building in accordance with the masterplanning principles;
- Buildings which contribute positively to the setting of the listed building should be considered for retention;
- Development should respect the listed element of the site, in terms of appropriate building heights and maintaining separation between the listed building and new blocks.
- Development should be considered as a comprehensive 'city block' with each opportunity site providing a share of a significant area of public open space;
- Provision of 30 social rented units to meet the relevant obligation of the 2004 S106 agreement (explained earlier within this statement);
- On-site open space should be provided or if not practical, on a site in the vicinity;
- Preserving elements which make a positive contribution to the CSCA and enhance the character of the area;
- Developing new buildings which contribute positively to the setting of the listed building should be retained.
- Ensuring development is of a height which does not harm the strategic viewing corridor from Parliament Hill to the Palace of Westminster;
- Connecting to a local energy network, and should provide for a connection wherever feasible and viable, potentially cross borough; and
- Demonstrating adequate waste water capacity both on and off site to serve the development and that it would lead to problems with existing or new users.

4.9.6 Though the FAPP also says that the site could 'potentially' provide an additional 1,425sqm of affordable housing (in relation to the 2004 S106 Agreement), it has been agreed that this is not necessary as explained earlier in this statement.

4.10 Charlotte Street Conservation Area Appraisal and Management Plan (adopted July 2008)

4.10.1 The Charlotte Street Conservation Area Appraisal and Management Plan (CSAAMP) assessed and defined the character and historic interest of the Charlotte Street Conservation Area (CSCA). The CSAAMP also identifies what should be preserved and enhanced in the area (including the setting of locally listed buildings) and subsequently informs planning decisions within the area. Paragraph 3.4 summarises the character of the area and states: *“The area’s spatial character derives from the densely developed grid pattern of streets and limited open space. Development is predominantly four storeys and set back from the street by a small basement area creating a strong sense of enclosure. The sense of enclosure is intensified on narrower streets”*.

4.10.2 Paragraph 6.22 references the original Workhouse on the MHA site when describing the character of Cleveland Street: *“Of interest, in addition to the fragments of development from late 18th and early 19th centuries are a late 19th century mansion block (4-14 Cleveland Street) with interesting brick and terracotta detail in the facades, a number of office/commercial buildings with art deco/modern movement influenced frontages (24-32 Cleveland Street is of particular note) and the decorative frontage of Kirkman House (Whitfield Street). The Middlesex Hospital Annex on Cleveland Street retains buildings that were developed through the 18th and 19th century as part of a workhouse although they appear to be much altered”*.

4.10.3 MHA is highlighted as an opportunity site within the document and is identified for housing development including affordable housing (page 27 referencing the superseded Replacement Unitary Development Plan). The appraisal is dealt with further in this application’s accompanying heritage statement by Urban Counsel.

4.11 Camden Planning Guidance

4.11.1 LB Camden has produced several supplementary planning guidance documents that support the LDF policies. Those of relevance are:

- CPG1: Design;
- CPG2: Housing;
- CPG3: Sustainability;
- CPG4: Basements and lightwells;
- CPG6: Amenity; and
- CPG7: Transport.

4.12 Draft Camden Local Plan (submitted for examination 24th June 2016)

4.12.1 The emerging Draft Camden Local Plan (CLP) sets out similar key objectives to those contained in the adopted development plan. The Council’s overall objective is to create the conditions for growth to provide the homes, jobs and other facilities to meet Camden’s identified needs. The emerging plan has been considered at an Examination in Public.

4.12.2 Many of the relevant emerging plan policies are very similar to those in the adopted Core Strategy and Development Policies. In line with the Development Plan, the leading policy of the emerging plan; Draft Policy G1 (Delivery and Location of Growth), promotes development that secures the most efficient use of land and buildings by expecting a mix of uses (in particular included an element of self-contained homes) to be provided on suitable sites, and seeks to concentrate development (particularly higher density development) within Camden's identified Growth areas such as the Central London Area and other highly accessible locations. Draft Policy H1 (Maximising Housing Supply) confirms that self-contained housing is the priority land use and for sites where other uses are needed a mix of uses including self-contained housing will be sought.

4.12.3 When adopted, this plan will replace the Council's current Core Strategy and Development Policies planning documents. The emerging plan was examined late October 2016 and the Inspector published a post hearing note on the 2nd November 2016 confirming the scope of the additional work/actions that the Council agreed to undertake along with her interim views on the further main modifications necessary to make the Camden Local Plan sound.

4.12.4 Several of the key draft policies align with the Council's adopted policies and can be considered of relevance to this application albeit of limited weight. Those of relevance are:

- Draft Policy G1 Delivery and Location of Growth;
- Draft Policy H1 Maximising Housing Supply;
- Draft Policy H2 Maximising the Supply of Self-Contained Homes from Mixed-Use Schemes;
- Draft Policy H4 Maximising the Supply of Affordable Housing;
- Draft Policy H6 Housing Choice and Mix;
- Draft Policy H7 Large and Small Homes;
- Draft Policy C1 Improving and Promoting Camden's health and well-being;
- Draft Policy C2 Community Facilities, Culture and Leisure;
- Draft Policy C4 Safety and Security;
- Draft Policy C5 Access for All;
- Draft Policy E1 Promoting a Successful and Inclusive Camden Economy;
- Draft Policy A1 Managing the Impact of Development;
- Draft Policy A2 Provision and Enhancement of Open Space;
- Draft Policy A3 Protection, Enhancement and Management of Biodiversity;
- Draft Policy A4 Noise and Vibration;
- Draft Policy A5 Basements and Lightwells;
- Draft Policy D1 Design;
- Draft Policy D2 Heritage;
- Draft Policy CC1 Climate Change Mitigation;
- Draft Policy CC2 Adapting to Climate Change;
- Draft Policy CC3 Water and Flooding;
- Draft Policy CC4 Air Quality;
- Draft Policy CC5 Waste;
- Draft Policy T1 Prioritising Walking, Cycling and Public Transport; and
- Draft Policy T2 Car-free Development and Limiting the Availability of Parking.

4.13 Community Infrastructure Levy (CIL)

4.13.1 The scheme is liable to pay Mayoral CIL at a rate of £50 per sq. m for commercial and residential use. LB Camden introduced its CIL on the 1st April 2015. Camden's CIL charge is £500 per sq.m for the residential floorspace and £45 per sq.m for Offices (being in Zone A).

5.0 Assessment

- 5.1.1 This section sets out an assessment of the Proposed Development in relation to relevant national planning policy and guidance, the Development Plan (DP), emerging plan and other adopted planning guidance which are material considerations in determining this application.
- 5.1.2 Planning law requires that planning applications must be determined in accordance with the Development Plan (DP) unless material considerations indicate otherwise². To be in accordance with the DP, the proposed development does not have to comply with every relevant policy, but must be assessed as to whether it is in accordance with the DP as a whole (see case of *Tiviot Way Investments Ltd v Secretary of State for Communities and Local Government* [2015]).

5.2 The Principle of Development

Existing Healthcare Use

- 5.2.1 The established use of the site (as identified by the FAAP) is for medical/healthcare uses. Policy DP15 of the Development Policies (2010) is of relevance. The Policy states that the Council will protect existing community facilities, (which includes healthcare facilities) by resisting their loss *unless* a replacement facility that meets the needs of the local population is provided. While the policy has a number of criteria, they do not all apply and in this case, the Council agrees that **criteria c** of the policy applies.
- 5.2.2 The MHA site previously provided outpatient facilities for University College London Hospital (UCLH). The buildings were always referred to as the Middlesex Outpatients Departments and as the name implied were used as the primary outpatient/ambulatory facility for the whole of the main Middlesex Hospital and Arthur Stanley House. The buildings housed all the outpatient clinics, day patient facilities and diagnostic services serving the full range of surgical and a large proportion of medical clinics (including cancer and ophthalmology facilities). The building also housed a significant number of administration staff. The clinics would have been seeing in excess of 600,000 outpatients per annum (more than 10,000 per week)
- 5.2.3 The main hospital site and Arthur Stanley House closed in December 2005/January 2006 when all the outpatient clinics moved to the new University College hospital on Euston Road and administration services to 250 Euston Road. Since 2006, the site has remained largely vacant with parts of the Workhouse presently being occupied by Camelot security (protection by occupation) until the redevelopment of the site comes forward.
- 5.2.4 Therefore, it is evident that a replacement facility has been provided and as such the development proposal complies with Policy DP15 of the development plan.

² Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004

Mixed Use

- 5.2.5 The site is within the north-western area of the defined Central Activities Zone (CAZ). Policy 2.10 of the London Plan identifies the strategic priorities of the CAZ, which includes it being one of the world's most attractive business locations (refer to Section 4.5 for further detail). The policy recognises the importance of delivering new office space by ensuring that: *“new development of office space provision is not constrained and that provision is made for a range of occupiers”*. The London Plan also emphasises that site constraints (such as the MHA heritage constraints) should not limit office development in an area where office based employment is projected to grow (Paragraph 2.46 on the Plan). In this context, Policy 2.11 also encourages Boroughs to *“seek solutions to constraints on office provision and other commercial development imposed by heritage designations without compromising local environmental quality, through high quality design”*.
- 5.2.6 Office provision is more generally promoted across the region through Policy 4.2 of the London Plan. The policy identifies office provision through mixed use development as having a key strategic role in improving London's competitiveness and enhancing the region's ability to attract a range of new businesses.
- 5.2.7 The mixed use character of the CAZ is highlighted within the London Plan and development within the CAZ is expected to sustain and enhance its strategic functions (as identified by Policy 2.11), whilst ensuring local needs are met (such as the provision of a range of housing).
- 5.2.8 Promoting mixed use development across London remains a key objective, to ensure enough office space of the right type and location is provided. Policy 4.3 reinforces the importance of encouraging a mix-of uses within the CAZ including both office and housing uses, unless such a mix would demonstrably conflict with other policies within the London Plan. The supportive text (paragraphs 4.15 and 4.17) stress that London's economic growth is dependent on an efficient labour market, this in turn requires adequate housing provision to sustain it, which can help to be delivered through mixed use development and the creation of mixed neighbourhoods.
- 5.2.9 The adopted CAZ SPG (2016) provides guidance on the appropriate balance between offices and residential in different parts of the CAZ (within table 1.1 of the guidance). The commercial parts of Fitzrovia are identified as part of Priority B in table 1.1 whereby; *“Offices and other CAZ strategic functions should be given greater weight relative to new residential”*. The SPG places significant emphasis on promoting office development in the Fitzrovia area of the CAZ. As such, the mixed-use development proposal for the site will help to ensure the CAZ remains a competitive business location, by providing additional business space and preserve the mixed use character of both Fitzrovia, and the wider CAZ area by making an important contribution to new housing. The proposed development's mix of uses (set out in detail in the following pages) therefore balances the office space needs of the CAZ against Camden's need for housing provision as set out within by the strategic requirements of the London Plan and the CAZ SPG.
- 5.2.10 Both the DP and CAZ SPG acknowledge the consistent demand for office accommodation across the CAZ and Camden's Central London locations. The CAZ and London Plan also recognise that the requirements for additional office space estimated in both documents are likely to be lower than actual demand.

- 5.2.11 The Camden Employment Land Review (2014) forecasts the Borough will have demand for 695,000 sq. m of new office floorspace between 2014 and 2031. Whilst the Council's Annual Monitoring Report for 2014-2015³ identifies that development resulting from applications approved for permitted development change of use from office to residential during the reporting period would result in a loss of circa 65,000 sq. m of office floorspace within the Borough. This is 10,000 sq. m higher than the figure reported in the Council's previous 2013-2014 annual monitoring report⁴.
- 5.2.12 The objectives of Camden's Core Strategy (2010) and Development Policies (2010) focus on delivering housing and supporting London's economic growth. The plan confirms that the priority land use for the Borough is housing.
- 5.2.13 Central to Camden's strategy for managing growth is the promotion of higher density mixed use developments which maximise the Borough's limited land supply. CS 1 of the Core strategy confirms that the Council will 'promote: b) appropriate development at other highly accessible locations, in particular Central London and the town centres....' The justification at 1.15 states 'Beyond the growth areas there are a number of other parts of the borough which are considered suitable locations for significant development as they are highly accessible by a range of means of transport. These highly accessible areas are the Central London area outside of the growth areas..... These areas are considered to be particularly suitable locations for uses that are likely to lead to a significant increase in travel demand (for example, retail, offices, leisure and tourism), although the scale of development at these locations is expected to be less than that in the growth areas'. Fitzrovia and the application site are identified as being within this Central London area.
- 5.2.14 Mixed use development is also encouraged in paragraph 1.24 which provides that: 'The Council will encourage the provision of a mix of uses in suitable locations and expect development proposals of an appropriate size in Central London... to contribute towards the supply of housing. This reflects the designation of housing as the priority land use of the Core Strategy (see policy CS6).' Policy CS3 also says that: 'The Council will promote appropriate development in the highly accessible areas of: a) Central London'... and that: 'These areas are considered to be suitable locations for the provision of homes, shops, food, drink and entertainment uses, offices, community facilities and are particularly suitable for uses that are likely to significantly increase the demand for travel.'
- 5.2.15 Policy CS 6 gives priority to housing in the borough but, para 6.16 explains what this actually means: 'The priority the Council gives to housing will not override, but will be considered alongside: - the need to protect some non-residential uses, such as industry, warehousing, community uses and shops across the borough; - the need to promote Central London as a national and international focus of business, shopping, culture, education, healthcare and research; - the characteristics of specific areas, sites and properties'.
- 5.2.16 CS 8 says that: 'The Council will secure a strong economy in Camden and seeks to ensure that no-one is excluded from its success'. It confirms that the Council will promote the provision of 444,000 sq.m of permitted office floorspace at King's Cross as well as in the range of 70,000 sq. m of office provision at Euston with further provision in the other growth

³ London Borough of Camden, 2016: Regeneration and Planning Authority Monitoring Report 2014/15

⁴ London Borough of Camden, 2015: Regeneration and Planning Authority Monitoring Report 2013/14

areas and Central London to meet the forecast demand of 615,000 sq. m to 2026'. It also says that the Council will '...expect a mix of employment facilities and types, including the provision of facilities suitable for small and medium sized enterprises, such as managed, affordable workspace'.

5.2.17 Policy CS 9 deals specifically with the Central London area and supports Central London as a focus for Camden's future growth in homes, offices, shops, hotels and other uses. Paragraph 9.5 explains in more detail: 'Central London is the location of most of Camden's growth areas (King's Cross, Euston, Tottenham Court Road, Holborn). Development in these areas, and throughout Central London, should contribute to the area economically, socially and environmentally, through providing a substantial number of new jobs and space for businesses; supporting community facilities; protecting and improving the amenity of local residents; being of high quality design and by contributing to improving open space. Camden's Central London area will continue to be the borough's economic focus, contributing to the success of the Central Activities Zone (CAZ) and London's role as a major global city, and providing the majority of jobs in Camden.'

5.2.18 **Table 2** sets out the schedule of areas for the proposed development.

5.2.19 Through Policy DP1 of the Development Policies (2010), the Council seeks to promote mixed use developments in the most accessible parts of the Borough; including the Central London Area in which the site lies. Policy DP1 stipulates that the Council expects where more than 200 sq. m of additional floorspace (being new build or extensions) is provided, up to 50% of the additional floorspace should be housing. Paragraph 1.6 of the Development Policies confirms that Policy DP1 is a relevant consideration for all new build development and extensions involving a significant increase in floorspace. The supportive text to DP1 identifies the Central London Area of Camden (paragraph 1.10) as one of the parts of the Borough with the best access to public transport and having the best potential for a mix of uses and housing above active frontages.

5.2.20 In this case, Policy DP1 is the first land use policy to apply. The proposal is for a mixed-use development where the predominant use will be residential (Use Class C3); supplemented by smaller element of B1 business space.

5.2.21 In so far DP1 should be applied the supportive text to the policy (paragraph 1.8) states that "... the priority given to housing does not override a number of other considerations, but will be considered alongside them, such as the need for jobs, services and facilities, and the importance of central London as a focus of business, shopping, education, healthcare and research". Paragraph 1.8 further acknowledges that "The need for secondary uses and the precise mix and proportion appropriate will vary in different locations and will be a matter for negotiation, taking into account all the criteria set out in Policy DP1".

5.2.22 DP2 states that the Council will seek to maximise the supply of additional housing in the borough by expecting the maximum appropriate contribution to the supply of housing on sites that are vacant or underused, taking into account any other uses needed for the site. The supportive text (paragraph 2.8) to Policy DP2 is clear that "*this priority does not override, but will be considered alongside, the need to protect some non-residential uses; to promote the national and international roles of Central London and the need for development to respect the characteristics of the area and the site or property*".

