

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,

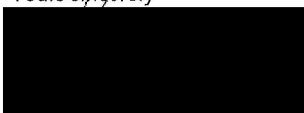
Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

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



GREATER LONDON AUTHORITY

planning report GLA/4035/02

19 March 2018

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.

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.

for further information, contact the GLA Planning Team:

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