

June 2021

University College London Hospitals Charity
Middlesex Hospital Annex

Planning Statement in support of a S73 application to vary Conditions 2,3,4; and 5 of Planning Permission 2018/1584/P at the Former Middlesex Hospital Annex, 44 Cleveland Street, W1T 4JT



Document Version Control

Version	Date	Author	Reviewed by	Reviewed and Approved by
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1.0 Introduction

- 1.1.1 This Planning Statement has been prepared by Temple Group Ltd and is submitted to the London Borough of Camden on behalf of University College London Hospitals Charity ("the Applicant"), as part of a s73 Planning Application for changes to the approved planning permission, for the site known as Middlesex Hospital Annex, 44 Cleveland Street, Fitzrovia, London W1T 4JT ("the Site").
- 1.1.2 The Site was granted planning permission on 15 January 2018 reference 2017/0414/P subject to a section 106 agreement. The 2018 permission was subject to an application made under section 73 of the Town and Country Planning Act 1990 granted on 30 September 2019 reference 2018/1584/P ("the 2019 Permission"). The MHA Site is currently being developed pursuant to the 2019 Permission.
- 1.1.3 This application is to vary the relevant conditions of the 2019 Permission, because it is no longer viable to deliver the approved amount of affordable housing.
- 1.1.4 This application is of the highest priority in ensuring that the redevelopment of the site is completed. It is about ensuring that the Charity reduces its losses as they would be in a unique position to continue to deliver the scheme, unlike other commercial developers. The Charity has maintained all of its commitments to delivering the current planning permission, is still on site and continues to deliver those elements already granted planning permission.
- 1.1.5 Matters in relation to the 2004 S106 Agreement, of which officers are aware, are being dealt with separately by correspondence between the Council and Pinsent Masons, acting on behalf of the Charity. The Applicant's position is that the 2004 Agreement lapsed on 29 July 2009 and its reasoning and evidence in support of this is set out in full in its pre-action protocol letter to the Council dated 25 May 2021. The Applicant has requested that the Council enter into documentation to confirm this and if it does not agree to do so the Applicant's intention is to issue proceedings in the High Court to seek a declaration to this effect. On this basis the Applicant's position is that the 2004 Agreement is irrelevant to site's viability position.

1.2 UCLH Charity's Objectives

- 1.2.1 The Applicant is an entirely separate organisation to UCLH Foundation NHS Trust and operates as an independent charitable trust, which raises critical additional funding for the UCL Hospitals and projects in the community.
- 1.2.2 UCLH Charity funding provides support for patients and staff and helps to finance medical research, equipment and facilities. The Charity's primary objective is to improve the experience for patients at the Trust's seven hospitals.
- 1.2.3 The Charity has a particular focus on funding facilities that are over and above what should be expected by a leading NHS hospital, such as:
- Buying an important piece of equipment, the NHS cannot afford;
 - Funding extra training for staff, particularly in specialist areas;
 - Investing in research so that better therapies can be developed;
 - Providing funds for innovative projects within the hospitals; and
 - Improving the hospital environment

1.2.4 In recent years, the Charity has:

- Made a significant financial contribution to the purpose-built University College Hospital Macmillan Cancer Centre opened in April 2012, which provides patients with access to the very best treatment, support and advice for their particular type of cancer;
- Fitted out a 35-bedroom, four star “hotel” for patients undergoing chemotherapy, giving them greater comfort and independence (at Tottenham Court Road);
- Invested £4m in new equipment in the UCLH opened in 2005;
- Invested £1.5m in the Trust’s Making a Difference Together programme to improve the patient experience;
- Helped UCL Hospitals to purchase new PET/CT scanners, and the very first PET/MRs scanner in the UK;
- Invested with UCL Hospitals in a state-of-the-art education centre, ensuring our staff are trained to the highest standards to improve patient care and every year, medical and non-medical staff can apply for financial support to continue their studies: over the last four years more than 100 people have benefited from this;
- Committed £7m to support the UCL/UCLH Comprehensive Biomedical Research Centre, one of the UK’s five top medical research centres;
- Committed £5m to support a robotic expansion programme, which will make UCLH the leading robotic surgical hub in the UK. The programme will enable UCLH to eliminate waiting lists for a wide range of illnesses as a result of a COVID-19 concentrated service;
- Issued grants to help a safe and effective roll out of the new electronic health record system (Epic) and ongoing training to create an Epic expert community and the Charity’s Experimental Medicine Application Platform has a significant role at the centre of UCLH’s management and research into Covid-19;
- Made a grant of £400k for Redthread, to carry out a Youth Violence Intervention Programme over a three year period; and
- Provided further grants for end of life care taking the total granted to the NHS Trust to over £1M.

