

GREATER **LONDON** AUTHORITY

Development, Enterprise and Environment

David Fowler

Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London WC1H 9JE

Our ref: D&P/4374/AP01

Your ref: 2017/1827/P

Date: 9 October 2017

Dear Mr. Fowler,

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008
294-295 High Holborn, London WC1V 7JG**

Local planning authority reference: 2017/1827/P

I refer to the copy of the above planning application, which was received from you on 1 September 2017. On 9 October 2017, the Mayor considered a report on this proposal; reference D&P/4374/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Mayor considers that the application does not comply with the London Plan, for the reasons set out in paragraph 39 of the above-mentioned report; but that the possible remedies set out in that paragraph of this report could address these deficiencies.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Please note that the Transport for London case officer for this application is Fatima Moreno Viera, email FatimaMorenoviera@tfl.gov.uk, telephone 020 3054 7055.

Yours sincerely,



Sarah Considine

Senior Manager – Development & Projects

cc Andrew Dismore, London Assembly Constituency Member
 Nicky Gavron, Chair of London Assembly Planning Committee
 National Planning Casework Unit, DCLG
 Lucinda Turner, TfL
 Harry Manley, DP9 Ltd, 100 Pall Mall, London SW1Y 5NQ

294-295 High Holborn

in the London Borough of Camden

planning application no. 2017/1827/P

Strategic planning application stage 1 referral

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

The proposal

Erection of a 9 storey building comprising retail and office use, 10 residential units and associated works.

The applicant

The applicant is **CHH London** and the architect is **Independent Architects**.

Strategic issues summary

Principle of development: The redevelopment of the site to provide a mixed use development within the CAZ is supported (paragraphs 14-15).

Affordable housing: No affordable housing is proposed. This is wholly unacceptable. Whilst a payment in lieu may be acceptable, given the number of units and the site's location, a robust interrogation of the applicant's viability will be undertaken to secure the maximum amount of affordable housing (paragraphs 17-20).

Climate change: The applicant should explore increasing the number of photovoltaic panels and undertake further overheating analysis. Any remaining regulated CO₂ emissions must be met through a contribution to the borough's offset fund (paragraphs 28-30).

Transport: Clarification is required on how mobility-impaired people would access the site, as well as arrangements on intended Blue Badge parking provision. Cycle parking should be secured; and, a construction management plan and a full travel plan should be provided and appropriately secured (paragraphs 31-35).

Recommendation

That Camden Council be advised that while the principle of development is supported in strategic planning terms, the application does not yet comply with the London Plan for the reasons set out in paragraph 39 of this report; but that the possible remedies set out in that paragraph could address these deficiencies.

Context

1 On 1 September 2017, the Mayor of London received documents from Camden Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 12 October 2017 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 1C of the Mayor of London Order 2008:

- *"Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London."*

3 Once Camden Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The application site is approximately 0.032 hectare in size and is within the Central Activities Zone and the Holborn Growth Area. The site, which is vacant, is located on the southern side of A40 High Holborn, which forms part of the Strategic Road Network (SRN). It is bound to the south by Lincoln's Inn Gardens, to the east by Lincoln House and to the west by 289-293 High Holborn.

6 The site is also within the Bloomsbury Conservation Area and there are several Grade I and Grade II listed heritage assets in proximity of the site including Nos. 1-7 Stone Buildings located to the south east of the site; Western Boundary Wall, Gates and Porters Lodge within Lincoln's Inn Gardens; and, Nos. 24, 25, 26 and 28 Lincoln's Inn Fields.

7 The site is in proximity of numerous bus stops servicing a large number of high frequency routes; Holborn and Chancery Lane London Underground stations are both less than 350 metres away, and Farringdon station is also within acceptable walking distance. Consequently, the site has a public transport accessibility level (PTAL) of 6b, which is the highest possible.

8 The closest part of the Central London Cycle Grid (CLCG), Quietway 2, is 750 metres away and is linked to the site by local routes. Other parts of the CLCG, CS3 and CS6, are less than one kilometre away. There are four Cycle Hire docking stations within a 500 metre radius, with the closest one being 150 metres away at Red Lion Street.

Details of the proposal

9 Full planning permission is sought for the erection of a 9-storey building to comprise:

- 10 residential units on levels 3-8;
- 416 sq.m. of office floorspace on levels 1-2; and,
- 251 sq.m. of retail floorspace at ground and lower ground.

Case history

10 There is no strategic planning history; however, there is an extant planning permission for 'Redevelopment to provide basement, ground and 8 upper storeys with mixed retail (Class A1) and professional services (Class A2) use at ground floor and part basement and offices (Class B1) above.' Planning permission was first granted by Camden Council under reference number PSX0304010 in September 2003 and a series of formal amendments in 2007 were approved.