5.2.23 The appropriate contribution to the supply of housing can be limited in this case within Policy DP1 i.e., up to 50% of additional new build. The purpose of this approach is to ensure that other uses as part of a mixed-use scheme can be delivered on sites within the Central London Area and the wider CAZ.

5.2.24 Consequently, as can be seen from Table 2 the proposal is a mixed use scheme, clearly supported by adopted policy and guidance and meets and exceeds the expectations for the provision of housing under Policy DP1 while being compliant with Policy DP2.

5.3 Affordable Housing Provision

5.3.1 Delivering housing is a key objective for the London Plan. Through Policy 3.3, the Plan seeks to increase the supply of housing across London, by setting minimum housing targets for each of the London Boroughs (table 3.1 of the Plan). The minimum target for Camden is to deliver 8,892 additional homes by 2025 (approx. 889 homes per annum).

5.3.2 The Mayor recognises that there is a significant need to increase the provision of affordable housing in London (Paragraph 3.63). Policy 3.11 focuses on ensuring Boroughs seek to maximise affordable housing provision and promote developments which help to create mixed and balanced communities. To achieve this, Boroughs are encouraged to ensure affordable housing provision within development includes 60% of the provision as social or affordable rent products and 40% as intermediate rent or sale. Policy 3.12 reinforces the importance of mixed use development and affordable housing to ensure mixed communities by stating: *“the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes”*.

5.3.3 The explanatory text to policy DP1 (paragraph 1.12) confirms that an appropriate provision of affordable housing must also be sought in line with the affordable housing policies CS6- *Providing Quality Homes* and Policy DP3- *Contributions to the supply of Affordable Housing*.

5.3.4 Policy DP3 confirms that the Council will negotiate the development of individual sites and related sites to seek the maximum reasonable amount of affordable housing based on an affordable housing target of 50%. In this case, the sliding scale for affordable housing provision does not apply and it is accepted that the starting point for affordable housing on this site is 50% (where a lower provision would be subject to an assessment of affordable housing viability).

5.3.5 CPG2 also addresses the provision of housing in mixed use development and affordable housing. Paragraph 2.25 confirms that the housing requirements of DP1 combine with the affordable housing requirements of Policy DP3. At paragraph 2.35, CPG2 states that in all mixed use schemes with a capacity to deliver 50 or more additional homes, 50% of all residential floorspace should be affordable housing.

5.3.6 **Tables 3 and 4** below set out how the scheme ensures 50% of total floorspace comprises additional residential floorspace and comprises 50% affordable housing in addition to the Legacy Housing. It is a significant material consideration in favour of the proposals that the scheme provides this level of housing.

Table 3 Total Housing New Build Floorspace (Policy DP1)

Use (New build)	GEA Sq. m	% of total	GIA Sq. m	% of total
30 Legacy Affordable Housing Units	3,164.85		2,739.93	
Additional Affordable Housing	1,650.36		1,547.54	
Commercial (Flexible D1/B1) use	4,361.24		4,019.66	
Total Additional Floorspace	9,179.45		8,307.13	
Total Additional Housing Required (DP1)	4,588.23	50%	4,153.57	50%
Total Additional Housing Provided	4,815.21	53%	4,287.47	52%

Table 4 Total Affordable Housing Floorspace (Policy DP3)

Use	GEA Sq. m	% of total	GIA Sq. m	% of total
Market Housing (Existing Buildings)	1,850.32		1,502.17	
30 Legacy Affordable Units (New Build)	3,164.85		2,739.93	
Additional Affordable Housing	2,059.62		1,831.04	
Total Affordable Provision (excl. legacy)	2,059.62	51%	1,831.04	54%
Total Affordable Provision (inc. legacy)	5,267.88	74%	2,873.65	73%

5.4 The Fitzrovia Area Action Plan (FAAP)

- 5.4.1 While Officers believed that the FAAP required only housing on this site, that position was demonstrated to be incorrect. At page 12, the FAAP highlights delivering housing, office and institutional uses as the key planning objectives within the plan area. It is clear that the FAAP seeks to enhance the strategic economic role of the area whilst ensuring growth takes place in a way that strikes a balance between the residential, institutional and commercial uses and the impacts on residential amenity. The FAAP does not attempt to quantify the total amount of development to be delivered by the plan (page 12).
- 5.4.2 The first land use principle in the plan, “Principle 1” makes clear that the sites within the FAAP will be considered through the application of the DP mixed-use policies referred to above. This is further explained in the supporting text at Page 31 of the FAAP which states: *“Thirteen of the Plan’s Opportunity Sites are potentially able to contribute to the development of additional self-contained homes. However, given the mixed-use character of the area, these sites are not allocated exclusively for housing”*. As such the FAAP identifies that the established character of the area is mixed use and does not allocate the opportunity sites identified in the FAAP, exclusively for housing.
- 5.4.3 The application site is *identified* as being suitable for predominantly housing, with small scale commercial uses at ground floor level also being suitable though that is subject to page 115 of the FAAP confirms that Policy DP1 (Mixed Use) is relevant when considering the application site (and the other identified opportunity sites).
- 5.4.4 The FAAP identifies the MHA site as being part of the Howland Street Character Area (HSCA), which has a strong commercial character as opposed to residential. At page 94 the FAAP clearly describes this: *“Most properties in the area are in office use with business*

occupiers currently including Arup and Saatchi & Saatchi". Given that the FAAP clearly identifies a strong commercial element, a development approach under DP1 is required.

- 5.4.5 The FAAP is clear in its expectation for more than just housing on the application site and there is neither a single land use requirement nor minimum number of housing units identified in local policy (including the FAAP) for the site. The FAAP is intended to be applied as part of the DP as a whole, as it acknowledges the mixed use nature of the area and the requirement to apply mixed use policy i.e., policy DP1.
- 5.4.6 In accordance with the FAAP's objectives, the development proposal for the site comprises a mix of uses including 61% Class C3 residential and 39% B1 business space. The Plan does not require a minimum level of housing provision but the application proposals are without question, predominantly housing.
- 5.4.7 The appeal decision on Arthur Stanley House (APP/X5210/W/15/3141159) also confirms in several places, that the Applicant's approach to the land use policies of the FAAP will be the correct interpretation of the Plan (specifically paragraphs 19-28).
- 5.4.8 Taking into account therefore, the competing requirements of policy and the site constraints, as summarised at the beginning of this statement and articulated in the accompanying Design and Access Statement, the application proposals are considered to be entirely in accordance with the FAAP, development plan policy on land use and particularly, policy on the amount of housing.

5.5 The Emerging Plan

- 5.5.1 Camden's emerging draft Local Plan (2015) sets out similar key objectives to those contained in the DP. The Council's overall objective is to create the conditions for growth to provide the homes, jobs and other facilities to meet Camden's identified needs though the plan is at an early stage and its weight limited.
- 5.5.2 Draft Policy G1 (Delivery and Location of Growth) states that the Council will deliver growth by promoting the efficient use of land and secure high quality development by "*c) expecting the provision of a mix of uses in suitable schemes, particularly the most accessible parts of the scheme including an element of self-contained housing where possible*". It identifies the defined Central London Area as one of the most appropriate locations for the most significant growth to take place in. The draft policy supports central London as a focus for Camden's future growth through a range of uses including homes (including affordable housing), offices, shops, hotels and the concentration of educational, cultural and medical uses. At paragraph 2.5 the Plan confirms that it is important that growth delivers not only homes, but also employment space and work and training opportunities. Paragraphs 2.12 and 2.13 confirm that the Council consider the provision of appropriate mix of uses within new development as efficient use of the Borough's limited land. Paragraph 2.13 also reaffirms that Area Action Plans (such as the FAAP) identify and provide guidance on development sites and include where mixed use development is appropriate.
- 5.5.3 Maximising the housing supply in the Borough is a primary objective. Draft Policy H1 "*Maximising housing supply*" echoes adopted Policy DP2 "*Making full use of Camden's capacity for housing*" and sets out that self-contained housing is the priority land use of the emerging local plan. The draft policy states that for sites where other uses are needed, a mix of uses including self-contained housing should be provided where appropriate.

- 5.5.4 Through draft policy H2 the Council sets out how the supply of self-contained housing should be maximised from mixed use schemes i.e., the same approach taken with the adopted plan. Within the supportive text, the draft Plan reaffirms the well-established mixed use character of the Borough (paragraph 3.37). As with the adopted plan, the supportive text of the draft policy emphasises the Council's expectation that development schemes in the Central London Area (including Fitzrovia) will provide a mix of uses with an uplift of up to half of the additional floorspace being provided as housing (paragraph 3.38).
- 5.5.5 The policies within the Council's emerging draft local plan on balancing housing and mixed use development and thus the interpretation of these policies (Draft Policies G1, H1 and H2) are in effect the same as those of the policies included within the DP. Subsequently, it is evident that the Council's emerging draft Plan also supports the mixed use approach taken by the development proposal.
- 5.5.6 As such in light of the above, the principle of the development and its land uses accord with the Council's emerging draft local plan.

5.6 Housing Mix: Tenure and Size

- 5.6.1 Core Strategy policy CS6 sets out the Council's guidelines on the tenure mix of new affordable housing whereby 60% of the affordable housing is expected to be social rented accommodation and 40% intermediate affordable housing. The supportive text (paragraph 3.22) to policy DP3 notes that these guidelines will be applied flexibly, taking into account all of its criteria (a-f). The applicant has been in discussion with at least one Registered Provider about the delivery of the affordable housing.
- 5.6.2 In this case, the development proposal includes 40 affordable housing units of which 36 (90%) will be social rented and 4 (10%) will be intermediate affordable housing units, aimed specifically aimed for key local NHS Workers such as nurses and junior doctors who are in the £30,000-£40,000 income range as identified within Camden's Intermediate Housing Strategy (2016). A recent survey by the Royal College of Nursing (RCN) (April 2016) has revealed that four in 10 nurses expect to leave London by 2021 because housing costs are too high. As such the RCN has called on the new London Mayor to deliver an action plan to support health staff to live in London.
- 5.6.3 After consulting with the Director of Workforce at UCLH Trust it is evident that UCLH would support securing the intermediate units for the "hard to recruit" hospital staff in the area.
- 5.6.4 UCLH employs over 8,450 staff across its six hospitals. Like all London's NHS employers it faces significant retention and recruitment challenges. It currently has an 8% vacancy factor which though below half of the London NHS average means it has over 600 vacancies. Recent analysis by the London social partnership of employers and health unions suggests that between 2010 and 2015 the average rent afforded by a NHS member of staff rose seven times more than pay. Over the same period, the average distance between staff's working base and home has increased by 11.8% to over 26 miles – less staff are able to stay and live in Camden year-on-year. The mean average salary for their staff in 2016/17 is £34,000 per year.
- 5.6.5 Though they subsidise accommodation for many of their newest staff, demand for local rental accommodation far exceeds supply. Staff who leave key posts as nurses, healthcare assistants, doctors and scientists consistently cite housing costs as one of the three most

significant factors in encouraging their leaving. Many do so with great reluctance: UCLH's turnover rate is now significantly below the London average and it remains one of the most popular hospital networks in London with the best inpatient survey results in the capital. Redeveloping the Middlesex Annex would allow them a very positive opportunity to provide affordable accommodation for staff who make a key contribution to safeguard the needs of local communities in Camden and beyond. Their expectation is that the Applicant would prioritise such accommodation for nurses and junior doctors whose roles were central to emergency and urgent care and emergency planning resilience and response. The proposed 'key worker' intermediate housing within the development therefore represents an important material consideration in support of the application.

- 5.6.6 The proposed development will provide a mix of unit sizes in accordance with policy CS6, DP5 and the Council's guidance contained within CPG2 and its Intermediate Housing Strategy of March 2016, having regard to the level of affordable housing appropriate to this scheme. The supporting text to Policy DP5 (Para. 5.4) confirms that the Council expects most developments to include some homes that have not been given a priority level, and some homes that are identified as medium priority. It also confirms that the Council will seek to focus provision around the very high and high priority sizes by assessing dwelling mixes against the aims in the priorities table (page 38). The supportive text (paragraph 5.5) to policy DP5 sets out the Council's aim for at least 50% of social rented dwellings and 10% of intermediate dwellings to be large homes (with three bedrooms or more), and for at least 40% of market homes to contain two bedrooms.
- 5.6.7 LB Camden's latest AMR (2014/15)⁵ confirms that since 2010 the Council has only managed to meet its 50% target (in terms of completions) for providing affordable housing once (2012/13) with the last financial year (2014/15) seeing only 61 affordable unit completions in the Borough. Further to this DCLG's latest statistics⁶ on the number of social rented affordable housing units completions in Camden highlights that during 2013/14 130 social rented dwellings were completed, but during the 2014/15 period only 50 social rented units were completed in the Borough. According to DCLG's statistics there have currently been no social rented dwelling completions in the financial year 2015/16, reflecting a long term downward trend. Evidently given these statistics the Development Proposal would make an important contribution to affordable housing in the Borough by providing 40 affordable units of which 36 will be social rented dwellings.
- 5.6.8 Having regard to the priorities table supporting Policy DP5 of Camden's Development Policies, the proposed affordable housing mix of unit sizes is slightly below the policy aim (50%) for 3 bedroom social rented units by providing 18 units (36%). However in accordance with advice from both the Council and the prospective Registered Provider (RP) the scheme was reconfigured to ensure 15 of the three bedroom units have separate kitchen and dining rooms. This has resulted in a lower proportion, but higher quality, more spacious units. The development proposal will accord with the policy aim (40%) for 2 bedroom market housing units by providing 4 2 bed market units.
- 5.6.9 Appendix 4 contains the proposed accommodation schedule.

⁵ London Borough of Camden, 2016: Regeneration and Planning Authority Monitoring Report 2014/15

⁶ Department for Communities and Local Government (DCLG), Affordable Housing Supply Statistics (AHS) 2015-16, Published 17th November 2016

5.7 Quality of Accommodation

- 5.7.1 The development proposal has ensured that both the proposed housing (Use Class C3) and business space (Use Class B1) are of a high standard of quality and design as defined in national policy (Fourth Principle Paragraph 17 NPPF). The London Plan also sets out policy which indicates that *'housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment'* (Policy 3.5).
- 5.7.2 Policy 3.5 of the London Plan and the Mayor's Housing SPG (2016) set out specific requirements and standards regarding housing. All of the proposed dwellings included within the development proposal meet or exceed the minimum size requirements as prescribed in the London Plan and Housing SPG and meet the minimum private space standards also set out within the Housing SPG (Standard 26, 27 and paragraph 2.3.31-33). Subsequently the proposed scheme will also accord with local policy standards set within Policy CS6 of the adopted Core Strategy, Policies DP24 and 26 of the Development Policies and the Council's CPG2 guidance as the minimum standards are lower than those included in the London Plan.
- 5.7.3 In accordance with Policy DP26 and the guidance contained within CPG2, the proposed scheme will provide high quality residential dwellings, which have well designed layouts as set out within the accompanying design and access statement.
- 5.7.4 London Plan Policy (Policy 4.3) promotes the provision of new high quality business space in varying sizes within mixed use developments in Central London and the CAZ (and is reinforced by the CAZ SPG). Policy CS8 of the adopted Core Strategy seeks to ensure the Borough retains a strong economy by safeguarding existing employment sites and encouraging the provision of facilities for SMEs with Policy DP13 setting more detailed criteria.
- 5.7.5 The development proposal provides 4,535.04 sq.m of business space (Use Class B1), the accommodation will be well lit with each floor having kitchen/toilet facilities and a wheelchair accessible toilet. Additionally shower and changing facilities and bike storage are all provided within the scheme. In accordance with Principle 4 of the FAAP, the space is designed to be flexible and allow part or all of the space to be occupied by SMEs. With this in the mind the designer has sought to ensure that the business space can be easily divided by incorporating multiple entrances from the lift core and multiple entrances into the space.
- 5.7.6 As such the quality of both the residential and office accommodation included in the proposal has been designed to a high standard that is consistent with the relevant policies of the DP (London Plan Policy 3.5 & 4.3 and policies CS6, CS8, DP13, DP24, DP26 and Principle 4 of the FAAP). The accompanying Design and Access Statement and drawings provide further detail on the accommodation proposed.

5.8 Heritage

- 5.8.1 Policy 12 (Conserving and Enhancing the Historic Environment) of the NPPF, sets out national policy regarding the historic environment, Policy 7.8 of the London Plan confirms that development should identify, value, conserve, re-store and re-use heritage assets where appropriate and conserve their significance. Through Policy CS14 of the core

strategy and Development Policies DP24 and DP25, the Council promotes high quality design and the conservation of heritage assets. A Heritage Statement by Steven Bee Urban Counsel, has been produced to support of this application for planning permission and listed building consent. It describes and evaluates the historic character and historic significance of the buildings currently on site, and their wider setting, and explains how this appreciation has informed the layout and design of the proposed development and justifies the impact on the historic significance of the application site.