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

1.3 The Application

1.3.1 This application is submitted in light of a recent viability assessment which demonstrates that the 2019 planning permission is no longer financially viable. Officers have accepted the Applicant’s position in pre-application discussions and so this application is the appropriate means by which the scheme should be revised.

1.3.2 Since planning permission was granted for the scheme in 2019, the development has been exposed to several circumstances, beyond the Applicant’s control, which have led to severe detrimental financial implications. This means that the competing priorities for the scheme cannot now all be delivered, notwithstanding the Applicant’s commitment to the redevelopment of the site which is demonstrated by the extent of current works. These financial implications are summarised below:

- Archaeology – The full extent of archaeology work, including the total number of burials to be exhumed and the works and costs required for civil engineering to protect personnel and structures, was unknown until after the demolition of the buildings in the rear of the site. The

initial evaluation of the archaeology and the main archaeological works to exhume the burials has doubled the length of the contract and more than doubled the original cost estimates. This is due to the clustering of burials on the perimeter of the site. Further, the Applicant is now required to provide building accommodation for the archaeology supervision and contractors from 2018 to 2022;

- Listed building works – Another major factor in the escalating costs is the very poor state of the listed Workhouse building. The building had been substantially adapted for use as a hospital and very little remains of its original features apart from the exterior four walls, all of which are in a state of disrepair. The outer skin of the eastern boundary has had to be totally replaced with the expense of reclaimed bricks, and a large section of the front will have to undergo the same treatment. The roof, windows and doors are all being replaced with very specific reinstatement requirements imposed by the Conservation Officer and Historic England. The refurbishment costs of the whole building are now substantially above the original estimates;
- Another significant part of the overall development is the retention of the North House and South House adjacent to the Workhouse. At the time of developing the master plan for the whole site, retention of these two buildings was deemed appropriate. The retention of these two old buildings has proved to be costly. Both were used as part of the hospital and were in a very bad state of repair and, like the Workhouse, have had to be completely gutted, re-roofed and substantial repairs made to the external fabric;
- Asbestos – The extent of asbestos and removal required, not identified within the hospital asbestos reports, has also been significantly greater than what was originally contemplated;
- Regulatory changes – More recently, changes in the building regulations following the Grenfell Fire are adding significant cost of the social housing. The specifications now required by insurance companies are also impacting on costs. All buildings above 11m must now have sprinkler systems installed. This has meant a substantial redesign of the new build element of the development incorporating a second basement for the water storage tanks, back-up generator and staircase access for fire brigade;
- COVID-19 – The impact of COVID-19 and the lockdown of part of the site on 23 March 2020 have further affected progress on site and extending the duration of the works. External ground works and archaeology investigations have continued albeit at a reduced level of activity to maintain social distancing, although it was necessary to cease work on the internal refurbishment of the existing buildings.

- 1.3.3 The cumulative effect of these issues is a very substantial increase in the total scheme development costs, above that which was envisaged at the time the planning permission was granted.
- 1.3.4 Considering the above and as detailed in the accompanying confidential Financial Viability Assessment Report by SQW (“the FVA”), it is necessary to change the number of affordable units delivered under this scheme. Though the FVA demonstrates that it is not viable to provide even a single unit of affordable housing, the Charity is in a unique position in seeking to limit its loss and standing by its commitment to Camden by continuing to offer 17 units of affordable accommodation.
- 1.3.5 Two concurrent s96A applications have been made. One is to revise, in light of the ‘Finney’ judgement, the description of development of the 2019 planning permission. The other is to make changes to the existing approved basement to accommodate the regulatory changes referenced above. Both applications are considered to be acceptable by the Applicant and should be granted without delay.
- 1.3.6 The proposed description of development (which reflects the concurrent s96A application) for *this* application is:
- 1.3.7 *Variation of Conditions 2 and 3 (approved drawings), 4 (accessible units); 5 (wheelchair user dwellings) of planning permission 2018/1584/P for refurbishment of the Workhouse and North/South Houses and redevelopment of the remainder of the site, to provide a mixed-use development comprising residential units and commercial space, basement accommodation, external quench pipes, a community room, rooftop plant, cycle parking, access and landscaping [Variation of condition 2 (approved drawings) and removal of condition 3 (demolition contract) of planning permission ref 2017/0414/P (dated 15th Jan 2018)].*
- 1.3.8 **Table 1**, below, summarises the documents which are submitted as part of *this* application:

