

# MAYOR OF LONDON

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

**Our ref:** GLA/4035/AP02  
**Your ref:** 2016/2094/P  
**Date:** 19 March 2018

Dear Ms. Quigley,

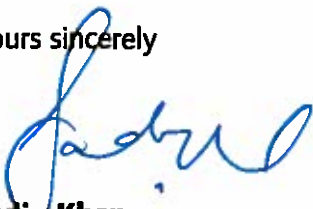
**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008**

**150 Holborn, London, London Borough of Camden**  
**Local planning authority reference: 2016/2094/P**

I refer to your letter of 7 March 2018 informing me that Camden Council is minded to grant planning permission for the above planning application. I refer you also to the notice that was issued on 19 March 2018 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case I am content to allow Camden Council to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to direct refusal or to take over the application for my own determination.

Yours sincerely



**Sadiq Khan**  
Mayor of London

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

# 150 Holborn

in the London Borough of Camden

planning application no. 2016/2094/P

## Strategic planning application stage II referral

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

## The proposal

Demolition of existing building and redevelopment for a mixed-use development up to 9 storeys in height comprising 14,604 sq.m. of office floorspace, 1,450 sq.m. of retail floorspace and 13 residential units.

## The applicant

The applicant is **DAH Real Estates SARL** and the architect is **Perkins + Will**.

## Key dates

- **Stage 1 report:** 25 July 2016.
- **Committee meeting:** 14 December 2017.

## Strategic issues summary

**Affordable housing:** Payment in lieu of £500,000 up from 0% at stage 1. Early and late stage review mechanisms have been secured in accordance with Policy H6 of the draft London Plan, and the Mayor's Affordable Housing and Viability SPG (paragraphs 9-10).

**Urban and inclusive design, energy and transport:** The issues raised at Stage 1 have been satisfactorily addressed either by way of additional information and/or secured through conditions or legal obligations (paragraphs 11-14).

## The Council's decision

In this instance, Camden Council has resolved to grant permission subject to conditions and a S106 legal agreement.

## Recommendation

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

## Context

1 On 20 June 2016, the Mayor of London received documents from Camden Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008:

- **Category 1C:** *“Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London.”*

2 On 25 July 2016, the Mayor considered planning report D&P/4035/01, and subsequently advised Camden Council that the application did not comply with the London Plan, for the reasons set out in paragraph 72 of the above-mentioned report.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 14 December 2017, Camden Council resolved to grant permission subject to conditions and a S106 legal agreement, and on 7 March 2018 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Camden Council under Article 6 to refuse the application or issue a direction to Camden Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 20 March 2018 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website [www.london.gov.uk](http://www.london.gov.uk).

## Consultation stage issues summary

5 At the consultation stage, Camden Council was advised that the application did not comply with the London Plan, for the reasons given below:

- **Affordable housing:** The application proposed 0% affordable housing on-site and gave no indication of any off-site provision and/or financial contribution, which was unacceptable as well as the failure of the applicant to submit a viability assessment. The applicant was requested to submit an affordable housing statement and viability assessment to the GLA for scrutiny; and the Council had to undertake an independent review of the applicant’s financial viability assessment and seek to secure a review mechanism by legal agreement for some additional affordable provision, in the event of a significant improvement in economic circumstances prior to implementation of the scheme.
- **Urban and inclusive design:** Broadly supported, but the applicant was required to demonstrate how the shared surface and the routes between the disabled car parking areas and cores would be safe and inclusive for all users. The Council was requested to ensure that all surface materials were in line with the recommendations listed at paragraph 51 of the Stage 1 report.
- **Energy:** The applicant should investigate the provision of a single integrated system as well as provide further information on the floor area and locations of the energy centres.

- **Transport:** Various S106 financial contributions, conditions and other recommendations, including the continuous opening of, and the accommodation of cyclists on, the proposed walking link between Brooke Street and Gray's Inn Road had to be secured by the Council.

## **Strategic planning policy and guidance update**

6 On 1 December 2017, the Mayor published his draft London Plan for public consultation.

### **Update**

7 Since the Stage 1, GLA officers have engaged in discussion with the applicant, the Council and TfL to address the outstanding issues. In addition, various planning conditions and legal obligations are secured as part of Camden Council's draft decision and draft S106 agreement. Having regards to this, an assessment against the strategic issues raised at the consultation stage is set out below.