- 5.8.2 Pre-application discussions with Council officers focused around both alterations to the listed building on site and the proposed development within its setting. Officers' concerns and suggestions regarding nature, scale and content of the proposed development have been taken into account by the design team; as seen through the various iterations of the scheme during the pre-application stage. The principle of adapting the listed building for residential use and redeveloping the rest of the site has been accepted by officers.
- 5.8.3 To summarise, in terms of impact on the listed Workhouse, the heritage statement confirms that illustrative heritage value of the listed building's interior was comprised as the building has been adapted for different uses over the years. However, in accordance with the NPPF (Paragraph 131), London Plan Policy 7.8 and local policy (CS14 and DP24 & DP25) the proposed conversion of the Workhouse to market housing will enable substantial, sensitive restoration works to the fabric of the building and will also see some of the original symmetry restored to the internal layout. Externally, the non-original pavilion wings attached to the Workhouse will be demolished, exposing parts of the original building for the first time with all open areas infilled with bricks to match the original brickwork closely. The restoration of the original appearance of Workhouse in the main public views will ensure its limited aesthetic heritage value is respected and its illustrative heritage value as an eighteenth century example of a Workhouse institution is strengthened.
- 5.8.4 The North and South Houses which flank the listed building will be retained with interiors rearranged and modified accordingly for residential use. The existing early twentieth century boundary wall will be retained in large part and restored to enclose private amenity space for the flats in the listed building and North House.
- 5.8.5 Structures between the buildings will be cleared and the area landscaped at ground and lower ground floor levels, incorporating access to the side entrance to the listed building. This will enhance the setting of the buildings and their contribution to the historic character of this part of Cleveland Street.
- 5.8.6 Meeting the objectives of the FAAP and the affordable housing obligations associated with the site while respecting the setting of the listed building represents a significant challenge, particularly as the affordable housing requirement predates the listing of the Workhouse. The depth of the site, and the density and height of adjacent development will also shade the lower parts of any new building, making them unsuitable for residential development at the density required. In response to these aspirations the designer has sought to ensure the new mixed use building is separated from the listed workhouse by new public open space the new a public route through (see section 5.6-5.9) the site connecting to Tottenham mews and Charlotte Street for the first time.
- 5.8.7 The statement confirms that new building will have some impact on appreciation of the illustrative heritage value of the listed Workhouse, in that it will be visible, in some views, rising behind it (given its 8-storey height). However, the impact of this is reduced by the

existing scale of development in the background of such views, to the extent that any harm could be only be considered less than substantial, and mitigated by the public benefits of the development as a whole.

- 5.8.8 As such, the development proposal accords with Policy 12 of the NPPF, London Plan Policy 7.8 and Camden's Core Strategy (Policy CS14) and Development Polices (DP24 and DP25).

5.9 Design

- 5.9.1 Policy 7 of the NPPF (paragraphs 56-57) indicates that high quality and inclusive design of the built environment including the public realm is of significant importance and is a key element in achieving sustainable development. Policies 7.1-7.7 of the London Plan, Policy CS14 of the Core Strategy, Policy DP24 of the Development Policies and the guidance contained within CPG1 seek to promote high quality design in new development as well as ensuring new schemes improve the quality of buildings, landscaping and public spaces.
- 5.9.2 The FAAP sets out further general design principles for development for the areas, including encouraging development which responds to the area's established scale and the prevailing form of nearby buildings and frontages, in terms of scale and form especially listed buildings and other features which positively contribute to the conservation areas. For the application site specifically, the FAAP (refer to opportunity site 2) states that development should respect the listed element of the site and the key elements on site which positively contribute to the Charlotte Street Conservation Area and the character of the area (as assessed under the previous sections).
- 5.9.3 In response to Policy the designer has sort to ensure the building height of the new building is 8 storeys, ensuring it is keeping with the commercial character of the area (as identified in the FAAP under the Howland Street Character area) and responds to the context of the surrounding built form. Additionally, the height of the buildings proposed will ensure the strategic viewing corridor from Parliament Hill to the Palace of Westminster is preserved. This was reduced from the originally proposed 9 storeys.
- 5.9.4 The materials used on the façade will be restricted to two types of brick and a two colour palette of a simple pattern, sympathetic to the character of the area. Lighter coloured brick is to be used towards the top of the new building to also ensure it is regressive in the setting of the listed building. Further to this the new building includes a series of setbacks on different storeys to ensure the massing of the building reduces towards the top of the building, helping it to further blend into its surrounding context.
- 5.9.5 The retention and refurbishment of the listed workhouse and the retention as far as possible of the existing gated wall forming the site boundary, will ensure the historic character of Cleveland Street is respected. Additionally the retention of the South House and footprint and layout of the new building to the rear of the listed Workhouse will enable the historic route through the site, which the Council has named "Bedford Passage" will be re-established (see sections below).

5.10 Placemaking and Permeability

- 5.10.1 Camden's planning guidance on design (CPG1) states that design of the built environment affects many things about the way we use spaces and interact with each other, comfort and enjoyment, safety and security and our sense of inclusion. Policy indicates that design is important in ensuring new development creates a sense of place and identity with its existing setting, whilst ensuring principles of sustainable development are achieved (London Plan Policy 7.2, 7.3; CS13; CS14; CS17; DP29 and CPG1). Reinforcing the character of the area can be achieved through high quality design, respecting and enhancing local distinctiveness (NPPF 7 and London Plan Policy 7.4).

- 5.10.2 The FAAP identifies that redeveloping the application site would present the opportunity to enhance permeability through the site through re-establishing the “Bedford Passage”. In accordance with policy and the FAAP’s masterplanning principles, the proposed layout within this development proposal would ensure the route is re-established, creating a public route through the site from Cleveland Street to both Charlotte Street and Tottenham Mews.
- 5.10.3 Access to the route off Cleveland Street will be established through a new entrance in the existing boundary wall, helping to create a sense of discovery to the route which is typical to other such public passages and routes across Fitzrovia (London Plan Policy 7.1). Access to the business space will be located towards the south-eastern corner of the new building to help pull people through the passage and onto both Charlotte Street and Tottenham Mews, with the entrances to the affordable housing also located towards the centre of the site ensuring a mix of pedestrians use the passage and public open space created (known as Workhouse Yard). Both the passage and workhouse yard will be well overlooked by the retained listed building and new mixed use building and so will benefit from natural surveillance ensuring safe and secure public realm (London Plan Policy 7.3, Policy CS14, DP29 and CPG1).

5.11 Health Impact: Supporting Camden’s Concentration of Medical Excellence

- 5.11.1 As previously stated under section 1.2 , the applicant is committed to providing support and funding for UCLH’s services, facilities and research programs within the Borough. Paragraph 16.13 of the adopted Core Strategy confirms that the Borough has an internationally important concentration of medical education, research and care institutions. The paragraph notes that this concentration makes a significant contribution at both the Borough and National scale by providing healthcare facilities, specialist research and innovation, employment and education opportunities. Paragraph 16.13 continues by stating: *‘We will seek to support these institutions, which include the University College London Hospital (UCLH), the Royal Free Hospital, Great Ormond Street Hospital and the Wellcome Trust, and balance their requirements with those of other sectors and the local community’.*
- 5.11.2 The Council’s support for concentrating medical excellence is delivered through Core Strategy Policy CS16 (Improving Camden’s health and well-being) under part c) where the Council will *‘support the provision of new or improved health facilities’* and part d) where the Council will *‘recognise and support the borough’s concentration of medical excellence and their contribution to health-related research, clinical expertise, employment and training provision’.* As such the development proposal seeks to help the Council achieve its aim’s set out in Policy CS16 and its supportive text (Paragraph 16.13) by generating an extremely important capital receipt which will, in its entirety, be fed directly back into UCLH and by seeking to provide some low cost housing for local NHS workers as part of the development proposal.

5.12 Landscaping, Public and Private Open Space

- 5.12.1 London Policy (Policies 7.5 and 7.6) affirms the importance of new development contributing to the public realm, including the provision of high quality, well designed public and private spaces. Through Core Strategy policy CS15 and Development policies DP24 and DP31, the Council aims to secure the provision of public and communal open space from developments including residential (Class C3) and business (Class B1) uses. Council Guidance (CPG6) states that the Council will seek to secure 9 sq. m of Public Open Space (POS) per bedspace and 0.74 sq. m per employee. Council Guidance

(CPG2) also notes that where practical, residential development should provide private outdoor amenity space (e.g. balconies, roof terraces or communal gardens).

- 5.12.2 The development provides POS, principally through re-establishing the “Bedford Passage” and through the POS (referred to as “Central Courtyard”) towards the centre of the application site, which is framed by the retained Workhouse and new mixed-use building. In total 711 sq. m of POS is provided. While this is below the provision expected by guidance (CPG6), the Applicant has sought to ensure the spaces provided are of a high quality and standard of design. The POS landscaping proposals are designed to try and balance the need to provide an appropriate setting to the existing heritage asset with the contemporary nature of the new building. Critically, the public realm and associated landscaping has been designed, so that it will pull pedestrians through the site and encourage a range of people to use the spaces for leisure and play.
- 5.12.3 The “Courtyard” POS includes a simple selection of soft landscaping (including a series of raised planters, street trees and shrubbery) features designed to help enclose the space. The network of green raised planters, shrubbery and street trees ensures the Courtyard has a greater residential character. The proposed planters towards the centre of the site will act as a semi boundary to the space, further establishing its residential character. The location of the raised planters also helps define the pedestrian route through the Bedford Passage and the access route to the eastern side of the Courtyard for occupiers of the affordable housing. The use of simple use of planting and street trees and the symmetrical, angular forms of the raised planters combined with cobbled and decking hard surfaces; ensures a more formal Georgian style residential space is created, which is sympathetic to its surroundings.
- 5.12.4 For the Bedford Passage itself a simple and restrained approach has been taken to ensure the Passage is more urban in character, primarily by including soft landscaping features comprising; carefully placed street trees, some elements of living walls and cubed planters, bounding the route. Areas for seating will be created by changes in levels of the hard surfacing and seating benches through the passage, guiding users through the site between Cleveland Street, Tottenham Mews and Charlotte Street, whilst also enhancing amenity for occupiers and the general public and as well as the biodiversity on site.
- 5.12.5 Both sculptural and natural features as well as changes in ground form have also been integrated throughout the POS to create opportunities for climbing, balancing and stepping will help to ensure a playable public realm. The landscaping strategy for POS incorporates a range of traditional materials helping to define the space as recreational in character, enhance the setting of the workhouse (DP25) and differentiate the POS from the business character of the lower floors of the proposed building (DP26).
- 5.12.6 Additionally the development will create a series of communal terraces and spaces for the affordable housing, with most of the affordable dwellings also having access to private balconies, designed to accord with the guidance provided in Camden’s CPG1 and CPG2. A separate private two-tiered communal garden for the market housing is also provided and encloses the north-western corner of the site and Workhouse. The design of all the communal spaces (both Market and Affordable Housing) and associated landscaping ensures the amenity spaces are of a high quality and designed to promote their use by occupiers. The spaces have been designed to protect and enhance amenity of both occupiers and neighbours in terms of being well overlooked, green, quite,

appropriately lit and include a range of materials and soft and hard landscaping interventions (Policy DP26). Further informal play elements are incorporated into the spaces to promote use of the space by children.

5.12.7 The Applicant has maximised the amount of public open space on the site, in light of the competing policy requirements for this site, which in part pre-date the listing of the Workhouse. It is impractical and unrealistic to meet the numerical policy requirement for public open space because the site cannot be cleared and the land uses supported by policy not delivered within a viable scheme. Officers have also accepted this approach more generally on other sites in the vicinity (in particular at Arthur Stanley House); that is, that on sites such as this (a dense urban location within inner London) the need to balance the provision of land uses and open space is reasonable.

5.12.8 Subsequently, having regard to London Plan Policy (7.5 and 7.6) and local policy (CS15, DP26 and DP31) and guidance (CPG1, 2 and 6) the development proposal ensures high quality POS is provided on site and all dwellings have access to high quality private amenity space suitable for use by all occupiers.

5.13 Biodiversity

5.13.1 A Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) comprising a Phase 1 habitat survey, protected species assessment, internal and external bat roost potential assessment of buildings and ecological evaluation has been conducted in association with this planning application. The report confirms that the application site is not subject to any statutory or non-statutory nature conservation designations, has no habitats of principal importance, with those habitats present being of little value to wildlife.

5.13.2 The PEA identified habitat suitable for breeding birds is present on the application site. The report subsequently recommends appropriate best practice mitigation measures are undertaken in accordance with relevant legislation (EC Habitats Directive) and policy (NPPF 11; London Plan Policy 2.18; 5.11; 5.13 and 7.19; and CS15), including ensuring the removal of scrub and trees with potential to support breeding is carried out of the main bird breeding season.

5.13.3 The PRA identified habitat suitable for roosting bats is present on the application site and recommended further bat emergence / re-entry surveys were undertaken. The subsequent surveys found that bat roosts were considered likely to be absent from the application site. The PRA concluded that the operational phase of the development is likely to impact bat commuting routes due to higher levels of artificial lighting and the removal of vegetation. The report recommended an appropriate lighting strategy is produced which minimises lighting spillage (please refer to the application's accompanying Lighting Strategy included within the D&A).

5.13.4 The conclusions of the reports demonstrate the application site is of a low ecological value. However a range of ecological enhancements including the provision of green roofs and wildlife species (both native and non-native) friendly planting within the landscaping proposals for both the public and private amenity spaces will enhance biodiversity across the site, subsequently the development proposal will accord with the London Plan (Policies 5.10 and 5.11), Policy CS15 of the Core Strategy and Policy DP24 of the Development Policies.

5.13.5 Further details can be found in the PEA, PRA and Bat Survey Report which accompany this application.

5.14 Sustainability

5.14.1 Promoting sustainable design and construction and adaption to climate change in new development are core principles at the national (Policy 11 of the NPPF), regional (London Plan Policies 5.1, 5.2, 5.3, and 5.6) and local (policies CS13, DP22 and CPG3 Sustainability) policy level. All developments are expected to reduce their carbon dioxide emissions by following the steps in the energy hierarchy (be lean, be clean and be green) to reduce energy consumption. Policy DP22 expects all new build residential development schemes to meet Code for Sustainable Homes level 4 and achieve 50% of the un-weighted credits in the fields of Energy, Water and Materials. All new non residential schemes should be rated as BREEAM 'very good' and achieve 60% of the unweighted credits in the fields of Energy, Water and 40% in Materials.

5.14.2 The accompanying Sustainability Statement produced by Arup confirms that with respect to the new build residential element, whilst there is no requirement (since the abolishment of the Code for Sustainable Homes) for the proposal to achieve any particular level as a whole, the proposal will aim meet the 3 star Home Quality Mark. Additionally, the sustainability statement (via a BREEAM pre-assessment) confirms a minimum rating of BREEAM for domestic Refurbishment "Excellent" will be targeted in the retained existing buildings (Workhouse and North and South Houses). With respect to the new build non-residential element the development will be assessed under BREEAM for New Construction (2014) and will target achieving a rating of Excellent (achieving 60% of the credits on the Energy and Water categories, and 40% on the materials category).

5.14.3 The scheme has been developed in accordance with the Energy Hierarchy 'Be lean, be clean, be green'. The accompanying energy assessment produced by Arup in support of this application provides full details on how the scheme has been assessed under the energy hierarchy. 'Be lean' measures include the use of mechanical ventilation and heat recovery units, high performing glazing with low U values, high efficiency LED lighting throughout, and a combined communal heating system.

5.14.4 In terms of 'Be clean' measures, the energy assessment deemed both the provision of a Combined Heat and Power system and a potential connection to an existing low carbon heat distribution network unfeasible (Policy 5.6). Allowances have been made to enable the scheme to connect with heat distribution network in the future, should such a network come forward. In terms of 'Be green' measures, London Plan Policy 5.7 states that major development should incorporate renewable energy generation where feasible. As such the development proposal includes both photovoltaic panels (on part of the existing Workhouse) and Solar thermal panels on the roof of the new building.

5.14.5 These measures will result in a 29% improvement in carbon emissions, however this falls short of the London Plan target of a 35% improvement over the Part L 2013 notional building. In accordance with CPG3- Sustainability where the new London Plan carbon reduction target in policy 5.2 (set out in paragraph 2.20) cannot be met onsite, it is anticipated the Council will request a financial contribution which will be used to secure delivery of carbon reduction measures elsewhere.

5.15 Amenity

5.15.1 As stated in Camden's supplementary guidance on amenity (CPG6), 'a key objective of the Camden Core Strategy is to sustainably manage growth so that it avoids harmful effects on the amenity of existing and future occupiers and to nearby properties'. The impact of the development on occupiers and neighbours has been taken into account throughout the design, construction and operational phases of the scheme.