Table 1 Application Documents

Document	Prepared by
Covering Letter	Temple Group
Application Form, certificates of ownership, CIL Form	Temple Group
Planning Application Fee	£234 (+planning portal service fee)
Application Drawings	Llewelyn Davies
Planning Statement	Temple Group
Affordable Housing Statement	Temple Group (within this statement)
Planning Obligations Statement	Temple Group (within this statement)
Fire Statement	Llewelyn Davies (within DAS)
Energy Assessment	Arup
Financial Viability Assessment Report	SQW
Design and Access Statement (including revised Heritage Assessment and Transport information)	Llewelyn Davies

2.0 Site Description & Planning History

2.1 The Site

- 2.1.1 The Site is located in the Bloomsbury Ward, of the London Borough of Camden. Situated at 44 Cleveland Street, it lies south of Howland Street, north of Tottenham Street and Tottenham Mews and west of Charlotte Street. The site is located close to the Camden-Westminster local authority boundary and is situated within the Charlotte Street Conservation Area (CSCA). The total site area is 0.305ha.
- 2.1.2 The Site comprises the U-shaped, 18th Century former Strand Union Workhouse which is Grade II listed and on the Historic England Buildings at Risk Register. The remainder of the Site benefits from a Certificate of Immunity Against Listing (2016). The Workhouse is four-storeys in height and fronts onto Cleveland Street. The building is set behind a tall boundary wall. Behind the Workhouse two wings of a similar height extended eastwards forming a courtyard which were added in the 19th Century. Two three-storey 19th Century buildings sit on the Site boundaries to the north and south of this, referred to as the North and South Houses respectively. The Workhouse has been built with yellow brown stock brick and stone dressings with the 19th Century wings to the rear built with brown stock brick and red brick banding. The 2019 planning permission is being implemented, with demolition and the restoration of the Workhouse complete and the excavation, utility, and archaeological works well underway.

2.2 Planning History

Recent Site Planning History

- 2.2.1 The recent planning history for the site, relevant to this application, is summarised below:

Application Ref.	Description of Development	Decision
2017/0414/P	Refurbishment and alterations to the existing former Workhouse Building (Grade II listed) and North and South Houses (fronting onto Cleveland Street) to provide 12x residential units (Class C3); demolition of part of South House and buildings at rear of Workhouse Building and redevelopment to provide a part 4, part 5, part 8 storey building comprising 4,535sqm of commercial floor space (flexible use of Class B1 / D1 healthcare) and 38x residential units (Class C3); and associated works including opening up to Bedford Passage, creation of public open space, landscaping works, and partial demolition of front boundary wall.	Approved 15/01/2018 (Subject to legal agreement)
2017/0414/L	Listed Building Consent - Various external and internal alterations and extension to the former Workhouse	Approved 15/01/2018

	Building in association with the conversion of the building to 8 self-contained flats	
2018/2163/L	Internal modifications to workhouse building at levels 1-4 to add 3 no. flats and minor alterations to external elevations.	Approved 17/02/2020
2018/1584/P	Variation of condition 2 (approved drawings) and removal of condition 3 (demolition contract) of planning permission ref 2017/0414/P (dated 15th Jan 2018) for refurbishment of the Workhouse and North/South Houses and redevelopment of the remainder of the site, to provide a mixed-use development comprising 50 residential units and commercial space; namely to increase extent of basement to incorporate MRI scanners with 3 no. external quench pipes, internal modifications to affordable housing layouts, change of mix of market tenure housing to create 3 no. additional units, alterations to South House to incorporate community room and North House to increase floorspace and provide basement level courtyards, alterations to rooftop plant area, fenestration of new build, cycle parking, access and landscaping.	Approved 30/09/2019 (Subject to Legal Agreement) (The 2019 Permission)