#### Principle of development

8 At consultation stage, the redevelopment of the site to provide a mixed-use development within the CAZ was supported in line with London Plan Policies 2.10, 2.11 and 4.3. Policies SD4 and SD5 of the draft London Plan promotes the provision of mixed-use schemes, with complementary residential use, in the CAZ. The proposed development involves the redevelopment of the site to provide new business headquarters for the applicant with residential units on the upper floors that do not compromise the strategic objectives of the CAZ, and is therefore supported in accordance with the draft London Plan and London Plan.

#### Affordable housing

9 As requested at Stage 1, the applicant has submitted a viability report, and an addendum in response to the queries raised in an independent assessment undertaken on the behalf of the Council, which have been shared with GLA officers. Both assessments conclude that the scheme cannot viably deliver any on-site affordable housing or payments in lieu of affordable housing.

10 GLA officers have reviewed the applicant's appraisal and the Council's review, and agree with the conclusion that the assessments demonstrate that the proposed development falls substantially below target profit requirements and therefore cannot viably deliver any on-site affordable housing or payments in lieu of affordable housing. The applicant, however, has adopted a long-term view as owner and occupier of the development, the potential for the development to gain value over time and has offered a payment of £500,000 towards affordable housing. The proposed contribution of £500,000 is therefore welcomed and accepted as the maximum level of affordable housing. Early and late stage review mechanisms have been secured in accordance with Policy H6 of the draft London Plan and the Mayor's Affordable Housing and Viability SPG. The Council has indicated that for the reasons of confidentiality, only a redacted version of the financial viability assessment will be published. This does not comply with draft London Plan Policy H6 and the Mayor's Affordable Housing and Viability SPG. However, in line with Policy H6 and the Mayor's Affordable Housing and Viability SPG, the Mayor reserves the right to publish an un-redacted version of the assessment, unless the applicant presents exceptional circumstances that justify keeping elements of the viability information confidential.

#### Urban and inclusive design

11 The Council has secured the submission of details of access, site layout and all hard and soft landscaping, including ground surface materials and finishes and grading prior to the

commencement of development on the site. This addresses the issues raised at Stage 1 and is acceptable.

### Energy

12 At the Stage 1 consultation, a commitment to future proof the development for connection to a district heating network and the provision of a site-wide heat network were requested. The applicant has committed to future proof the scheme, and this has been secured via the S106 agreement. The applicant has clarified the heating strategy and provided additional information to justify the heating approach. This strategy is acceptable. Additionally, the Council has secured a payment towards carbon off-setting through legal obligation as requested. The outstanding issues relating to energy have all been appropriately addressed and the scheme complies with the draft London Plan and London Plan.

### Transport

13 Issues regarding cycle hire, Legible London signage, public realm improvements, and the management of the proposed new walking link were raised at the initial consultation. The S106 agreement will include: contributions toward a new cycle hire docking station, Legible London signage, public realm improvements, and walking / cycling improvements.

14 The new walking link between Brooke Street and Gray's Inn Road will not be opened 24/7 and no provision has been made for cyclists. Whilst a missed opportunity for the promotion of walking and cycling, on balance, this is acceptable. As requested, details on the secure cycle parking facilities, a construction management plan, delivery and servicing plan, permit-free legal agreement, travel plan, and a Crossrail contribution have all been secured by condition/S106 agreement as appropriate. A condition ensuring that the development does not commence until London Underground is consulted on detailed designs and method statements has also been secured. The scheme is therefore now compliant with the draft London Plan and London Plan.

## **Response to consultation**

15 There were two rounds of consultation undertaken by the Council in relation to the application. The application was advertised by site and press notices, and 116 letters were sent to residents during the consultation for the initial and revised proposals. The Council has received one response, a letter of objection, which raised issues in relation to the design of the scheme.

### Responses from statutory and additional consultees

- **London Underground:** No objection subject to a condition requesting the submission of a detailed design and method statements in consultation with London Underground.
- **Historic England:** No comment.
- **Historic England (GLAAS):** No objection subject to a condition requesting the submission of a written scheme of investigation prior to the commencement of works, and an informative that the investigation must be undertaken by a suitably qualified accredited archaeological practice.
- **Crossrail:** No comment.
- **Thames Water:** No objection; however, recommends a condition to be attached to the planning permission requiring a piling method statement; and informatives relating to flow

rates, the possible relocation of a Thames Water main that crosses the development site and surface water.