5.15.2 Assessments have been produced in support of this application, which take into account the impact of the proposed development in terms of air quality, overshadowing, daylight and sunlight levels; and disturbance from noise and vibration. Additionally, internal layout standards and providing required facilities for waste, bicycle storage and outdoor space (wherever practical) have been incorporated in accordance with Council policy (DP26; CS5 and CS14).

5.16 Air Quality

5.16.1 Improved air quality is sought by national (NPPF 11), regional (London Plan 7.14), and local (CS16 and DP32) policy. As air quality is poor in Camden the borough has been declared an Air Quality Management Area (AQMA), this has subsequently prompted the production of an Air Quality Action Plan (2013-2015). As a result of the assigned AQMA and to ensure air quality is not further depreciated as a consequence of development, an air quality assessment (AQA) has been conducted at a level of detail appropriate for major development (in accordance with NPPF Policy 11; London Plan Policy 7.14; and Development Policy DP32).

5.16.2 The accompanying AQA produced by Temple Group concludes that during the construction phase, the impact of construction vehicle emissions on air quality will be negligible due to the low number of vehicle movements expected. In terms of dust related to construction activities, the assessment determined that the overall dust risk is predicted to be occasional for dust soiling effects and minor for health effects, but can be minimised or removed by appropriate mitigation measures as set out within the AQA.

5.16.3 During the operational phase impact on air quality from operational traffic will be negligible as the development is car free. The air-quality-neutral assessment identified that the proposed development meets the Building Emissions and Transport Emissions Benchmark and subsequently the Mayor's requirements for air quality neutrality. The assessed boilers meet the standards set out in the Sustainable Design and Construction SPG (2014). In relation to boilers, the AQA determined that there will be a negligible impact upon neighbouring occupiers and therefore its effect will not be significant. In terms of future occupiers, the AQA notes that the development could be exposed to concentrations of NO₂ in excess of the annual mean objective. However the AQA notes that annual NO₂ concentrations at the application site are likely to meet the objective soon after 2020 given the stringent national and London wide policies in place (i.e. London Ultra Low Emission Zone) to reduce NO₂ concentrations.

5.16.4 The scheme therefore complies with the relevant policy (NPPF 11; London Plan 7.14; and DP32) on air quality. Further details demonstrating compliance are contained in the Air Quality Assessment, which accompanies this application.

5.17 Daylight, Sunlight and Overshadowing

- 5.17.1 A Daylight, Sunlight and Overshadowing Assessment has been produced by Delva Patman Redler LLP in support of the submitted planning application. The assessment has been produced in accordance with the BRE Site Layout Planning for Daylight & Sunlight 2011 and as required by local planning Guidance (CPG6). This included the Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF) for daylight and Annual Probable Sunlight Hours (APSH) for sunlight.
- 5.17.2 The VSC and ADF Daylight results in the assessment show that all neighbouring residential windows considered will fully comply with the BRE target values. The student accommodation in Astor College will experience negligible and at the most, minor impact. The NSL results show that with the exception of the student accommodation in Astor College, all but 2 of the neighbouring residential rooms considered will fully comply with the BRE target values.
- 5.17.3 Additionally, the APSH results in the assessment confirm all assessed windows fully comply with BRE targets and the overshadowing results show that both neighbouring amenity and new proposed amenity areas comply with BRE guidance.
- 5.17.4 The assessment concludes by noting that the proposed development will generally have a negligible impact on residential amenity adjacent to the development site and is considered to be acceptable in daylight and sunlight terms on the surrounding properties to the site. As such the development proposal accords with London Plan Policy 7.6, Camden's Development Policy DP26 and the guidance provided in CPG6 (Amenity).

5.18 Noise and Disturbance

- 5.18.1 An assessment of potential acoustic constraints associated with the proposed development report has been carried out to ensure potential negative impacts are minimised and amenity is protected. The assessment was undertaken in line with national (NPPF 11; Noise Policy Statement for England), regional (London Plan Policy 7.15) and local (DP28; CS5) policy guidance.
- 5.18.2 The report concludes that the proposed development is below the Council's noise threshold limits and that the proposed internal noise levels, recommended in BS8233, are likely to be feasible with conventional thermal double glazing and trickle ventilators incorporated into the facades. Further to this, the report proposes plant sound rating limits and potential attenuation techniques to control sound emissions from development, from any proposed external mechanical plant, in order to minimise the risk of nuisance to the surrounding community during the operational stage.
- 5.18.3 The scheme would therefore comply with relevant policy (NPPF 11; DP26 and DP28). Further details demonstrating compliance are contained in the Acoustic Assessment, which accompanies this application.

5.19 Transport and Accessibility

- 5.19.1 A Transport Assessment and draft Travel Plan by Crosby Transport Planning have been produced for the proposed scheme, in accordance with London Plan Policy 6.3. Both national (NPPF Policy 4) and local Policy (CS3, CS 11 and DP16) and guidance (CPG7

Transport) support the promotion of sustainable transport modes in development, with particular priority given to pedestrian and cycle movements in safe and secure environments (London Plan Policy 6.9b, 6.10b, 6.13 & 7.3 and Development Policy DP17).

5.19.2 The Transport Assessment confirms that due to the wide range and high frequency of public transport services which operate in the local area, the application site has a PTAL rating of 6b 'excellent', which is the highest possible rating. As such the assessment concludes that the development's impact upon the local public transport network is likely to be negligible.

5.19.3 In accordance with local policies CS1, DP17 and DP18 and guidance (CPG7) the development seeks to minimise the use of private transport and level of parking provision by proposing a car-free scheme. As such the transport assessment concludes that the development's impact upon the local highway network is also likely to be negligible as no car parking is proposed and service vehicle movements are not anticipated to increase (accessed off Cleveland Street).

5.19.4 Further to this the development proposal aims to meet the London Plan's minimum cycle parking provision standards (Policy 6.13) by providing 140 cycle parking spaces. These are to be split over 4 locations, including separate parking stores at basement level for the Affordable (63 spaces) and Market Housing (19 spaces) residents, and B1 business space (47 spaces) employees with appropriate shower and changing facilities and the provision (11 spaces) of short stay spaces within the Bedford Passage. Additionally the transport statement confirms that restoring the Bedford passage, as a high quality pedestrian only connection that facilitates a new connection to Charlotte Street and Tottenham Mews accordance with policy DP17

5.19.5 The draft Travel Plan which accompanies this application has been developed, to ensure that future residents and employees are made aware of the wide range of sustainable transport mode options available (CPG7). The Travel Plan will be monitored and submitted to LB Camden for review biannually for five years.

5.19.6 In conclusion the development proposal will provide a car-free scheme, which maximises opportunities for the use of sustainable travel modes, by providing an overall level of cycle parking in accordance with the London Plan (Policy 6.13) as well as enhanced public access and connectivity through the site to surrounding areas. The proposed development is therefore considered consistent with transport planning policies at national regional and local policy.

5.20 Waste

5.20.1 In accordance with Core Strategy policy CS18, the development proposal ensures adequate waste and recycling facilities for storage and collection will be provided.

5.20.2 Refuse and recycling, bins for the B1 Business and residential uses will be stored in separate storage areas within the basement levels of the development. In advance of collections, the on-site management company will be responsible for transferring the bins to a holding area on the ground floor of South House. Refuse vehicles will be able to pull along Cleveland Street to collect the refuse and recycling, mirroring the existing collection process for the on-site property guardians and the process when the site was still in D1 use. Refuse operatives would be provided with either a code or key fob to access the holding area.

Following collections, the management company would then wheel the bins back to the respective storage areas.

5.20.3 As such, it is considered that the proposed scheme would not adversely affect the current refuse and recycling collection arrangements along Cleveland Street and that the separation of refuse facilities and their positioning is both a positive element of the proposals and the optimum solution. For further information please refer to the accompanying Design and Access Statement and Transport Assessment.

5.20.4 In terms of construction waste, a Site Waste Management Plan (SWMP) has been prepared by Temple Group and submitted as part of this planning application. The SWMP provides a framework for the building contractor to manage waste in line with the identified waste hierarchy by identifying types and quantities of materials for re-use/recycling to reduce the amount of waste produced. The SWMP will be passed on to the building contractor, once appointed, and it will be the responsibility of their Site/Environmental Manager, or equivalent, to review, update and report upon the SWMP during construction. They will also ensure that actions from the SWMP are followed through and that sub-contractors comply with the SWMP.

5.21 Ground Conditions

5.21.1 In accordance with policy (NPPF 11; London Plan Policy 5.21; and CS16), a Phase 1 Geotechnical and Geo-environmental Desk Study investigation has been conducted on the site to determine potential ground condition constraints. The report confirms the presence of groundwater and identifies certain potential sources of contamination including the presence of a small on-site petrol tank and historic land uses, sub stations and a petrol station were all identified within the vicinity of the site as potential sources of contamination. The report concludes by classifying the site as Land Potentially Affected by Contamination, recommending an intrusive ground investigation to investigate the physical presence of groundwater, linkages to potential contaminants and determine if any remedial action is likely to be required is undertaken.

5.21.2 In accordance with local policy (Development Policy DP27 and CPG4) a Basement Impact Assessment (BIA) was undertaken to accompany the development proposal. Policy DP27 and guidance note CPG4 states that 'the Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability'. The assessment was undertaken to determine the impact on the local hydrology, hydrogeology and land stability associated with the proposed basement development.

5.21.3 The report was prepared for the purposes of Screening and Scoping stages of the BIA, as the development progresses to the detailed design stages and more information is available, detailed analysis including ground movement assessment and damage assessment on neighbouring structures will be carried out. The remaining stages of the BIA i.e. Stage 3: Site Investigation (intrusive) and study, Stage 4: Impact Assessment and Stage 5: Review and decision making will subsequently be submitted to the Council for review as the scheme progresses.

5.21.4 Further details can be found within the accompanying Phase 1 Geotechnical and Geo-environmental Desk Study investigation Report, and BIA (covering screening and scoping stages) in support of this application.

5.22 Flood Risk & SUDS

- 5.22.1 The site is identified by the Environment Agency (EA) as being within Flood Zone 1 area and subsequently has a very low level of risk if flooding (1 in 1000 probability of annual river or sea flooding). Pre-application consultation with LB Camden's SUDS team confirmed that the site is not located within a Local Flood Risk Zone and as such a Flood Risk Assessment was not required. However the development proposal is targeting a BREEAM Homes rating of "Excellent" and an FRA has been produced by AECOM in order to fulfil BREEAM criteria requirements only.
- 5.22.2 In regard to mitigating flood risk (which is a low probability), the FRA includes a preliminary surface water management strategy. The Strategy incorporates the use of Sustainable Urban Drainage Systems (SuDs) features including a series of below ground geo-cellular storage units. The Stormwater collected by the units is then proposed to be discharged to existing Thames Water Sewers via surface water drains, drainage rills, linear drainage channels, and pumped outfalls. The redevelopment of the site will ensure (by setting appropriate external levels) that runoff from all design storm events up to and including the 1 in 100 year plus 40% allowance for climate change will be retained within the site. The SuDS features are designed in accordance with private and adoptable standards and in line with policy in the NPPF, London Plan and the Council adopted plan (NPPF Policy 10, London Plan Policy 5.12, 5.13; Local Policies DP22, DP23, CS13 and CPG3).
- 5.22.3 Further details can be found within the FRA, which forms part of the sustainability assessment in support of this application.

6.0 Planning Obligations

- 6.1.1 The Applicant has discussed a number of draft planning obligations with Officers including on the extent and tenure of the proposed affordable housing. Any of these obligations are contingent on the Applicant's expectation that the land will be released from the 2004 S106 Agreement.
- 6.1.2 The Applicant's proposed terms also anticipate a number of other obligations in mitigation of the development, provided these comply with the relevant pooling restrictions within the CIL Regulations and that any associated sums are fully set out and justified by the Council.
- 6.1.3 Appendix 5 contains the proposed Heads of Terms.

7.0 Conclusion

7.1.1 This application has been drawn up after substantial discussion with stakeholders, Members and officers of the local authority. There is a degree of conflict between the main competing policy priorities for the site, not least because some of the policy requirements pre-date the listing of the Workhouse. Nevertheless, the Applicant has had due regard to all of them and the development as a whole. The priorities are:

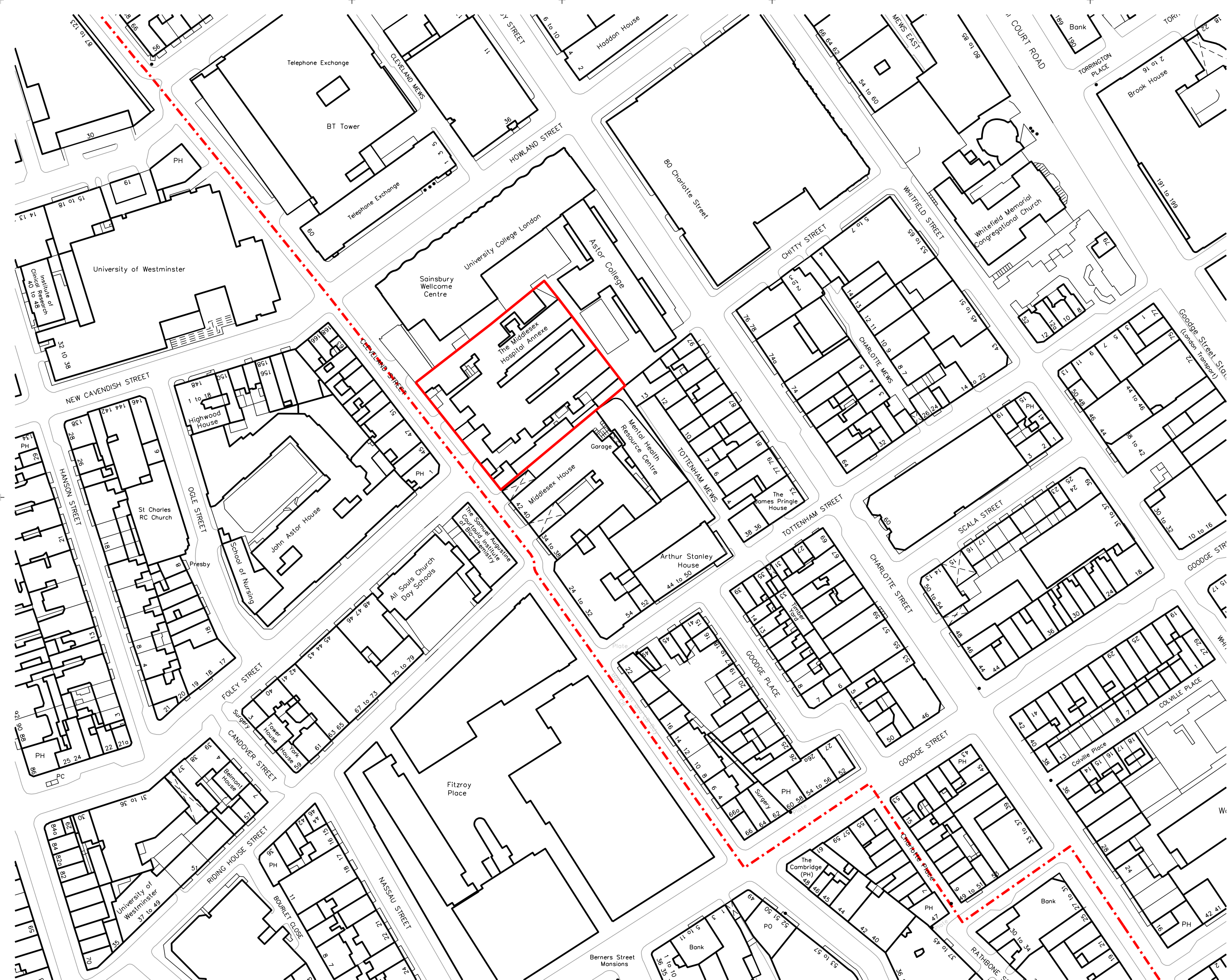
- 1) The need to ensure the longevity of the listed building on the site and an appropriate approach to its alteration and setting as a Heritage Asset, being also a building on the Buildings at Risk Register,
- 2) The need to deliver affordable housing while meeting an acute demand for commercial floorspace and
- 3) The need to deliver public open space.

7.1.2 The Applicant has managed to design a scheme which delivers an appropriate balance between these competing priorities which are difficult to reconcile. The significant material considerations in favour of the application proposal are that:

- *It will secure the longevity of a Heritage Asset that is on the Buildings at Risk Register, through appropriate alteration and enhancement of its setting, along with the enhancement of the wider Heritage Asset (the conservation area);*
- *It will deliver significant affordable housing, well over the Council's policy target. This includes doctors and nurses and social rented housing. No social rented housing was completed in the borough last year and it has all but diminished with the Borough and more widely, London;*
- *It will deliver commercial uses entirely in accordance with the Development Plan and meeting an acute demand for such uses in this location;*
- *It is based on the Council's adopted masterplanning principles and accords with its related policies within the Fitzrovia Area Action Plan, and*
- *It will deliver a new high quality public route through the site and a significant proportion of public open space.*

7.1.3 The proposal is considered to fully accord with policies of the NPPF, the Development Plan which promotes the continued use and development of the site and the relevant policies of the Council's draft LDP. The benefits of the scheme are considered to weigh overwhelmingly in favour of it and we therefore ask that planning permission and listed building consent are granted.