Strategic planning issues and relevant policies and guidance

11 The relevant issues and corresponding policies are as follows:

- CAZ *London Plan; Central Activities Zone SPG;*
- Housing *London Plan; Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG;*
- Affordable housing *London Plan; Housing SPG; Housing Strategy; Affordable Housing and Viability SPG;*
- Heritage and design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG;*
- Inclusive Access *London Plan; Accessible London: achieving an inclusive environment SPG*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*
- Transport *London Plan; the Mayor's Transport Strategy*
- CIL *London Plan; Mayoral Community Infrastructure Levy*

12 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Camden Core Strategy (2010); the Camden Development Policies (2010); the 2016 London Plan (Consolidated with Alterations since 2011).

13 The National Planning Policy Framework (NPPF) and the National Planning Policy Guidance; and, the draft Mayor's Transport Strategy are also material considerations.

Principle of development

14 London Plan Policies 2.10 and 2.11 aim to sustain and enhance London as the iconic core of a strategically important, globally-oriented financial and business centre. Policy 2.11 further affirms the Mayor's commitment and stakeholders' obligation to seek solutions to the constraints on office provision and other commercial development imposed by heritage designations, without compromising local environmental quality. London Plan Policy 4.3 promotes the provision of offices and seeks to ensure that proposals to increase office floorspace within the CAZ include a mix of uses. Locally, the site is within the Holborn Growth Area, which is identified in Camden's Core Strategy as one of the areas with significant potential for redevelopment for housing, employment and other uses.

15 The proposal will deliver a mixed use scheme comprised of 667 sq.m. of commercial floorspace and ten residential units, and is therefore supported in strategic planning terms.

Housing

16 The table below sets out the proposed residential schedule.

tenure	type	Number of units
private	1-bedroom	2
	2-bedroom	8
	total	10

Affordable housing

17 London Plan Policy 3.13 requires councils to seek affordable housing provision in all residential developments providing ten or more homes; whilst Policies 3.11 and 3.12 expect the maximum reasonable amount of affordable housing to be delivered. Locally, Camden Council Policy CS6 seeks 50% affordable housing, with a tenure mix of 60% social rent and 40% intermediate.

18 Policy 3.12 of the London Plan expects affordable housing to be provided on-site, and this is reiterated in the Mayor's Housing SPG and the Mayor's Affordable Housing and Viability SPG. In order to maximise affordable housing delivery, however, it is recognised that in exceptional circumstances and where it would have demonstrable benefits, it may be provided off-site or through a cash in-lieu contribution ring fenced and if appropriate 'pooled', to secure efficient delivery of new affordable housing.

19 No affordable housing is proposed, which is wholly unacceptable. The applicant instead proposes to provide a payment in lieu contribution. This approach may be acceptable given the site's central location and associated high property values, and rent levels, and the small number of proposed units that would discourage local registered providers from investing in the property. Additionally, it is noted that the high values would make it challenging to provide intermediate homes within the GLA's income thresholds; but a higher number of larger, family homes could be provided off-site. The quantum of the financial contribution, however, is unknown and a financial viability assessment has not been submitted with the application. The Mayor's Affordable Housing and Viability SPG states that *"the starting point for determining in-lieu contributions should be the maximum reasonable amount of affordable housing that could be provided on-site as assessed through the Viability Tested Route."* Paragraph 2.64 of the SPG further makes clear that a payment in lieu based on a locally established approach may only be applicable if that contribution is higher than the level assessed via the viability tested route.

20 Without a viability assessment, a comparison of the in lieu payment derived from the locally established mechanism and the viability tested route cannot be undertaken. As such, the applicant must submit a viability report, which will be robustly tested by GLA officers to ensure that the maximum level of affordable housing is secured. An early and a late stage review will be required as set out in the Affordable Housing and Viability SPG.

Density

21 The site has a public transport accessibility level (PTAL) of 6b and is classified as central in character. On this basis, the London Plan density matrix (Table 3.2 in support of London Plan Policy 3.4) suggests a residential density of between 650-1100 habitable rooms or 140-405 units per hectare for this site. The residential density for the proposed development is 1473 habitable rooms/526 units per hectare, which exceeds the density range set out in the London Plan. Given the residential quality and overall design as set out later in this report the density is acceptable in accordance with London Plan Policy 3.4; however, affordable housing must be provided.

Design and heritage

22 The proposed layout infills the existing vacant site and will reinstate a continuous stretch of strong active frontages along this section of High Holborn, which is welcomed. With servicing on-street, a garden will be provided to the rear of the site which will complement the adjacent Lincoln's Inn Gardens and is supported. The applicant should, however, clarify how cycle storage and refuse will be split and managed across all users.

23 The height and massing of the building is consistent with the existing context and is supported. The Borough of Camden planning officers should seek to secure a high quality of design through conditions linked to facade details and material specification.

24 The residential quality across the scheme is of a high standard and will achieve the majority of the guidance criteria within the Housing SPG. Where they are not achieved, it is generally due to the constraints of the site; however, to ensure that as many units as possible have access to private amenity space, the applicant should consider the alternative approaches set out in the Mayor's Housing SPG relating to the provision of private open space on constrained sites.