- **City of London:** Objects to the proposed development based on its impact on views from Staple Inn Quadrangle and other listed buildings on High Holborn. Recommends a condition to ensure the preservation of protected London View Management Framework (LVMF) View 4A.1, given that the tallest point of the proposed building would be near to the maximum site threshold for this view.
- **City of Westminster:** No comment.
- **Inmidtown BID:** Supports the redevelopment of the site to introduce a mixed-use development, which provides substantive planning gains to the area and is in line with Inmidtown BID's priorities for the area.
- **Westminster Kingsway College:** Supports the development and is hopeful of establishing a long-term relationship with the applicant in relation to mentoring and providing 'real world' learning opportunities for the College's construction students.

16 The issues raised in respect of design and impact on heritage assets have been addressed in the Stage 1 report and the Committee report. As set out in the Stage 1 report, the overall form and massing of the building is supported and is consistent with the scale of the surrounding context, with the simplistic articulation and potentially refined appearance allowing the more intricate language of neighbouring heritage assets to maintain their significance. The Committee report sets out an extensive analysis of the impact of the proposal on nearby heritage assets, which similarly concludes that the existing heritage assets will maintain their historic prominence. Regarding the impact on the views from Staple Inn Quadrangle, verified images have been submitted which demonstrate that there would be no harm to this view or setting. On the matter of impact on LVMF View 4A.1, a condition has been secured restricting any further extensions to the height of the building to ensure protection of the view. 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, conservation areas and non-designated heritage assets, GLA officers are satisfied that the proposal does not harm the settings of these heritage assets. Other conditions and informatives requested by statutory consultees have also been secured.

## **Draft section 106 agreement**

17 The draft S106 agreement includes the following provisions:

- an off-site affordable housing contribution of £500,000;
- an early and late stage review mechanism;
- Crossrail contribution of £521,080;
- a contribution of £76,219 towards local employment, skills and local supply plan, including employment and skills opportunities;
- a contribution of £164,349 towards carbon off-setting;
- a contribution of £22,775 towards public open space;
- a contribution of £200,000 towards pedestrian, cycling and environment;
- a contribution of £200,000 for London Cycle Hire Scheme;
- a contribution of £1,000 towards Legible London signage;

- a contribution of £6,244 towards a work travel plan, including monitoring fee;
- a contribution of £90,185.17 for public highway and public realm improvements including cycle parking spaces on public footpath;
- a contribution of £20,000 for construction management plan monitoring/implementation support.

## **Article 7: Direction that the Mayor is to be the local planning authority**

18 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance, the Council has resolved to grant permission with conditions and planning obligations which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

### **Legal considerations**

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

### **Financial considerations**

20 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

21 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

22 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

## Conclusion

23 The strategic issues raised at consultation stage regarding affordable housing, urban and inclusive design, energy and transport have been satisfactorily addressed, and appropriate planning conditions have been secured. As such the application complies with the London Plan and draft London Plan, and there are no sound reasons for the Mayor to intervene in this case.

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for further information, contact the GLA Planning Team:

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### 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

Demolition of existing building and redevelopment for a mixed-use development up to 9 storeys in height comprising 14,604 sq.m. GEA office floorspace (use class B1), 1,450 sq.m. GEA retail floorspace (use class A1-A3), 13 residential units (use class C3), improvements to the public realm and all other necessary enabling works.

### The applicant

The applicant is **DAH Real Estates SARL**, the agent is **DP9 Ltd** and the architect is **Perkins + Will**.

### Strategic issues summary

**Principle of development:** The redevelopment of the site to provide an office-led mixed-use development within the CAZ and Holborn Growth Area is supported (paragraphs 16-20).

**Affordable housing:** Both the provision of 0% affordable units and the failure of the applicant to submit the viability assessment, in spite of requests from GLA officers, are unacceptable. As a result, GLA officers have been unable to discuss options for affordable housing with the applicant. To ensure that the maximum possible contribution to affordable housing is achieved, the submission of an affordable housing statement, a robust viability assessment and an independent review by the Council is required before the case is referred to the Mayor at Stage 2 (paragraphs 30-39).

**Energy:** Broadly supported but further discussion and/or commitments related to the site heat network are required (paragraphs 53-57).