Appendix 1 –Site Location Plan

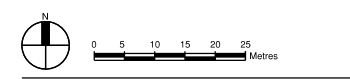


Notes

- All dimensions to be checked on site.
- Do not scale from this drawing
- All dimensions are shown in mm unless otherwise stated
- Refer to drawing Issue sheet for purpose of Issue
- If in doubt ask
- This drawing is Copyright © Llewelyn Davies

Key Plan

- London Borough of Camden Boundary
- UCLHC Boundary



No.	Description	Date	By
Revisions			

Structural Consultant: _____ Services Consultant: _____

Project Manager: _____ Cost Consultant: _____

Project Title: _____

Middlesex Annexe Hospital

Client: _____

University College of London Hospitals Charity (UCLHC)

Drawing Title: _____
Site Location Plan

Job number: LD15 078.00 Drawing number: MA_SP_01 Revision: -

Scale @ A3: 1:1250 Drawn: _____

Date: 15-10-23

Architects
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 T +44(0)20 7507 7900 1 E london@ldavies.com
 www.ldavies.com

Appendix 2- Notice of Statutory Listing and Certificate of Immunity Against Listing

List Entry Summary

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

Name:

FORMER STRAND UNION WORKHOUSE (MIDDLESEX HOSPITAL ANNEX)

List Entry Number: 1242917

Location

FORMER STRAND UNION WORKHOUSE (MIDDLESEX HOSPITAL ANNEX), 44,
CLEVELAND STREET

The building may lie within the boundary of more than one authority.

County: Greater London Authority

District: Camden

District Type: London Borough

Parish:

National Park: Not applicable to this List entry.

Grade: II

Date first listed: 14-Mar-2011

Date of most recent amendment: Not applicable to this List entry.

Legacy System Information

The contents of this record have been generated from a legacy data system.

Legacy System: LBS

UID: 510966

Asset Groupings

This List entry does not comprise part of an Asset Grouping. Asset Groupings are not part of the official record but are added later for information.

List Entry Description

Summary of Building

Legacy Record - This information may be included in the List Entry Details.

Reasons for Designation

The former Strand Union Workhouse is recommended for designation for the following principal reasons:

* Historic interest: for associations with renowned figures in mid-C19 workhouse reform, most notably Dr Joseph Rogers, whose direct experience here as Chief Medical Officer launched him into the vanguard of the movement to reform Poor Law healthcare provision, a significant step towards the socialisation of medical care in Britain. It may also have provided inspiration for workhouses portrayed by Dickens in 'Oliver Twist' and later works * Rarity: as a survival of an C18 London parish workhouse, one of only three to remain * Architectural interest: while much altered internally, it remains clearly legible as a late-C18 Poor Law institution, whose austere yet imposing exterior eloquently announces its original purpose.

History

Legacy Record - This information may be included in the List Entry Details.

Details

798-1/0/10402 CLEVELAND STREET 14-MAR-11 44 Former Strand Union Workhouse (Middles ex Hospital Annex)

II Former workhouse. Built after 1775 and in use by 1788 as the workhouse of the parish of St Paul, Covent Garden. Architect probably Edward Palmer. Converted into an infirmary c1870-75. Altered 1924.

The building's special interest ends at the line of the rear wall of the C18 workhouse. The later ward blocks attached to the rear, and the separate ranges to the N and S, are not of special interest.

MATERIALS: Yellow-brown stock brick laid in Flemish bond; sparse stone dressings; slate roof.

EXTERIOR: Four storeys high. Symmetrical facade of 3 bays flanked by projecting 2-bay side wings. The central part has later narrower windows inserted to either side, except at third floor. Moulded stone string-course between first and second floors wrapping around the side of the wings and continuing as a plain brick string-course. The central entrance has modern extended porch (not of special interest). Each of the inner faces of the wings has an oculus at first floor. The roof (replaced in the C20) is concealed behind the parapet. Some window openings are altered on the side and rear elevations. Most windows are replaced, but some original 6-over-6 pane sashes remain on the N and rear elevations. The rear elevation has a brick string-course between the first and second floors.

INTERIOR: Internal plan much altered, and only vestiges survive, including the N stair compartment (the stair itself is later). A pair of arched niches flanking a chimneybreast in the ground floor may be original features. Basement not fully inspected, but is believed to retain brick vaults.

HISTORY: The Covent Garden Workhouse (as it was originally known) was built by the parish of St Paul, Covent Garden, under the St Paul Covent Garden Act (1775) replacing a building in Denmark Court (Exeter Street). The site was acquired on a lease from the Bedford Estate. The architect was probably Edward Palmer, surveyor and steward to the Duke of Bedford, who prepared earlier plans for a smaller workhouse on the site. It was finished in or before 1778, when the parish charity school had been established there. The Act stipulated that an additional burial ground be provided on the site, which was consecrated in 1788. In 1802 and 1819 tenders were obtained for building an infectious ward and an infirmary respectively, each to the design of Thomas Hardwick (these no longer survive). In 1836 the building became the workhouse for the Strand Poor Law Union, formed on 25 March 1835 under the Poor Law Amendment Act (1834) or New Poor Law which superseded the Poor Law of 1601. The Union comprised the parishes of St Paul, Covent Garden; St Mary-le-Strand; Precinct of the Savoy; St Clement Danes and the Liberty of the Rolls, joined by St Anne, Soho (1837) and St Martin-in-the-Fields (1868). The only other surviving workhouse from these parishes is that of St Anne Soho in Rose Street, now No 14 Manette Street.

The workhouse originally comprised the frontage block as seen today, with longer wings to the rear containing segregated male and female wards. At its full extent, the site comprised a pair of small receiving wards flanking the entrance gate, a chapel, further wards to the N and E; workshop ranges to the S and a wash house and laundry in the NE corner. A C19 account describes a stone relief above the entrance inscribed with the motto: 'Avoid Idleness and Intemperance'. Burials on the site had apparently ceased by the late 1850s when the laundry was built. The body of the 'Italian boy', murdered in 1831 by body snatchers Bishop and Williams or the 'London Burkers' and sold for dissection, was disinterred from among the hundreds of skeletons lying there; the case had caused a scandal and was instrumental in the passing of the Anatomy Act (1832). The Strand Union moved c1870 to a new workhouse at Edmonton, and the building was extended and converted as the infirmary for the Central London Sick Asylums District, retaining only the C18 frontage block.

Conditions at the Strand Union Workhouse were notoriously bad, and it featured prominently in the mid-C19 movement to reform the workhouse system. In 1853, the philanthropist Louisa Twining (1820-1912) visited an elderly nurse there, which prompted her influential campaign to improve workhouse conditions. In 1856, Dr Joseph Rogers (1821-1889), physician and renowned campaigner for the reform of the treatment of the sick poor, was appointed Medical Officer to the Strand Union. The dreadful conditions he encountered there - overcrowded, insanitary, with little separate provision for the sick who, like in many urban workhouses, constituted the vast majority of inmates - were to launch him on his lifelong mission as a healthcare reformer. He managed to secure some improvements, including the addition of a dispensary and separate laundry, in the face of the hostility of the Strand Guardians, who eventually dismissed him in 1868. He became Medical Officer to the Westminster Union in 1872. Rogers helped found the Association for the Improvement of London Workhouse Infirmaries (1866) and became president of the Poor Law Medical Officers' Association. In 1865 the Strand Union was named and shamed in a series of damning articles on metropolitan workhouse infirmaries published in 'The Lancet', which lauded Rogers' valiant efforts. The Strand, it stated, was 'remarkable, even among the London

houses, as an illustration of the ideas according to which the accommodations of in-door paupers were originally planned'. An official inquiry of 1866 recommended the closure of several workhouses, including the Strand. Rogers was the key figure behind the Metropolitan Poor Act (1867); his campaigning also led to the provision of similar schemes in other cities. He had also helped campaign for the abolition of the window tax (1851). His obituary in *The British Medical Journal* (13 April 1889) read 'see the comparatively comfortable and well appointed workhouse infirmaries, and think of the reeking dens they were. Compare them thirty - nay twenty - years ago and now, and confess that if Howard was the Hercules of prison reform, as truly was Rogers the Hercules of workhouse reform'. An English Heritage blue plaque commemorates his residence at 33 Dean Street, Soho. Rogers' memoirs: *Reminiscences of a Workhouse Medical Officer*, were published in 1889.

A third prominent figure with historical associations here was Charles Dickens, who lived very close to the Covent Garden Workhouse at No 10 Norfolk Street, now 22 Cleveland Street, c1815-17 as a child and for a period of at least two years from 1829. Dickens corresponded with Joseph Rogers in 1866, expressing his wonder that 'the poor should not creep in corners to die, rather than fester and rot in such infamous places'. Dickens' satirical short story 'A Walk in a Workhouse' (1850) describes a perambulation through a large metropolitan workhouse in 'the parish of St So-and-So', elaborating scenes of wretchedness in this 'little world of poverty enclosed within the workhouse walls'. What can be said with some certainty is that the former Strand workhouse is the sole survivor of the C18 institutions that were still operating in London when Dickens was writing, and which were targeted for reform in the 1860s.

SOURCES: Rogers, Dr J, *Reminiscences of a Workhouse Medical Officer* (1889) Survey of London: volume 36: Covent Garden (1970), 60-61 Richardson, R and Hurwitz, B, Joseph Rogers and the Reform of Workhouse Medicine, *British Medical Journal*, 16 December 1989. Richardson, R, Points of Entry: Middlesex Hospital Outpatients' Wing/The Strand Union Workhouse, *History Today*, Vol 43, September 1993, 62-63. English Heritage, *The Workhouse* (1999) Website - www.workhouses.org.uk REASONS FOR DESIGNATION: The former Strand Union Workhouse is listed for the following principal reasons:

* Historic interest: for associations with renowned figures in mid-C19 workhouse reform, most notably Dr Joseph Rogers, whose direct experience here as Chief Medical Officer launched him into the vanguard of the movement to reform Poor Law healthcare provision, a significant step towards the socialisation of medical care in Britain. It may also have provided inspiration for workhouses portrayed by Dickens in 'Oliver Twist' and later works * Rarity: as a survival of an C18 London parish workhouse, one of only three to remain * Architectural interest: while much altered internally, it remains clearly legible as a late-C18 Poor Law institution, whose austere yet imposing exterior eloquently announces its original purpose.

Selected Sources

Legacy Record - This information may be included in the List Entry Details

Map

National Grid Reference: TQ 29263 81800

The below map is for quick reference purposes only and may not be to scale. For a copy of the full scale map, please see the attached PDF - [1242917.pdf](#) - Please be aware that it may take a few minutes for the download to complete.



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This copy shows the entry on 02-Jul-2015 at 11:46:07.



Historic England

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Enterprise Director
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Charity
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250 Euston Road
London
NW1 2PG

Our Ref: 1434178
Direct Line: 0207 973 3117
EMail:
Philip.Seely@HistoricEngland.org.uk

10 June 2016

Dear Mr Burroughs,

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
(the 1990 Act) BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC
INTEREST**

**Former Middlesex Hospital Annexe (buildings to north, south and rear of the former
Strand Union Workhouse), Cleveland Street, London W1**

As you will know from our earlier letters and from the visit made by our Designation Adviser, we have been considering whether the above building should be added to the List of Buildings of Special Architectural or Historic Interest, as a result of an application to issue a Certificate of Immunity (COI) for it.

We have now taken into account all the representations made and completed our assessment of the building. Having considered our recommendation, the Secretary of State for Culture, Media and Sport has decided not to add the former Middlesex Hospital Annexe (buildings to north, south and rear of the former Strand Union Workhouse), Cleveland Street, London W1 to the List.

Accordingly we can confirm that the Secretary of State hereby certifies that he does not intend to list the building.

Please follow the link below to download a copy of our advice report, prepared for the Department for Culture, Media and Sport (DCMS), which gives the principal reasons for this decision.

<http://services.historicengland.org.uk/webfiles/GetFiles.aspx?av=A676CF82-2742-4D50-8163-53CA1056DD2B&cn=167EE8FA-7B88-4AF8-9873-56FD206ECCB2>

Under section 6(2) of the 1990 Act, the effect of this certificate is to preclude the Secretary of State from listing Former Middlesex Hospital Annexe (buildings to north, south and rear of the former Strand Union Workhouse) for a period of five years from the date of issue (being



the date of this letter), and to preclude the local planning authority from serving a Building Preservation Notice (BPN) on the building during that period.

Please do not hesitate to contact me if I can be of any further assistance. More information can also be found on our website at www.historicengland.org.uk.

Yours sincerely,

P.F.E Seely

Philip Seely
Listing Co-ordinator - South

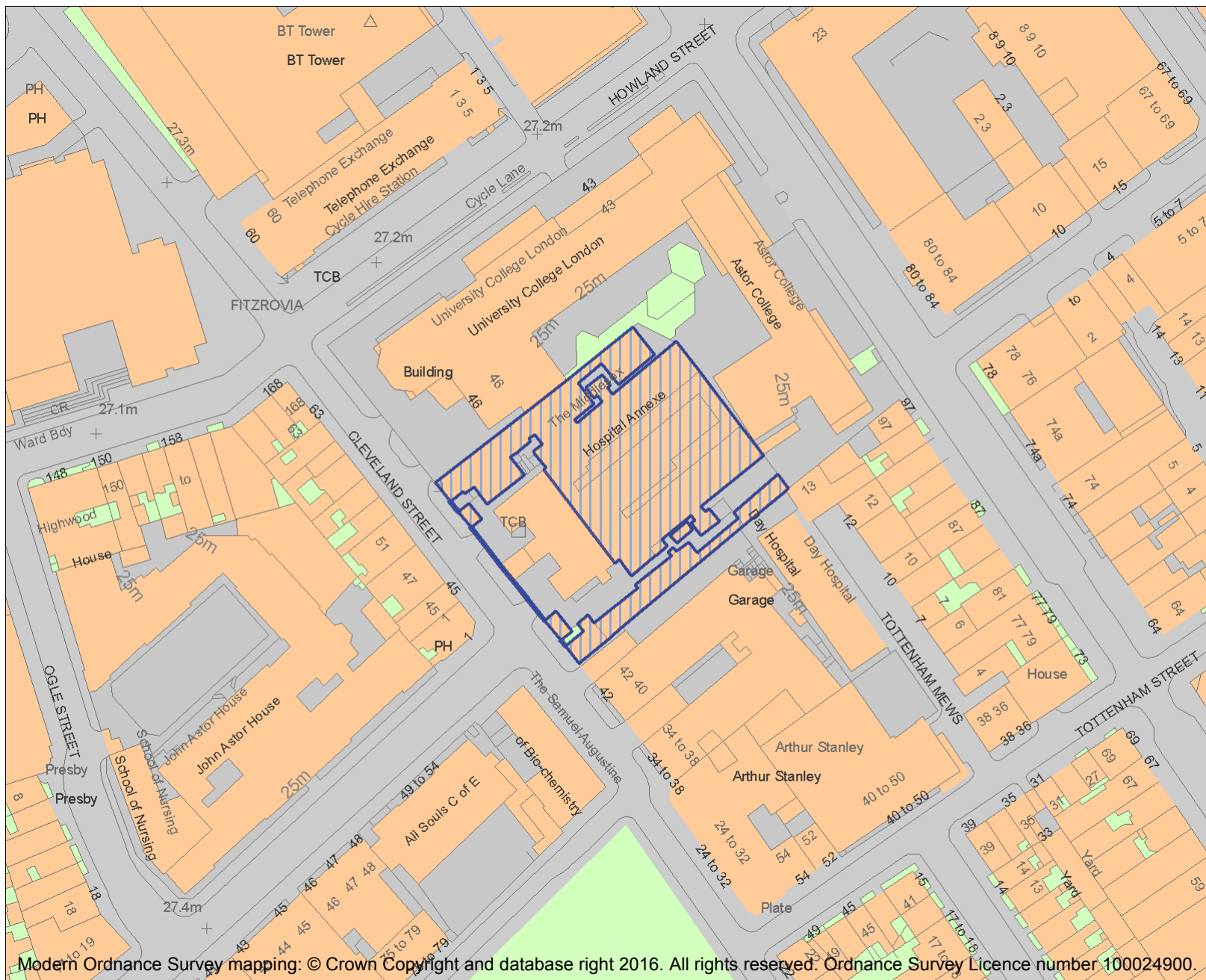
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Heritage Category: Listing

County: Greater London Authority
 District: Camden
 Parish: Non Civil Parish

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This map was delivered electronically and when printed may not be to scale and may be subject to distortions.