25 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harm or loss through alteration or destruction of the heritage asset or development within its setting. In relation to non-designated heritage assets, the NPPF states that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required.

26 As identified in paragraph 6 of this report, the site is within a conservation area and there are several other designated heritage assets within the vicinity of the site. Having regard to the statutory duties in respect of listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990, and the relevant paragraphs in the NPPF in relation to listed buildings and conservation areas, GLA officers consider that the proposed building does not harm the settings of these heritage assets. The proposal therefore accords with London Plan Policy 7.8.

27 The proposal responds positively to London Plan Policy 3.8 and all units will meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings', and 10% will meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'. This is welcomed.

Climate change

Energy

28 An on-site reduction of 10 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected for the domestic and non-domestic buildings, equivalent to an overall saving of 38%. The carbon dioxide savings do not meet the London Plan zero carbon target for domestic buildings and as such the applicant should explore increasing the number of photovoltaic panels and undertake further overheating analysis. Any remaining regulated CO₂ emissions must be met through a contribution to the borough's offset fund.

29 Full details of the outstanding issues relating to energy have been provided directly to the applicant and Council.

Flood risk and drainage

30 The site lies within Flood Zone 1 and is shown to have a low risk of flooding from all other sources (surface water and reservoir); therefore, a flood risk assessment is not required. However, as this development is classified as a major application a drainage strategy is required, which should clearly state how London Plan Policy 5.13 has been addressed. This strategy should demonstrate that the drainage hierarchy has been followed, opportunities for SuDS have been maximised and details of its maintenance programme.

Transport

Car parking

31 The car-free development and restricting future residents from being eligible for parking permits for the local Controlled Parking Zone is welcomed. However, there is a lack of Blue Badge parking provision and the applicant should therefore set out intended arrangements for people with mobility restrictions to access the site by car and other modes.

Cycling and walking

32 32 cycle parking spaces are proposed, which is compliant with the minimum standards in the London Plan and local policy. These spaces, however, are proposed as long-stay and located in the basement, which restricts their use by visitors. To comply with policy and to support active travel, a minimum of six short-stay spaces should be provided. The detailed overall arrangements should meet the London Cycle Design Standards (LCDS) and should be secured by condition. The applicant should also confirm the provision of 5% larger spaces suitable for cargo bikes, cycles used by disabled people and similar in accordance with the TfL standards.

Trip generation

33 The development is unlikely to have a significant impact on public transport or strategic highways.

Servicing and construction, and travel plan

34 The submission of a Servicing Analysis Technical note is welcome; and the proposed strategy, which suggests that a maximum of five vehicles would use the existing on-street loading bays daily, is considered acceptable. A construction management plan that accords with the new TfL best practice guidance, should be secured by condition. A travel plan prepared in accordance with TfL guidelines should also be secured by condition.

Mayoral Community Infrastructure Levy (MCIL)

35 In accordance with London Plan Policy 8.3 the Mayor commenced CIL charging for developments on 1st April 2012. Within Camden, the charge is £50 per square metre. The site is also in the area where section 106 contributions for Crossrail will be sought in accordance with London Plan Policy 6.5 and the associated Supplementary Planning Guidance. In these situations, the Mayoral CIL will be treated as a credit towards the section 106 Crossrail liability and this should be reflected in the wording of the section 106 agreement. The charge under the SPG that should be secured through the section 106 is £80,761, based on 415.7 sq.m. of net additional office floorspace charged at £140 per sq.m.; and 250.7 sq.m. of net additional retail floorspace charged at £90 per sq.m.

Local planning authority's position

36 Camden Council planning officers are assessing the application and discussions are ongoing about the proposed development's potential impact on future development on the adjacent site.

Legal considerations

37 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

38 There are no financial considerations at this stage.

Conclusion

39 London Plan policies on CAZ, affordable housing, heritage, design, inclusive access, energy and transport are relevant to this application. Whilst the principle of the application is supported in strategic planning terms, the application does not fully comply with the London Plan and the following matters should be addressed:

- **Affordable housing:** No affordable housing is proposed. This is wholly unacceptable. Whilst a payment in lieu may be acceptable, given the number of units and the site's location, a robust interrogation of the applicant's viability will be undertaken to secure the maximum amount of affordable housing.
- **Energy:** The applicant should explore increasing the number of photovoltaic panels and undertake further overheating analysis. Any remaining regulated CO₂ emissions must be met through a contribution to the borough's offset fund.
- **Transport:** Clarification is required on how mobility-impaired people would access the site, as well as arrangements on intended Blue Badge parking provision. Cycle parking should be secured; and, a construction management plan and a full travel plan should be provided and appropriately secured.

for further information, contact the GLA Planning Unit (Development & Projects Team):

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