**Transport:** Broadly acceptable but further discussion, clarification and/or commitments are required (paragraphs 58-66).

### Recommendation

That Camden Council be advised that the principle of the application is supported in strategic planning terms. However, the detail does not comply with the London Plan, for the reasons set out in paragraph 72 of this report; but that the possible remedies also set out in that paragraph could address those deficiencies.

## Context

1 On 20 June 2016, 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 1 August 2016 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 Categories 1B and 1C of the Mayor of London Order 2008:

- *1B "Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings (b) in central London (other than the City of London) with a total floorspace of more than 20,000 square metres."*
- *1C "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](http://www.london.gov.uk).

## Site description

5 The application site is approximately 0.29 hectare in size and is bounded to the south by Holborn, to the east by Brooke Street and to the west by Gray's Inn Road.

6 The existing 7-storey building, constructed around the mid-1980s, comprises 12,798 sq.m. GEA of office and retail floorspace. The building also includes a caretaker flat and squash courts, which are ancillary to the principal commercial use of the site. The site is serviced by a yard to the rear accessed from Brooke Street.

7 The site is well served by buses with in excess of 20 routes stopping nearby. It is set back from the entrance to Chancery Lane station (London Underground) along the frontage of the site. London Underground stations Holborn and Farringdon, and City Thameslink station are also within walking distance. As such, the site has a public transport accessibility level (PTAL) of 6b (on a scale of 1a to 6b) where 6b is the most accessible.

8 The nearest cycle hire docking station is located approximately 100m from the site at Holborn Circus.

9 The site has multiple road frontages including High Holborn, Gray's Inn Road and Brooke Street. High Holborn forms part of the Strategic Road Network (SRN). The nearest part of the Transport for London Road Network (TLRN), Farringdon Road, is approximately 500m away.

## Details of the proposal

10 Full planning permission is sought for the demolition of the existing building and redevelopment for a mixed-use development up to 9 storeys, to comprise:

- 14,604 sq.m. (GEA) of office floorspace (use class B1).
- 1,450 sq.m. (GEA) of retail floorspace (use class A1-A3).
- 13 residential units (use class C3).
- 230 cycle parking.
- Improvements to the public realm.

11 The building will function as the headquarters for the European operations of the Dar Group of companies, an international network of professional service firms that provides planning, design, engineering and project management services.

## Case history

12 There was no pre-application meeting held with the GLA regarding this proposal.

## Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

- Principle of development *London Plan; Central Activities Zone SPG;*
- Housing *London Plan; Housing SPG; Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG*
- Affordable housing *London Plan; Housing SPG; Housing SPG; Housing Strategy*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Heritage *London Plan;*
- 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*

14 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); and The London Plan 2016 (The Spatial Development Strategy for London Consolidated with Alterations since 2011).

15 The following are also relevant material considerations:

- National Planning Policy Framework and the accompanying National Planning Practice Guidance.
- The draft Camden Local Plan (2015).

## Principle of development

### Mixed use and employment space

16 The site is located in the Central Activities Zone (CAZ). London Plan Policies 2.11 'Central Activities Zone – Strategic functions' and 4.3 'Mixed use development and offices' seek to ensure that proposals to increase office floorspace within the CAZ include a mix of uses, including housing unless such a mix would demonstrably conflict with other policies in this plan. The Mayor's CAZ SPG echoes this position, it states that the accommodation of residential development within the CAZ should be managed sensitively to ensure that the overall provision of office floorspace is not strategically constrained.

17 The site is also 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, although at a scale less than that for Opportunity Areas.

18 London Plan Policy 4.2 'Offices' seeks to support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of the plan. It also seeks to meet the needs of the central London office market, consolidate and extend the strengths of a diverse office market and encourage the renewal and modernisation of the existing office stock. Increases in stock will be sought where there is authoritative, strategic and local evidence of sustained demand.

19 The application documents indicate that the existing building has 9,140 sq.m. Gross Internal Area (GIA) of office and 2,681 sq.m. GIA of Class A1-A3 floorspace. The proposal seeks to provide 12,960 sq.m. GIA of Class B1 floorspace and 1,388 sq.m. GIA of Class A1-A3 floorspace. The proposal therefore represents uplift in the provision of commercial floorspace on the development site.