Grid Reference: TQ2927581819
Map Scale: 1:1250
Print Date: 12 May 2016

Number: 1434601_1

Name: Former Middlesex Hospital Annexe (buildings to north, south and rear of the former Strand Union Workhouse)

This is an A4 sized map and should be printed full size at A4 with no page scaling set.



Appendix 3- Arthur Stanley House Appeal Decision



Appeal Decision

Hearing held on 13 September 2016
Site visit carried out on the same day

by Jennifer A Vyse DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 October 2016

Appeal Ref: APP/X5210/W/15/3141159

Arthur Stanley House, Tottenham Street, Camden, London W1T 4RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Burroughs of University College London Hospitals Charity Trust against the decision of the Council of the London Borough of Camden.
 - The application, No 2015/0391/P, dated 22 January 2015, was refused by a notice dated 2 July 2015.
 - The development proposed is described on the planning application form as refurbishment and extension to enable a change of use from healthcare (Class D1) to a mixed use development comprising 1,976.48 square metres of residential (class C3) and 5,487 square metres of office floor space (Class B1) including a new build to the rear.
-

Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for refurbishment of the existing eight storey building and the erection of a new build element to the rear (facing Tottenham Mews) to enable a change of use from health care (Class D1) to a mixed use development comprising office floorspace (Class B1), flexible office (Class B1)/health care (Class D1) floorspace at ground floor and/or basement levels and 12 residential units (Class C3) (market units: 1 x 1 bed; 8 x 2 bed; 1 x 3 bed) (affordable units: 2 x 3 bed) and associated landscaping fronting Tottenham Mews, at Arthur Stanley House, Tottenham Street, Camden, London, in accordance with the terms of the application, No 2015/0391/P, dated 22 January 2015, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application was amended prior to its determination by the Council. The office floor space provision was reduced to some 5,075 square metres, with a reduction also in the residential floorspace proposed to around 1,853 square metres. The scheme was also revised to allow for building to Lifetime homes standards and for a flexible B1/D1 use at ground floor level to allow for a potential GP surgery use.
 3. At the Hearing, I was also requested to consider a further amendment to allow for flexible B1/D1 use at basement levels as well as the ground floor (listed as Doc 3 below). This is a very minor revision to the scheme and makes no material difference to the nature or scale of the development proposed, or the external appearance. I am satisfied that accommodating the proposed amendment would not prejudice the interests of other parties and have
-

determined the appeal on that basis. That revised description of development is incorporated into the formal decision set out above.

4. Although the application was recommended for approval, Members voted to refuse it. Of the eleven reasons for refusal set out on the Decision Notice, eight referred to the absence of a legal agreement in relation to various matters. Two others referred to the absence of a Travel Plan and the absence of a local employment/apprenticeships agreement and associated training and employment contribution. However, a draft planning obligation, in the form of a deed of agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) was submitted with the appeal to address those matters. As a consequence, those reasons for refusal were not pursued by the Council. Following the related discussion at the Hearing, minor revisions to the document were agreed and, with the consent of the parties, a signed version of the amended agreement was submitted after the event (Doc 13). The obligations secured are a material consideration in this case and are dealt with in more detail later in this Decision.

Main Issue

5. In light of the Council's position as set out above, the main issue in this case relates to whether the appeal scheme makes an appropriate contribution to the supply of new homes in the borough, having regard to the requirements of the development plan and other material considerations.

Proposal

6. Arthur Stanley House occupies a corner plot at the junction of Tottenham Mews with Tottenham Street, opposite Goodge Place, within an area of London known as Fitzrovia. It comprises an eight storey brick-faced 1960s building of little architectural merit that has been vacant for approximately 10 years. It is proposed to refurbish and redevelop the main building for use as offices and potentially a GP surgery, together with residential accommodation. A tall chimney, some ten storeys in height, together with a boiler house and temporary buildings to the rear of the main building have been demolished. Two new build elements are proposed within the space thus created: a four storey element over the existing basement fronting Tottenham Mews would provide additional residential units, with a further new five storey element above basement level behind that, providing additional office accommodation.
7. A total of 71 cycle parking spaces for the proposed office accommodation are shown, with a further 26 spaces for the residential units. No on site car-parking would be provided, the development being secured as a car-free scheme via the S106 Agreement.

Reasons for the Decision

8. The development plan for the area includes the London Plan (The Spatial Development Strategy for London Consolidated with Alterations since 2011), the Camden Core Strategy (November 2010), the Camden Development Policies (November 2010) and the Fitzrovia Area Action Plan (March 2014). The appeal site lies within the Central Activities Zone (CAZ) as defined by the London Plan and is also within what is referred to as the Central London area, as defined by the Core Strategy. (Policies in this Decision prefaced with 'DP'

are Camden Development Policies and those prefaced with 'CS' are Camden Core Strategy policies.)

9. Policy DP15 sets out that the Council will seek to protect existing community facilities by resisting their loss unless:
 - a replacement facility that meets the needs of the local population has been provided; or,
 - the specific community facility is no longer required in its current use. Where that is the case, evidence is required to show that the loss would not create or add to the shortfall in provision for that specific community use and demonstrate that there is no demand for any other suitable community use on the site. Where this is successfully demonstrated, the preferred new use is affordable housing.

The Council is of the view that the first of the two alternatives is relevant in this instance and that there is no conflict with the policy. The Charlotte Street Association and the Fitzrovia Neighbourhood Association (local Associations) argued that the second criterion applies and that there is consequent conflict with the policy.

10. As set out in the officer's report, all the services previously provided at Arthur Stanley House, including orthopaedics, rheumatology, hydrotherapy pool and surgical administration were relocated in their entirety to the new University College Hospital on Euston Road in 2005/2006. Accordingly, notwithstanding that the building is currently vacant, this is not a case where the specific community services that were provided in the building are no longer required (ie the circumstances of the second of the criteria). Rather, the services continue to be required but have relocated to replacement premises nearby. I agree with the Council therefore, that it is the first of the two alternative criteria that is engaged here. Accordingly, I find no policy requirement for the appeal scheme to comprise affordable housing in its entirety and there is no policy conflict in this regard.
11. It is perhaps worth noting at this point that, in answer to my questions at the start of the Hearing, the Council confirmed, notwithstanding reference in the related reason for refusal, that policy CS10 (supporting community facilities and services) is not relevant in relation to the appeal scheme. It was also confirmed that there was no conflict with policy DP3 (affordable housing provision) a matter I deal with later on in this Decision.
12. Policy DP1 requires that, where more than 200 square metres (gross) additional floorspace is to be provided in the Central London area, up to 50% of that additional floorspace is to be housing. The Council confirmed that additional floorspace is that created through extensions or new build. My attention was drawn, in this regard, to the Council's Planning Guidance (CPG2¹) which confirms, at paragraph 2.27, that the policy requirements of DP1 are not triggered by increases in net non-residential floorspace that take place wholly within the existing building envelope. Accordingly, as set out in the committee report, the 50% requirement only applies to the new build element of the appeal scheme, not the building as a whole as asserted by the local

¹ Camden Planning Guidance 2: Housing May 2016 (Supplementary Planning Document)

associations. The committee report confirms that the development proposed not only meets, but would exceed the expectations of policy DP1 in terms of residential floorspace.

13. Policy DP2 seeks to maximise the supply of additional homes in the Borough by, among other things, expecting the maximum appropriate contribution to the supply of housing on sites that are vacant, taking into account other uses that are needed on the site and resisting alternative development of sites considered particularly suitable for housing. Paragraph 2.12 of the justificatory text to the policy confirms that, in seeking to maximise the proportion of the site used for housing, the Council will, among other things, take account of policy DP1 and whether a mixed use scheme would be appropriate; the need for other uses in the area, particularly in the Central London area; and whether the supply of additional housing falls short of the overall target of 595 additional homes per annum and the target of 437 additional self-contained homes per annum.
14. In terms of the mix of uses proposed, I have already found that there would be no conflict with policy DP1, with the quantum of housing proposed exceeding the policy requirement.
15. With regard to other uses, the CAZ is an area covering the City of London and parts of neighbouring boroughs and is identified in The London Plan as a unique area containing a cluster of nationally and internationally important activities, including the largest concentration of London's financial and business services. Policy 4.3Aa) of the London Plan confirms that increases in office floorspace in the CAZ should provide for a mix of uses, including housing, although no definition was drawn to my attention as to what a 'mix' might comprise in terms of, for example, floorspace proportions on any particular site. The development proposed comprises approximately 26% residential floorspace, with the remainder being for office use and, potentially, around 600 square metres for a GP surgery. Although concern was expressed at the Hearing that the split proposed does not equate to a mixed use development, no substantiated evidence or policy support was before me to endorse that stance. It is clear that a mix of uses is proposed, as opposed to a single use of the site. On that basis, I am satisfied that the development proposed would accord with policy 4.3Aa).
16. As to the 'need' for other uses, the Council's Employment Land Study 2014 (Doc 12) forecasts borough-wide demand for almost 700,000 square metres of new office floorspace between 2014 -2031. I am mindful, in this regard, that almost 46,000 square metres of office floorspace has been lost to residential use within the borough between April 2011- March 2014, through the grant of planning permissions, and note that a further 55,000 square metres would be lost were all the prior approvals that have been granted to be implemented. An independent review of the Fitzrovia office market by the CBRE (December 2015) confirms that demand for office space in the area has recently strengthened, with take-up in 2015 surpassing 2007 levels, making it the most active year since 2000. The CBRE also identifies a chronic level of undersupply of office floorspace within Fitzrovia, advising that historically low levels of completions in the area have severely restricted supply. There is evidence therefore, of a current imbalance between demand and supply in office space. In the absence of any substantiated evidence to the contrary, it seems to me

that there is a demonstrable demand for office space within the Central London area, which is also part of the CAZ.

17. In relation to the Council's housing figures, I am advised that the annual target for Camden has been increased by around one third. Whilst the emerging Local Plan seeks to further increase housing targets, that Plan is still at an early stage, with consultation on the 2016 Submission Draft having only been completed in April. The figures therein have not yet been tested at Examination and can therefore attract only limited weight.
18. The Council's statement confirms that sufficient identified sites are in place to exceed the identified housing targets over the next five years.² I note that the sites identified in its 2013/2014 Annual Monitoring Report, produced in 2015, include delivery of 16 homes on the appeal site in 2016/2017.³ In answer to my questions, the Council confirmed that the figure for Arthur Stanley House has remained at 16, even after adoption of the Area Action Plan. It seems to me that the delivery of 12 units on the appeal site is not wholly at odds with that estimate. It is also anticipated that the homes would be delivered within the next five years, which would accord with the expectations of the Monitoring Report. In addition, I am mindful that the delivery of even 16 units on the site would still allow for a considerable amount of floorspace on the site in an alternative use.
19. The Fitzrovia Area Action Plan was adopted in March 2014 and thus is of more recent date than the Core Strategy and the Development Policies. It identifies a range of principles, potential development sites (opportunity sites) and opportunities to provide open space and public realm improvements. Subject to complying with the principles in the Plan and relevant development plan policies, it sets out that the 14 opportunity sites could, potentially, provide over 200 self-contained homes and around 10,000 square metres of new office floorspace in the period to 2025.
20. The key land use development principles for the appeal site⁴ state that, if the established medical/healthcare uses are not required, the Council expects permanent self-contained homes to be provided, including an appropriate contribution towards affordable housing. It also states that commercial uses to reflect the character of the area may be suitable at ground floor level, with windows and entrances facing Tottenham Street.
21. As set out above, the medical/healthcare uses that were previously accommodated on the appeal site have been relocated in their entirety to an alternative location and there is no suggestion that the building is still required for such purposes. Moreover, were I to find the overall housing provision made by the appeal scheme to be appropriate, the Statement of Common Ground confirms that the 370 square metres of affordable housing proposed, which would be provided as two x 3 bed social rented homes, which are secured through a planning obligation, would accord with the provisions of policies CS6 and DP3. I have no reason to come to a different view on this, on the basis of the reasoning set out in the officer's committee report. That leaves the matter of whether the mix of uses proposed would conflict with the Area Action Plan.

² Paragraph 5.39

³ Table 8 of the Monitoring Report

⁴ Page 117 of the Area Action Plan

22. The Council's statement confirms that of the six opportunity sites identified in the Area Action Plan expected to deliver housing over the short to medium term, three either have, or are about to, deliver 64 homes.⁵ Of the other three, one of which is the appeal site, whilst no proposal is currently being brought forward for site 2 (Middlesex Hospital Annex) or site 13 (Network Building) I see that the Council's Monitoring Report anticipates some 58 homes on site 2 within the next five years. The Council's statement also confirms that some windfall sites are coming forward for housing, including 11 homes as part of a mixed use scheme nearby at 73/75 Charlotte Street. Together with the 12 homes proposed on the appeal site, these sites might, therefore, be expected to provide some 145 homes. Although there is no indication as to the potential/likely housing capacity of site 13, I am not persuaded, on the evidence before me, that the appeal scheme would, necessarily, fatally undermine the ambition of the Area Action Plan to provide around 200 additional homes by 2025.
23. I also note that the four opportunity sites that are included in the five year supply of housing sites, as identified in the Monitoring Report,⁶ which include the appeal site, are anticipated as providing in the region of 102 homes over the next five years, reducing to 98 if only 12 homes were provided on the appeal site instead of the 16 identified in the Report. That would require the other opportunity sites, plus windfall sites, to provide some 102 or more homes by 2025 to meet the Area Action Plan target. As set out below, all but one of the opportunity sites are potentially able to contribute to the development of additional self-contained homes. Again, there was nothing substantive before me in this regard to demonstrate that the Area Action Plan target would be materially undermined were the appeal scheme to go ahead.
24. The explanatory text to Principle 1 of the Area Action Plan (page 31) clearly states that, whilst thirteen of the opportunity sites are potentially able to contribute to the development of additional self-contained homes, these sites are not allocated exclusively for housing given the mixed-use character of the area. At the Hearing, two alternative ways of reading that last section were discussed: it could be read as meaning that no individual opportunity site is allocated exclusively for housing or, alternatively, it could be taken as meaning that the opportunity sites are not allocated in their entirety for housing with some, for example, identified for mixed uses, others for student housing, or just medical or business use etc.
25. In answer to my questions on this at the Hearing, my attention was directed to the Report of the Inspector who examined the Area Action Plan. The Report sets out (at paragraph 57) that although a mixed use scheme was being promoted on the Arthur Stanley House site, housing was the preferred land use, in line with the Core Strategy, with the text of the Plan being revised accordingly.⁷ In addition, however, the Inspector also specifically added further policies to the list of LDF policies directly relevant to the appeal site. Of significance in relation to the development proposed, she *added* policy DP1 which, as set out above, only requires up to 50% of any additional floorspace

⁵ Site 14 (61-63 Tottenham Court Road and 1-7 and 11-13 Goodge Street) and Sites 11 and 12 (80 Charlotte Street/Asta House)

⁶ Site 2 (Middlesex Hospital Annex Cleveland Street – 58 homes), Site 3 (Arthur Stanley House – 16 homes), Site 10 (6-17 Tottenham Court Road) and others (20 homes) and Site 14 (61-63 Tottenham Court Road and 1-7 and 11-13 Goodge Street – 8 homes)

⁷ Major Modification 49

to be provided as housing, a policy with which I have found no conflict. Also of significance, policy DP2 (which, among other things, seeks to resist alternative development of sites considered particularly suitable for housing) is not listed as a relevant policy in relation to this site. Indeed, I see from the Report of the Examining Inspector, that she specifically added reference to policy DP1 to the list of relevant policies in relation to six other of the opportunity sites, with the result that all but one site⁸ in the adopted version of the Area Action Plan include DP1 as a relevant LDF policy. None includes reference to policy DP2. It is also of note that the Council's appeal statement confirms, at paragraph 5.44, that no objection is raised to the principle of providing an element of office use as part of a mixed use scheme on the site. That position was confirmed at the Hearing. On balance, these considerations lead me towards the first interpretation of the wording, the position preferred by the appellant.