20 In summary, the principle of a mixed-use development within the Central Activities Zone providing uplift of over 2,500 sq.m. GIA in commercial floorspace as well as the provision of 13 residential units meets the strategic requirements of the London Plan and is supported by GLA officers.

## Housing

21 London Plan Policy 3.3 'Increasing housing supply', in seeking to increase the supply of housing in London, sets borough housing targets, and in Table 3.1 puts the minimum annual monitoring target for the Borough of Camden at 889 additional homes per year between 2015 and 2025. The applicant proposes to provide 13 new homes at this site, which would contribute to Camden Council meeting its annual housing targets and is therefore supported in strategic planning terms in accordance with London Plan Policy 3.3.

22 The table below sets out the proposed residential schedule.

| <b>tenure</b> | <b>type</b> | <b>Number of units</b> | <b>%</b> |
|---------------|-------------|------------------------|----------|
| private       | studio      | 3                      | 23.1%    |
|               | 1-bedroom   | 3                      | 23.1%    |
|               | 2-bedroom   | 5                      | 38.4%    |
|               | 3-bedroom   | 2                      | 15.4%    |
|               | Total       | 13                     | 100%     |

### Mixed and balanced communities

23 London Plan Policies 3.8 'Housing choice', 3.9 'Mixed and balanced communities' and 3.11, and the Mayor's Housing SPG all promote the development of communities that are characterised by mixed and balanced tenure and household income. As is evident in the table at paragraph 22, the proposed development includes a mix of unit sizes, which is welcomed. The predominance of 2-bedroom units also accords with the borough's priority for private housing. There is, however, a lack of mixed tenure, which is addressed under affordable housing later in this report.

### Residential standards

24 London Plan Policy 3.5 'Quality and design of housing developments' establishes the strategic priority of securing design quality in housing development, with further guidance provided in the Mayor's Housing SPG. Key factors such as floor-to-ceiling heights, orientation, maximising ground-floor individual access points and number of units per core are all essential to achieving high residential quality and are of particular importance when assessing residential quality.

25 The residential layouts are supported and in line with the key objectives of the Mayor's Housing SPG. This is welcomed. All of the flats will benefit from their own private amenity space by way of balconies or terraces, which are in accordance with London Plan standards; and each lift core serves two or three units. Moreover, most of the flats provide dual-aspect accommodation and there are no purely north-facing single-aspect units within the scheme. The proposal therefore meets the requirements of Policy 3.5.

### Density

26 London Plan Policy 3.4 'Optimising housing potential' states that taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. 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, although the London Plan notes that these ranges should not be applied mechanistically.

27 Given that this is primarily an office development in a growth area within the CAZ, the density is considered acceptable.

### Children's play space

28 London Plan Policy 3.6 'Children and young people's play and informal recreation facilities' sets out that *"development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs."* The Mayor's supplementary planning guidance 'Shaping Neighbourhoods: Play and Informal Recreation SPG' (September 2012) clarifies at paragraph 4.25 that *"if there is the opportunity from the new development to access existing provision that has excess capacity or is capable of enhancement from the new development, the benchmark standard of 10 sq.m. per child does not need to be applied. If it is not the case, it is recommended that benchmark standards should be applied to the anticipated child occupancy of new development."*

29 In this instance, the anticipated child yield is one and this is in the under-five category. The SPG does not require on-site provision for less than 10 children.

## Affordable housing

30 In accordance with London Plan Policy 3.13 'Affordable housing thresholds', councils are required to seek affordable housing provision in all residential developments providing 10 or more homes. London Plan Policies 3.11 'Affordable housing targets' and 3.12 'Negotiating affordable housing on individual private residential and mixed use schemes' require councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. When negotiating for affordable housing, each council should be guided by their own overall target for affordable housing provision; promote rather than hinder development; encourage mixed and balanced communities, and; consider the site's individual circumstances.

31 The tenure split prescribed by London Plan Policy 3.11 is 60% social and affordable rent and 40% shared ownership. The NPPF, the Mayor's Housing SPG and the London Plan clearly state that to maximise affordable housing in London and provide a more diverse offer for the range of people requiring an affordable home, the affordable rent product should be utilised in the affordable housing offer in residential developments.

32 London Plan Policy 3.12, supported by paragraph 3.71, urges councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit or other recognised appraisal methodology is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified. Paragraph 3.75 highlights the potential need for re-appraising the viability of schemes prior to implementation.

33 Camden Council's Policy CS6 'Providing quality homes' sets an overall target as required by London Plan Policy 3.11, and expects 50% affordable housing to be provided for new developments, with a tenure mix of 60% social rented and 40% intermediate. Policy CS6 also states that *"the Council will adjust the type and mix of housing sought, having regard to the financial viability of development, the sales or capital value of different house types and tenures, and the needs of different groups."* Camden Council's Policy DP3 'Contributions to supply of affordable housing', expects a contribution to be made to the supply of affordable housing from all residential developments providing 10 or more additional dwellings.

34 Policy 3.12 of the London Plan expects affordable housing to be provided on-site, and the Mayor's Housing SPG reiterates this point, noting that on-site provision generally gives the greatest certainty of actual provision as well as meeting the Plan's policies on mixed and balanced communities.

35 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. However, off-site options should only be secured when it has been fully demonstrated as to why on-site provision is not possible.

36 The policy lists a number of exceptional circumstances where off-site provision may be acceptable including:

- to secure a higher level of provision;
- better address priority needs, especially for family housing;
- to secure a more balanced community; and
- better sustain strategically important clusters of economic activities, especially in parts of the CAZ (land swap/housing credit).

37 The site's central location and associated high property values and rent levels, and the small number of proposed units could discourage local registered providers from investing in the property. Additionally, it is noted that the high values would make it impossible to provide intermediate homes within the GLA's income thresholds; but a higher number of larger, family homes could be provided off-site. It must first be demonstrated, however, that a suitable quantum and mix of affordable housing cannot reasonably be provided on-site before considering off-site solutions, and the applicant should consider the full range of affordable products, including discounted market sale/rent (DMS/DMR) which do not require the investment of a registered provider.

38 The Planning Statement submitted by the applicant states that an Affordable Housing Statement (AHS) has been prepared *"to enable further discussions with officers regarding affordable housing"*. The agent has confirmed that the AHS is included in the viability assessment, which has not been submitted with the application documents. Having not received a copy of the viability assessment as requested, GLA officers have been unable to discuss with the applicant options for affordable housing on site.

39 The application proposes 0% affordable housing on-site and gives no indication of the level of off-site provision and/or financial contribution, which is unacceptable. The failure of the applicant to submit the viability assessment, notwithstanding repeated requests by GLA officers, is also unacceptable. The applicant is therefore requested to submit an affordable housing statement and a viability assessment to the GLA for scrutiny before the application is referred back to the Mayor by the Council. The Council should commission an independent review of the applicant's financial viability assessment and also seek to secure a review mechanism by legal agreement for some additional affordable provision, in the event of a significant improvement in economic circumstances prior to implementation of the scheme.

## **Heritage**

40 The application site lies outside any conservation area but is immediately adjacent to both the Hatton Garden CA (which includes the neighbouring Waterhouse Square complex) and the Bloomsbury CA (which includes the Gray's Inn legal quarter to the west of the Gray's Inn Road), and is immediately adjacent to several listed structures namely the Grade II\* listed Waterhouse Square to the east and the Grade II\* half-timbered Staple Inn (337-338 High Holborn) to the south, and all Grade II listed: the red-brick and terracotta Victorian Staple Inn Buildings, the Royal Fusiliers Monument and the pair of City of London 'Griffin' obelisk boundary markers, all to the south of the site. The buildings to the west and north are not of special interest.

41 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"*. GLA officers have had special regard to the impact that the development will have on the setting and character of the heritage assets and are satisfied that the impact would be minimal.

42 The proposal is of a very different architectural design, but in terms of its impact upon the individual heritage assets in the vicinity or the settings of the two conservation areas, it would not cause harm to the character of the conservation areas and therefore the proposal would accord with policy 7.8 in the London Plan.

## **Urban design**

43 Good design is central to all objectives of the London Plan, in particular the objective to create a city of diverse, strong, secure and accessible neighbourhoods to which Londoners feel

attached whatever their origin, background, age or status. Policies contained within chapter seven specifically look to promote development that reinforces or enhances the character, legibility, permeability and accessibility of neighbourhoods. It sets out a series of overarching principles and specific design policies related to site layout, scale, height and massing, internal layout and visual impact as ways of achieving this.