26. I fully recognise that the Council (on appeal) local Associations and local residents feel that the Area Action Plan is not ambiguous about what was referred to as the intended residential use for the appeal site. I am mindful, however, of the *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13 judgement. Among other things, it states that:

"... policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context." (paragraph 18)

"In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse. Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean." (paragraph 19)

27. The Area Action Plan is one of a number of documents that comprise the development plan for the area. In providing only some 26% of the total floorspace as residential, it might, on first reading, appear that the appeal scheme does not accord with the key land use principles for the site as set out on page 117 of the Area Action Plan. On balance, however, I am persuaded that there is no conflict with the development plan when it is read as a whole, having regard to the considerations set out above and with the policies placed into context. On that basis, I find the mix of uses proposed to be acceptable in policy terms.
28. Even had I found to the contrary, I must have regard to all material planning considerations. As set out above, whilst housing is regarded as the priority land use in Camden, the justificatory text to policy CS6 (paragraph 6.18) confirms that the priority given to housing will not override, but will be considered alongside matters including the need, among other things, to promote Central London as a national and international focus of business. I am mindful, in this regard, of very recent supplementary planning guidance published in 2016 by the Mayor of London for the CAZ (Doc 6) which post-dates the Area Action Plan. Among other things, it confirms that the Central London office market has distinct needs which should be sustained to ensure that there is sufficient capacity to meet identified demands. It advises that the requirement to accommodate residential development within the CAZ should be

⁸ Site 1 (Astor College, 99 Charlotte Street)

managed sensitively to ensure that new development does not strategically constrain the overall provision of office floorspace.

29. It was confirmed at the Hearing that no objection is raised to the potential inclusion of a GP surgery at ground and basement levels. It was also accepted by the Council, and those who took part in the Hearing, including local Associations, that some office use would be acceptable on the site. The particular concern appeared to be that only around 26% of the total floorspace would be used for residential purposes. As set out above, a significant demand for office space in the Fitzrovia area has been demonstrated. Whilst the local Associations took issue with the figures provided, no substantiated evidence was before me to undermine the case of the appellant in this regard. Moreover, the Council took no issue with the appellant's evidence on the demand for office floorspace. The recent supplementary planning guidance is a material consideration in this case. When considered alongside the justificatory text to policy CS6 I am satisfied that, even were I to have found that the development proposed did not accord with the intentions of the Area Action Plan for the appeal site, the current demand for office accommodation in the area would indicate a decision other than in accordance with the Plan.
30. All in all, for the reasons set out above, I am satisfied, on balance, that the appeal scheme makes an appropriate contribution to the supply of new homes in the borough, having regard to the requirements of the development plan and other material considerations.

Other Matters

31. The appeal site is located within the Charlotte Street Conservation Area, within the wider area of Fitzrovia, which was developed speculatively as a primarily residential area between around 1750-1770, close to the West End. The Conservation Area contains a significant residential population as well as a variety of mixed commercial uses and the Middlesex Hospital campus. It is characterised by a densely developed grid pattern of narrow streets, mews and alleys flanked by four and five storey terraces located adjacent or close to the pavement, creating a strong sense of enclosure. It includes Georgian, Regency and Victorian buildings which sit cheek by jowl with C20 terraces and buildings which tend to be of a larger scale. The Conservation Area Appraisal and Management Plan (July 2008) notes that, in its current state, Arthur Stanley House is a detractor in terms of the character and appearance of the Conservation Area and the setting of nearby listed buildings, encouraging its redevelopment.
32. It is proposed that the existing concrete 'pergola' structure on the 7th floor would be removed, with the main south and east elevations of the building to be stripped back to the concrete frame and then remodelled and refaced in brick, but with vertically proportioned windows that better reflect the character of the area. The windows are shown as being paired, with a recessed slot on every alternate pilaster to provide a vertical rhythm, which detailing would terminate at the penultimate storey in order to provide some hierarchy on the main elevations. In order to provide more architectural texture to the main elevation, the windows would also be set back within deeper reveals than is currently the case, with inset balconies on the Mews corner.
33. The infill extension proposed, which would front onto Tottenham Mews, would be set back to relieve the current 'bottleneck' at the Mews entrance off

Tottenham Street. That would improve visual links and permeability through to the proposed Bedford Passage, in accordance with the Area Action Plan. The infill block is designed to be read as three mews properties, again finished in brick. The office extension to the rear of that would be of five storeys and would not be visible from the public realm.

34. I agree with the Council that the proposed changes would represent a significant improvement over the existing situation and would help to 'settle' the building into its context of lower height and finer grain development. I am satisfied, therefore, that the scheme would enhance the character and appearance of the Conservation Area.
35. The appeal site also lies in close proximity to a number of listed buildings. The iconic grade II* BT (formerly Post Office) Tower lies near to the appeal site. Given its height, it can be seen, and thus is experienced, from much of central London, including from the appeal site. No 39 Tottenham Street is a grade II listed Georgian end of terrace house with a ground floor 'shop' on the corner of Goodge Place opposite the appeal site. It retains much of its original main elevation and part of its London roof and has a C19 corner shopfront. The Georgian terraces on Goodge Place (Nos 19-26 and 8-14) also opposite the appeal site, are grade II listed. They retain generally intact facades, railings and ironwork and, together with 39 Tottenham Street, are representative of the original Georgian character of the area. Although very different, the special interest of these listed buildings derives, it seems to me, from their history, form and appearance and, in the case of the Georgian buildings, their relationship with their immediate plots and with the street. There is no evidence before me that leads me to suppose that the appeal site, as part of the setting of those listed buildings, makes any contribution to their heritage significance. There would be no harm in this regard, as a consequence of the development proposed.
36. The local Associations were concerned about open space provision. In part, those concerns related to the existing significant underprovision of public open space within Fitzrovia. However, it is not appropriate, in the terms of a planning application, to require that new developments redress that shortfall in provision. They do, however, need to mitigate any adverse impacts arising as a direct consequence of the development proposed. In this regard, where new development is likely to lead to increased use public open space, policies DP31 and CS15 require an appropriate contribution to the supply of public open space. Where on site provision is not practical, a contribution towards the provision of additional public open space in the vicinity may be made. Where no such suitable sites are available, the policies require improvements to existing open spaces in the area. The Council's Planning Guidance (CPG6⁹) makes similar provisions. The key development principles for the Arthur Stanley House site, as set out in the Area Action Plan, also indicate that development that increases the use of public open space should provide new public open space on site. Where that is not practical, it indicates that public open space should be provided in association with the Middlesex Hospital Annex/Bedford Passage, or on an identified site in the vicinity.
37. As noted in the officer's report to the planning committee, the intention of the Area Action Plan to create open space on site would only be possible if the

⁹ Camden Planning Guidance 6: Amenity (Supplementary Planning Document)

existing building was demolished and the site completely redeveloped. In this case, however, the building is being retained. The Council is content that it is more appropriate for a financial contribution to be secured towards off-site provision, which is allowed for by the relevant parts of the development plan and related guidance. This is dealt with in more detail in the following section.

38. There was also concern about future living conditions for occupiers of some of the residential accommodation proposed in terms of sunlight/daylight and outlook. These matters are addressed in the officer's report to the committee, which takes account of amendments to the scheme designed to overcome, where possible, earlier concerns in this regard. The Council is satisfied that an acceptable standard of accommodation would be provided. I have no reason to take a different view.

Planning Obligations

39. As set out above, a planning obligation has been submitted to address various of the Council's reasons for refusal.¹⁰ Consideration of planning obligations is to be undertaken in the light of the advice at paragraph 204 of the Framework and the statutory requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). These require that planning obligations may only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms; are directly related to the development; are fairly and reasonably related in scale and kind to it; and, since April 2015, must not comprise a pooled contribution where more than five such pooled contributions have already been collected. The obligation includes a provision that the obligations will only take effect should I determine that they comply with Community Infrastructure (CIL) Regulation 122.
40. All of the obligations were explored in detail at the Hearing informed, among other things, by a letter (and attachments) from the Council dated 9 September 2016¹¹.
41. Affordable Housing: The obligation secures two x 3 bed social rented homes within the development. The provision accords with the requirements of policies CS6 and DP3 and meets the relevant tests.
42. Car Free Development: the appeal site is in a sustainable location with excellent access to shops, services and public transport. As such, pursuant to Camden policies DP18 and CS11, the development is intended to be 'car free' and no on-site car parking is proposed. Accordingly, obligations are included to ensure that both future residents and office occupiers are not entitled (unless they have a disabled persons badge) to a residents' parking permit or business parking permit, or to buy a contract to park within any car park owned, controlled or licensed by the Council, and not to occupy or use (or permit the occupation or use of) the residential and business units at any time during which the occupier holds a residents/business parking permit. The requirement would mitigate harm arising from the development and the proposal would comply with the relevant development plan policies. I consider that these

¹⁰ Doc 13

¹¹ Doc 9

obligation requirements meet the relevant tests, with the wording used in the agreement taking account of relevant legal judgements on this matter.¹²

43. Carbon Offset: Policy 5.2 of the London Plan requires that development proposals should make the fullest contribution to minimising carbon dioxide emissions. It sets out various targets that should be met on site. Where it is demonstrated that the specific targets cannot be fully achieved on site, as is the case here, any shortfall may be provided off site, or through a 'cash in lieu' contribution to be ring fenced to secure delivery of carbon savings elsewhere. To that end, the obligation secures a contribution of £27,540. The Council confirmed that the funds would be invested in a carbon offset project linked to the Council's Sustainability Plan to 2020, 'Green Action for Change', which sets out a total of 77 specific actions. Carbon reduction projects are not on the Council's list of infrastructure projects funded by CIL. Whilst the Council could not confirm which of the specific actions would benefit from the contribution, I consider, nevertheless, that the contribution does meet the relevant tests, with the Council confirming that no carbon dioxide saving project would be funded by more than five contributions.
44. Construction Management Plan: Together, policies DP20 and DP26, and the Council's CPG6, seek to manage the impact of development in order to protect the amenities of Camden's residents and to manage the transport of goods and materials in a sustainable manner. Given the constrained nature of the site and the surrounding highway network, a construction management plan, setting out the measures to be adopted in undertaking works on the site, is necessary in order to minimise, so far as is possible, impact on, and disturbance to, the surrounding environment and highway network. I am satisfied that the arrangement secured meets the relevant tests.
45. Decentralised Energy: In order to help tackle climate change through the promotion of higher environmental standards, Camden policies CS13 and DP22, supported by the Council's Planning Guidance (CPG3)¹³ require, among other things, that developments test the feasibility of connection to local decentralised energy networks. The appeal site lies close to two such networks. The obligation secures a contribution of £80,967, calculated in accordance with the advice in CPG3, to be used towards a technical, commercial and/or financial study to develop the feasibility of network expansion, and/or heating and hot water infrastructure which would allow the development to connect to an extended network. It was also confirmed that no more than five contributions would be pooled together to fund the project. I am satisfied that the contribution secured meets the relevant tests.
46. Employment and Training: Policy CS1 seeks to manage the borough's growth to make sure that its opportunities and benefits are delivered and sustainable development is achieved, with policy CS5 providing more information on the approach to managing the impact of growth and development. In addition, policy CS8 seeks to ensure that the jobs and training opportunities needed to support Camden's growing population are provided. Those policies are supported by the Council's Planning Guidance (CPG8)¹⁴ which sets out that

¹² Westminster City Council v SSCLG and Acons [2013] EWHC 690(Admin) and R oao Khodari v Kensington and Chelsea RBC [2015] EWHC 4084

¹³ Camden Planning Guidance 3: Sustainability (July 2015)

¹⁴ Camden Planning Guidance 8: Planning obligations (July 2015)

there is an identified skills gap between Camden residents and local jobs on offer, with only 23% of the workforce in Camden being resident in the borough.

47. The obligation secures a contribution of £31,500 towards employment support initiatives to assist the Council in ensuring that local residents receive training in the skills that will enable them to access the jobs created both through the construction of the development proposed and the jobs created post-construction. The amount is calculated in accordance with the guidance in CPG8. It also provides that, working in conjunction with the Kings Cross Construction Training Centre, all reasonable endeavours will be used to ensure that no less than 20% of the work force will comprise local residents. On the basis that the provisions are supported by policy and guidance and that the jobs would be directly related to the appeal scheme, I am satisfied that the provisions meet the relevant tests.
48. Local Procurement: pursuant to the same policies and guidance referred to in the preceding paragraph, the obligation also ensures that a local procurement code is put in place in relation to the provision of goods and services for the development the subject of this appeal, both during and post construction. Again, on the basis that the arrangements relate directly to the development proposed and are supported by policy and guidance, I am satisfied that it meets the relevant tests.
49. Energy Efficiency and Renewable Energy Plan: In order to help tackle the effects of climate change, policy DP22 requires that new development incorporates sustainable design and construction measures. Pursuant to that policy, the obligation secures a long term management plan to reduce carbon energy emissions for the lifetime of the development, including a requirement to provide a mechanism for review and update. Sustainability Plan: Similarly, the obligation secures a long term management plan, including a post construction review, securing the incorporation of sustainability measures in the carrying out of the development in its fabric and in its subsequent management and occupation. I am satisfied that the arrangements secured by both Plans meet the relevant tests.
50. GP Surgery: In order to enhance the sustainability of communities and residential environments, the National Planning Policy Framework¹⁵ requires that planning decisions should, among other things, plan positively for the provision of community facilities and other local services and that an integrated approach should be adopted when considering the location of community services. In addition, Camden policies CS10 and DP15 require that schemes that would create additional demand for community facilities and services should make an appropriate contribution towards such infrastructure. Policy CS16 seeks to improve health and well-being in the borough by, among other things, supporting the provision of new or improved health facilities. NHS Camden Clinical Commissioning Group confirms, in this regard (Doc 7) that the imminent loss of existing GP premises in Gower Street means that there is an urgent need to find alternative premises in south Camden, with a risk of closure if the practice cannot relocate. Despite searching over the last five years, no suitable premises have been found. There is, however, the opportunity to provide some 600 square metres of surgery space within the appeal scheme.

¹⁵ Paragraph 70

51. Since the appeal scheme would place additional demands on the practice, the relevant development plan policies are engaged. The obligation requires the developer to use reasonable endeavours to enter into an agreement for lease or a lease of floorspace within the development (not more than 600 square metres) with a GP practice tenant at a rent commensurate with other D1 use class uses in the Fitzrovia area. I therefore consider that the arrangement secured meets the relevant tests for obligations.
52. Highways: A contribution of £34,435.21 is secured towards resurfacing of the footway adjacent to the appeal site. The works have been costed and are directly related to the appeal scheme. The Council confirmed that no other contributions had been secured towards the works, which would be delivered, ultimately, through a S278 agreement. The works are necessary and I am satisfied that this obligation meets the tests in the Regulations.
53. Public Open Space: As set out earlier, where new development is likely to lead to increased use public open space, policies CS15 and DP31, together with CPG6, require an appropriate contribution to the supply of that space. Where the required space cannot be provided on site, such as the case here, a contribution towards off site provision is required. The obligation secures a policy compliant sum of £18,200 towards the improvement, maintenance and upkeep of the nearby Whitfield Gardens. Although the local Associations raised concern that the scheme was already being funded through the West End Project, the Council advised that its Highways Engineers had confirmed that no funding was in place for the works. I am satisfied therefore, that this obligation meets the relevant tests.
54. Travel Plan: the planning obligation secures the submission of a Travel Plan, which is necessary to ensure that the development proceeds without adverse impact on the transport system and to ensure that measures for encouraging sustainable travel by future occupiers of the appeal scheme are integrated into the development. It also provides for the payment of a Travel Plan monitoring fee of £6,122.
55. I am in no doubt that the requirement to provide and adhere to a Travel Plan meets the relevant tests. However, the Council was unable to provide any information about the monitoring fee. I was advised that it operates two levels of Travel Plan monitoring fees (local and strategic). Although it was suggested that this is a strategic scheme, the Council was unable to direct me to any document that sets out what the respective thresholds are, nor how the fee is calculated. I am mindful, in this regard, of the findings of the judge in *Oxfordshire County Council v SSCLG and others [2015] EWHC 186 (Admin)* that there is nothing in statute, regulation or guidance, which suggests that authorities could or should claim administration and monitoring fees as part of planning obligations.
56. There is nothing before me to suggest that the Travel Plan in this case would be particularly complex, or that it would give rise, for example, to any unusual or special circumstances requiring a bespoke means of monitoring that might place a particularly onerous burden on the resources of the Council over and above its normal functions. In these circumstances, I consider that the Travel Plan monitoring contribution has not been justified both in terms of its necessity as a means of making the development acceptable in planning terms, and also in terms of it being fair and reasonable. As such, it is incompatible

with the relevant tests and this part of the obligation does not play any part in my determination as to whether or not planning permission should be granted for the appeal scheme.

Conclusion

57. Paragraph 14 of the National Planning Policy Framework sets out a presumption in favour of sustainable development. For decision taking this means, among other things, approving development proposals that accord with the development plan. I have found, in this regard, that there would be no conflict with the development plan when it is considered as a whole and its policies placed in context. Even were I to have found some conflict, the demand for office space, and the justificatory text to policy CS6, together with the Mayor of London's recent supplementary planning guidance for development in the CAZ are material considerations that outweigh that conflict, the balance favouring the grant of permission in this instance. Either way, I consider that the proposal would represent a sustainable form of development and conclude that the appeal should be allowed.
58. I recognise this decision will be disappointing for those opposing the scheme. I am particularly mindful, in this regard, of the role that local people have to play in shaping their surroundings. However, the views of local residents and their associations, very important though they are, must be balanced against other considerations. In coming to my conclusions on the issues that have been raised, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan and the National Planning Policy Framework, as well as relevant case law. For the reasons set out above however, the evidence in this case leads me to conclude, on balance, that the appeal should be allowed.