44 The proposal occupies a prominent corner site at the junction of Holborn and Gray's Inn Road, with a third public facing edge onto Brooke Street. The ground floor layout broadly maintains the building lines of the existing building with increased setbacks to the Brooke Street/Holborn frontages, which enables pavement widths to be increased. This is particularly welcomed along Brooke Street where the existing street width is limited.

45 The scheme utilises an existing service yard to the rear of the site which enables commercial active frontages to be maximised to all public facing edges. A secure access link is included across the service yard for residents/office workers and the applicant should demonstrate how a safe and fully inclusive route will be secured, with physical delineation between pedestrians and vehicles. Safe and unimpeded routes between disabled car parking areas and cores should also be demonstrated.

46 The overall form and massing of the building is supported and is consistent with the scale of the surrounding context. The simple articulation and materials palette of the office element gives potential to create a refined appearance that would appear recessive in relation to the more intricate language of neighbouring heritage assets. The Council is, however, encouraged to secure key details of facing materials, window reveals and balconies, in order to ensure an exemplary standard of architecture is built out.

## **Inclusive design and access**

47 Inclusive design principles if embedded into the development and design process from the outset help to ensure that all of us, including older people, disabled and deaf people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity. London Plan Policies 3.8 'Housing choice' and 7.2 'An inclusive environment' aim to ensure that proposals achieve the highest standards of accessibility and inclusion. The design rationale behind the application and how the principles of inclusive design, including the specific access needs of disabled people, have been integrated into the proposed development from the outset and how inclusion will be maintained and managed should be demonstrated in the design and access statement submitted with the application.

48 London Plan Policy 3.8 "Housing choice" states that the Mayor and local authorities should ensure that 90% of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% meets Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The accompanying Design and Access Statement confirms that the proposal meets these requirements.

49 The Design and Access Statement also confirms that the proposed entrance doors to the retail units will meet the requisite building standards to enable an inclusive and accessible environment. It also sets out a number of design parameters to be adopted as part of the office fit-out to ensure that the offices are inclusive and accessible, which is welcomed. These design features cover internal finishes, fixtures and fittings; lighting; sanitary accommodation; signage and wayfinding; emergency egress; communication aids and information systems and circulation; and access.



50 Extending inclusive design to the public realm can help to ensure that the parking areas, the routes to the site and links to adjacent public transport and local services and facilities are also designed to be accessible, safe and convenient for everyone, particularly disabled and older people. The applicant proposes the use of materials that will contrast visually against the backgrounds which they are seen, in addition to providing a variety of seating heights, with and without back and arm rests, that will allow space for wheelchair users to sit with other people in a dignified manner if seating is provided as part of the proposed landscaping.

51 The Council should ensure that the surface materials used, including on the proposed roof garden, are compatible with wheelchair users, people with walking aids and cane users, and be durable and slip resistant.

52 With regards to parking, the application proposes the provision of two Blue Badge parking spaces. This is welcomed.

## **Energy strategy**

53 The applicant has broadly followed the energy hierarchy and is proposing to reduce carbon emissions by 22%. In total, 17% savings will be achieved from energy efficiency measures - both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include mechanical ventilation with heat recovery and low energy lighting with controls. The demand for cooling will be minimised through external shading from vertical louvres, exposed thermal mass, low glazing g-values. The applicant has provided the cooling demand figures for the non-domestic building uses, demonstrating that the cooling demand has been reduced.

54 With regards to district heating, the applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available. This commitment should be secured by condition.

55 The proposed multiple system site heat network is not acceptable as such systems do not allow for easy retrofit to a district heating system. The applicant should therefore further investigate how all of the building uses can be integrated into a single system, thereby minimising the requirement for heating plant. Further information on the floor area and locations of the energy centres should be provided.

56 In terms of renewable energy, 207 sq.m. of roof mounted and integrated glazing Photovoltaic (PV) panels is proposed. These would provide 5% savings in regulated carbon dioxide emissions.

57 The on-site carbon dioxide savings fall short of the targets within Policy 5.2 of the London Plan. While it is accepted that there is little further potential for carbon dioxide reductions onsite, the developer, in liaison with the Council, should ensure the short fall in carbon dioxide reductions, equivalent to 51 tonnes of CO<sub>2</sub> per annum, is met off-site.

## **Transport for London's comments**

### Network impact

58 TfL is satisfied that the development proposals are unlikely to have a negative impact on the capacity or operation of public transport or the TLRN.

### Walking and cycling

59 The level of cycle parking set out in the application complies with London Plan standards as does the proposed provision of facilities for staff that cycle. TfL requests that both the parking and facilities are secured by condition.

60 Docking stations in the vicinity of the site are experiencing high levels of demand. The three closest stations (including Holborn Circus) fall within the top 5% of the busiest stations on the London wide network. Demand is anticipated to grow in the future and this development is likely to increase pressure on the cycle hire network. TfL considers that a site specific s106 contribution of £200,000 is secured for the installation of a new 32 point docking station. The location is to be determined; however if land cannot be secured on site, TfL will commit to providing the facility within the vicinity of the subject site.

61 A walking link is proposed between Brooke Street and Gray's Inn Road, which is supported by TfL subject to also making provision for cyclists and this route being available 24/7. TfL also encourages the developer and the Council to consider the potential for public realm improvements around the London Underground station entrance.

62 TfL further requests that the sum of £1,000, payable to Camden, is secured in the s106 agreement to update two existing Legible London signs in the site's vicinity.

### Car parking

63 A car free development, except for policy compliant blue badge parking, is proposed off street, which is supported by TfL. At least one Blue Badge space should be equipped with an electric vehicle charge point. To back up the car free scheme, occupiers other than Blue Badge holders should be exempted from obtaining on street parking permits.

### Delivery and Servicing

64 All servicing will be off street from Brooke Street. These proposals are acceptable, subject to Camden's consideration as highway authority. TfL expects a Delivery and Service Plan (DSP) and a Construction Logistics Plan (CLP) to be secured by condition to appropriately manage any potential adverse effects on the highway network, bus operations and Chancery Lane station.

### Infrastructure protection

65 Given the close proximity of London Underground infrastructure, approval from London Underground, regarding the details, is required prior to any basement, foundation or excavation works commencing or street level changes being made which could impact Chancery Lane station. This should be secured by condition.

### Travel plan

66 A travel plan together with subsequent review and monitoring should be secured via condition/s106 agreement. To encourage sustainable transport and support this car free scheme, TfL recommends that the developer provides funding for cycle hire membership for residents and staff for a period of at least three years.

## **Community Infrastructure Levy**

67 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3 toward the funding of Crossrail. The rate for Camden is £50 per square metre.

68 The site is also in the area where contributions for Crossrail will be sought in accordance with London Plan Policy 6.5 and the associated SPG 'Use of planning obligations in the funding of Crossrail' (April 2013). In these situations, the Mayoral CIL will be treated as a credit towards any section 106 Crossrail liability and this should be reflected in the wording of the section 106 agreement.

## **Local planning authority's position**

69 Camden Council's position is not yet known.

## **Legal considerations**

70 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 and any connected 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**

71 There are no financial considerations at this stage.

## **Conclusion**

72 London Plan policies on mixed-use developments, affordable housing, heritage, design, transport, inclusive access, and energy are relevant to this application. Whilst the principle of the application is acceptable in strategic planning terms, on balance, it does not fully comply with the London Plan. The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Affordable housing:** The application proposes 0% affordable housing on-site and gives no indication of any off-site provision and/or financial contribution, which is unacceptable. The failure of the applicant to submit the viability assessment, notwithstanding repeated requests by GLA officers, is also unacceptable. The applicant is therefore requested to submit an affordable housing statement and viability assessment to the GLA for scrutiny before the application is referred back to the Mayor by the Council. The Council should commission an independent review of the applicant's financial viability assessment and also seek to secure a review mechanism by legal agreement for some additional affordable provision, in the event of a significant improvement in economic circumstances prior to implementation of the scheme.
- **Urban design:** Broadly supported but the applicant should demonstrate how the shared surface and the routes between the disabled car parking areas and cores will be safe and inclusive for all users.
- **Inclusive design and access:** The Council should ensure that all surface materials are in line with the recommendations listed at paragraph 51 of this report.

- **Transport:** The Council should ensure that the s106 financial contributions, conditions and other recommendations set out under the transport comments of this report (paragraphs 58-66) are secured including the continuous opening of, and the accommodation of cyclists on, the proposed walking link between Brooke Street and Gray's Inn Road.
- **Energy:** The applicant should investigate the provision of a single integrated system as well as provide further information on the floor area and locations of the energy centres.

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