Conditions

59. Possible conditions were discussed in detail at the Hearing, in the light of related advice in the National Planning Policy Framework and the Government's Planning Practice Guidance. The conditions and wording used set out in the attached schedule reflect that discussion.
60. In addition to the standard time limit on the commencement of development (1), it is necessary to ensure that the scheme is carried out in accordance with the approved plans, as this provides certainty. (2)
61. Given the location of the site within a Conservation Area, in close proximity to a number of listed buildings, architectural detailing and details of external materials need to be agreed. (3, 4) For the same reason, it is necessary to prevent the addition of paraphernalia such as lights, meter boxes, TV aerials and satellite dishes, flues, vents and pipes etc to external elevations. (5)
62. In the interest of visual amenity and also in the interest of providing acceptable living conditions for future occupiers, conditions requiring hard and soft landscape details are required, together with implementation and ongoing maintenance. (6, 7)
63. In order to prevent overlooking and consequent loss of privacy for future residents, it is necessary to ensure that the windows to some of the office accommodation are fixed shut permanently and fitted with obscure glazing. (8)

64. To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers over time it is necessary, pursuant the requirements of Camden policies CS6 and DP6, to require construction in accordance with Building Regulations Part M4(2) and to ensure that one of the flats can be readily adapted for wheelchair users should the need arise. (9, 10)
65. In order to avoid pollution and to prevent increased risk from flooding, details of a sustainable surface water drainage scheme are required, together with details for ongoing management which are essential to ensure that the scheme continues to perform as intended. (11)
66. To ensure that the development provides adequate on site renewable energy facilities, in accordance with Camden policies CS13 and DP22, a condition is necessary to secure the provision of the rooftop array of photovoltaic panels shown within the document entitled 'Application Design Amendments Planning Ref: 2015/0391/P' prepared by Llewelyn Davies (5 April 2015). (12)
67. It is necessary to ensure that sufficient refuse and recyclables storage is provided on site, in order to ensure a sustainable development and in terms of providing acceptable living conditions for adjoining and future occupiers. (13)
68. Cycle parking/storage facilities are required, in order to encourage travel by sustainable non-car modes pursuant to Camden policies CS11 and DP17. (14)
69. In order to protect existing below ground infrastructure and to minimise the risks of pollution, it is necessary to ensure that prior approval is secured for details of any piling or foundations necessitating ground penetration. (15)
70. In order to provide an acceptable living/working environment for future occupiers in terms of the internal noise environment, it is necessary to ensure that the attenuation measures set out in the Planning Noise Assessment by Turley (January 2015) are implemented. (16) In order to protect the living conditions of neighbouring residents, it is also necessary to ensure that noise from all external plant and machinery is contained to limits relating to background levels. (17)
71. The Phase 1 Desktop Study Ground Conditions report identifies a nearby former garage and a brass foundry adjacent to the site as potential sources of contamination. In order to prevent harm to human health and pollution of the environment, the Report recommends a limited ground investigation. I have imposed conditions to that effect, to ensure that any site contamination, or the potential for such, is detected and remediated accordingly. (18, 19, 20)
72. Given that part of the justification for the development proposed is based on the need for office floorspace in the area, it is necessary to remove permitted development rights relating to office to residential conversions such that the planning merits can be considered should any such of use be considered in the future.¹⁶ (21)

Jennifer A Vyse
INSPECTOR

¹⁶ See Doc 14

Schedule of Conditions
Appeal APP/X5210/W/15/3141159
Arthur Stanley House, 40 Tottenham Street, Camden, London

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) Unless required otherwise by the conditions set out below, the development hereby permitted shall be carried out in accordance with the following approved plans:
SP_01-P2
P_A4_B2-P7, P_A4_B1-P7, P_A4_00-P8, P_A4_01-P7, P_A4_02-P7, P_A4_03-P7,
P_A4_04-P7, P_A4_05-P7, P_A4_06-P7, P_A4_07-P7, P_A4_08-P7, P_A4_LR-P7,
S_A4_AA-P5, S_A4_BB-P3, S_A4_CC-P3, S_A4_DD-P5, S_A4_EE-P2, S_A4_FF-P4,
S_A4_GG-P3
E_A4_01-P3, E_A4_02-P5
DET_F_01-P2, DET_F_02-P2
LFT-001-P4, LFT-002-P4, LFT-003-P3, LFT-004-P3, LFT-005-P2, LFT-006-P2,
LFT-007-P2, LFT-010-P3, LFT-011-P2, LFT-012-P2, LFT-013-P2 and LFT-014-P2.
- 3) Detailed drawings and/or samples of materials and/or manufacturer's details, as appropriate, in respect of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
 - i) plan, elevation and section drawings at a scale of 1:10 of all new external windows and doors, including jambs, heads and cills;
 - ii) typical details of all balustrades at a scale of 1:10 (notwithstanding the details shown on the plans hereby approved, the balustrades to the seventh floor terrace, and the inset balconies at the first and sixth floors, shall comprise black painted metal railings); and,
 - iii) all new facing materials, including window and door frames, glazing, balconies, balustrades and cladding.

Development shall be carried out in accordance with the details approved pursuant to this condition and all approved samples shall be retained on site during the course of construction works.
- 4) A sample panel of the facing brickwork (measuring at least 1.5 x 1.5 metres) showing the proposed colour, texture, face-bond and pointing that is to be used shall be provided on site and approved in writing by the local planning authority before the relevant part of the development is commenced. The development shall be carried out in accordance with the approved details and the approved panel shall be retained on site until construction has been completed.
- 5) No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be affixed or installed on the external faces of the development hereby permitted.
- 6) No development shall take place until full details of all hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include: plans at a scale of 1:20 for the brown/green roofs and the amenity spaces shown at section 9.4 of the document entitled 'Application Design Amendments Planning Ref: 2015/0391/P' prepared by Llewelyn Davies (5 April 2015); the means of enclosure of all open areas and roof terraces; samples of all ground surface materials and finishes; a written planting specification clearly describing the species, plant sizes, proposed numbers/densities and giving details of cultivation and other operations associated with plant and grass establishment; arrangements for ongoing maintenance of the planted areas, including the green/brown roof(s) and shared spaces; and a timetable for implementation. Development shall be carried out in accordance with approved details.
- 7) Any areas of planting which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced no later than the next planting season with planting of a similar size and species, unless the local planning authority gives written approval to any variation.

- 8) The office windows from basement through to fourth floor level on the north-east elevation of the office extension hereby permitted, which face onto the lightwell between the office and residential uses, shall be obscure glazed and fixed shut prior to first occupation of the development and shall be permanently retained as such thereafter.
- 9) All residential units hereby approved shall be designed and constructed in accordance with Building Regulations Part M4(2).
- 10) Prior to commencement of development, detailed plans of Flat 6, at a scale of 1:50, demonstrating that the layout can be readily adapted for wheelchair users shall be submitted to and approved in writing by the local planning authority. Flat 6 shall not be occupied until it has been constructed in accordance with the approved layout.
- 11) No development shall take place until details of a sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for implementation of the scheme; and,
 - iii) provide a management and maintenance plan for the scheme for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 12) Prior to first occupation of any part of the development hereby permitted, detailed plans showing the location and extent of photovoltaic cells to be installed on the roof of the building hereby permitted shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall include the installation of a meter to monitor the energy output from the approved renewable energy system. The scheme as approved shall be installed and made operational prior to first occupation of any part of the building hereby permitted and shall be permanently retained and maintained thereafter.
- 13) Prior to first occupation of any part of the development hereby permitted, the refuse and recycling storage facilities intended for its occupiers shall be provided and made available for use in accordance with the details shown on plan Nos P_A4_B2-P7 and P_A4_00-P8. All refuse and recycling facilities so provided shall be permanently retained and maintained thereafter.
- 14) Prior to first occupation of any part of the development hereby permitted, the cycle storage facilities intended for its occupiers (71 spaces for the office use and 26 spaces for the residential accommodation) shall be provided and made available for use in accordance with the details shown on plan No P_A4_B2-P7. All cycle storage facilities so provided shall be permanently retained and maintained thereafter.
- 15) Prior to the commencement of any piling or foundation construction, a piling method statement shall be prepared in conjunction with relevant utility providers shall be submitted to and approved in writing by the local planning authority. The method statement shall include details of the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and a programme for the works. No piling or foundation construction shall take place other than in accordance with the approved method statement.
- 16) The development hereby permitted shall be carried out in accordance with the noise attenuation measures set out at section 6.2 of the Planning Noise Assessment by Turley (January 2015) and no part of the building shall be occupied unless and until the approved mitigation measures relevant to that part have been installed.
- 17) No external plant or equipment shall be installed on the building hereby permitted other than in accordance with a detailed scheme of noise attenuation which shall previously have been submitted to and approved in writing by the local planning authority. Noise arising from fixed plant and equipment installed as part of the development hereby permitted shall be at least 5dB(A) less than the existing background measurement (LA90)

expressed in dB(A) when all plant and equipment (or any part thereof) is in operation, as measured at a point one metre from the façade of any noise sensitive premises, including those within the development, unless the plant and equipment gives rise to a noise that has a distinguishable discrete continuous note (whine, hiss, screech, hum) and/or there are distinct impulses (bangs, clicks, clatters, thumps) in which case the noise levels from that item of plant or equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

- 18) Other than as may be required by an approved scheme of remediation, no development shall take place (other than as required to be carried out as part of an approved scheme of remediation) until the following components of a scheme to deal with the risks associated with contamination have each been submitted to and approved in writing by the local planning authority:
- i) a further limited ground investigation scheme, as recommended in section 6.2 of the 'Phase 1 Desktop Study Ground Conditions Report' prepared by URS (December 2013) in order to refine vapour inhalation risks and provide an indication of the disposal status of soils and waters.
 - ii) the site investigation results and detailed risk assessment and, based on those, a detailed scheme of remediation if such is required.
- 19) Before occupation of any part of the development hereby permitted, any remediation scheme required by condition 18 above shall be carried out in accordance with the approved details and, upon completion, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.
- 20) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing to the local planning authority as soon as is reasonably practicable. No further development shall be carried out until an investigation and risk assessment has been undertaken in accordance with the requirements of condition 18 above and, where remediation is necessary, a remediation scheme must be prepared, also in accordance with the requirements of condition 18 above, which is subject to the approval in writing of the local planning authority. Following completion of any measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 19 above.
- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that Order, no development within Part 3 of Schedule 2 in Class O of that Order allowing the change of use of offices to dwellinghouses shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

[END OF SCHEDULE]

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Cassidy	Principal Planner with the Council
Mr P Mistry	Solicitor for the Council

FOR THE APPELLANT:

Mr R Harris, of Queen's Counsel	Instructed by Pinsent Masons LLP
Mr C Beard	Director DP9
Mr D Hamner	Senior Director CBRE London
Mr I Gilbey	Solicitor, Pinsent Masons
Mr J Lockerbie	Solicitor, Pinsent Masons

INTERESTED PERSONS:

Mr M Neufeld	Planning Secretary of the Charlotte Street Association and local resident
Mr L Rees	Trustee and Director of the Fitzrovia Neighbourhood Association and local resident

DOCUMENTS HANDED UP DURING THE HEARING

- Doc 1 Appearances for the appellant
- Doc 2 Appeal Notification letters
- Doc 3 Amended description of development proposed
- Doc 4 Statement of Common Ground
- Doc 5 Written statement of Mr Neufeld
- Doc 6 Extract from the Mayor of London's Central Activities Zone SPG (published March 2016)
- Doc 7 Letter from NHS Camden Clinical Commissioning Group (1 Sept 2016)
- Doc 8 Draft S106 Agreement
- Doc 9 Council's response (9 September 2016), with attachments, to my pre-Hearing note
- Doc 10 Extracts from The London Plan (The Spatial Development Strategy for London Consolidated with Alterations since 2011)
- Doc 11 Extracts from the Council's Planning Guidance Notes (CPG1, CPG2, CPG3, CPG6, CPG7, CPG8)
- Doc 12 Camden Employment Land Study Final Report (August 2014)

DOCUMENTS SUBMITTED AFTER THE HEARING

- Doc 13 Completed S106 Agreement
- Doc 14 Joint note relating to a condition mooted at the Hearing in relation to removing permitted development rights for office to residential conversions

Appendix 4- Proposed Housing accommodation

Tenure Type	1bed	1bed duplex	2bed	2bed duplex	3 bed	3bed + (kitchen/diner)	3bed duplex	2bed Townhouse	3bed Townhouse	4bed Townhouse	Totals
Market Housing	1	0	3	0	2	0	0	1	1	2	10
30 Legacy (Social Rent)	15	0	6	0	0	5	4				30
Extra Affordable (Social Rent)	0	0	0	0	0	6	0				6
Extra Affordable (Intermediate)	2	1	0	1	0	0	0				4

Note: 'AL' on the accompanying drawings denote Affordable Legacy units i.e., those required by the 2004 s106 Agreement and are Social rented Tenure. 'AI' are Intermediate Tenure, reflecting income levels within the Council's Intermediate Housing Strategy April 2016. M are Market Units.

Appendix 5- Proposed Heads of Terms for S106 Agreement

Middlesex Annex – Draft S106 Heads of Terms

1. INTRODUCTION

- 1.1 These Draft Section 106 Heads of Terms have been prepared on behalf of University College London Hospital Charity (the "Applicant") to support a planning application (the "Application") for proposed development (the "Development") of the Middlesex Annex site, Cleveland Street, London (the "Site").
- 1.2 This draft document has been prepared following pre-application discussions with London Borough of Camden (the "Council") planning officers. It is envisioned that discussions in connection with the proposed planning obligations will continue with the Council during the determination of the Application.
- 1.3 This document is a supporting information document. It does not form part of the package of Application documents for which approval is sought.
- 1.4 This document is a draft document. It is not a binding legal contract and does not contain planning obligations for the purposes of section 106 of the Town and Country Planning Act 1990.
- 1.5 The Applicant agrees in principle to the planning obligation heads of terms set out in section 2 of this document subject to the following:
- 1.5.1 each planning obligation being in accordance with the relevant national and local policy tests and being in compliance with the relevant legal requirements including, but not limited to, regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010;
- 1.5.2 the exact amount of each proposed financial contribution being agreed in negotiation with the Council and subject to the Development remaining viable.
- 1.6 The Applicant is prepared to discuss the possibility of additional planning obligations to those listed below in section 2, subject to the Development remaining viable and such obligations meeting all relevant policy and legal requirements.

2. DRAFT PLANNING OBLIGATIONS

- 2.1 The Applicant is agreeable in principle to the following planning obligations being secured under a section 106 agreement:
- 2.1.1 Affordable housing in the following mix and tenure:

Tenure Type	1bed	1bed duple x	2bed	2bed duplex	3 bed	3bed + (kitchen/diner)	3bed duplex	Totals
30 Legacy Units (Social Rent)	11	0	9	0	1	4	5	30
Social Rent Units (in addition to the 30 Legacy Units)	0	0	0	0	0	6	0	6
Intermediate Units	2	1	0	1	0	0	0	4

Total Affordable	13	1	9	1	1	10	5	40
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- 2.1.2 A financial contribution towards highway improvement works.
- 2.1.3 A commitment by the Applicant to include a covenant in all leases of individual units comprised within the Development that the tenant shall not apply to the local highway authority for an on-street car parking permit.
- 2.1.4 The Applicant to submit to the Council a Construction and Demolition Management Plan, the detailed content of which will be subject to discussion with the Council.
- 2.1.5 A financial contribution towards open space
- 2.1.6 The Applicant to submit to the Council a Travel Plan.
- 2.1.7 The Applicant to submit to the Council a Sustainability Plan for the operation phase of the Development.
- 2.1.8 Subject to technical feasibility the Applicant to use reasonable endeavours to connect to the local heat and power network.
- 2.1.9 The Applicant to submit to the Council an Energy Efficiency Plan.
- 2.1.10 The Applicant shall pay a financial contribution towards carbon offsetting in the event that the agreed carbon reduction target is not achieved.
- 2.1.11 A financial contribution towards local employment and training.
- 2.1.12 The Applicant to use its reasonable endeavours to achieve agreed local employment and supply chain targets.

3. COUNCIL'S COVENANTS

- 3.1 The Applicant will expect the Council to agree:
 - 3.1.1 to the release of the affordable housing provisions contained within the 2004 S106; and
 - 3.1.2 to the release or confirmation of discharge of any other planning obligations contained within the 2004 S106 and which relate to the Site.

Pinsent Masons LLP
December 2016

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