2.2.2 The Council is aware of the 2004 legal agreement (referred to above) as part of the site's planning history and it is relevant to note that it sought to consolidate previous deeds of planning obligations with new planning obligations. In effect, the affordable housing sought by the Agreement has become known as the 'legacy units' - in essence, 30 units of affordable housing which the Council has maintained should be delivered on this application site, come what may. The issues surrounding the Agreement are being dealt with separately, as referenced previously.

2.3 The Surrounding Area

2.3.1 The heritage assets within the vicinity of the Site are the CSCA and Charlotte Street West Conservation Area (CSWCA) and are divided by the boundary between Camden and Westminster Councils, with the latter being in the City of Westminster. The character of the area covered by both these conservation areas is summarised by the CSCA in paragraph 3.4: *"The area's spatial character derives from the densely developed grid pattern of streets and limited open space. Development is predominantly four storeys and set back from the street by a small basement area creating a strong sense of enclosure. The sense of enclosure is intensified on narrower streets"*.

2.3.2 The main structure of the original Strand Union Workhouse (built 1778) building which fronts onto Cleveland Street on the application site is an important heritage; which is reflected by its statutory protected status (Grade II Listed). The Workhouse is one of only three of its kind surviving in London and is strongly associated with some prominent reformers from the 1850s-60s including Dr Joseph Rogers whose actions to improve living conditions within

Workhouse influenced wider reforms on conditions in such institutions generally. The surviving Workhouse contributes to the character of the conservation area in the way that it has influenced the subdivision and development of the grid block within which the Site lies, and its visibility within the street scene of Cleveland Street.

- 2.3.3 Within this context, the three storey buildings either side of the listed workhouse (known as North and South House respectively), and the twentieth century wall and railings which encloses the frontage onto Cleveland Street are considered to form a significant heritage feature in views up and down Cleveland Street and in views from west along Foley Street.
- 2.3.4 The surrounding area contains a range of built forms and scales, reflecting the evolving nature of the area with traditional four-five storey terraced buildings to the immediate west, and more modern institutional and commercial blocks to the north, south and east of the site. As the area is close to Tottenham Court Road it is vibrant and contains a broad mix of uses including a significant number of commercial uses, typical to its Central London Area location as identified in the London Plan.
- 2.3.5 In the immediate vicinity of the Site, the original character of the area is illustrated by the four storey Georgian terrace of houses opposite although most have been converted to business uses on the ground and lower floors and the larger 5-6 storey blocks directly behind these and fronting Foley Street. To the north of this is a late-Georgian mansion block *Regent's Residence* at 57-59 Cleveland Street. To the south is the early twentieth century (1911) block of flats in arts and crafts style (listed in 1987 at Grade II). To the south of this on the north corner of Foley Street is the late Victorian neo-Gothic King and Queen Public House (also listed at Grade II at the same time). The Site is within the settings of listed buildings on the west side of Cleveland Street. These buildings all post-date the original Workhouse and include the Grade II Listed King and Queen public house and 45-47 Cleveland Street, together with the unlisted but largely original block of Georgian houses from 49-55 Cleveland Street. Together with the Workhouse to the east, they provide a sense of the original character of the street.
- 2.3.6 The Site's northern boundary is formed and dominated by the modern Sainsbury's Welcome Centre Building (completed 2015), with the 8 storey Astor College that provides UCL student accommodation forming the Site's eastern boundary. The block to the south of Foley Street, opposite the former Workhouse is fronted to the west by the six-storey 1930s red brick Courtauld Institute building. Behind this, facing Foley Street is the Grade II listed All Souls Church of England primary school, built in 1908 in neo-classical style.
- 2.3.7 The block to the south of Middlesex Hospital Annex comprises the Middlesex House (30 and 32 Cleveland Street) built in 1930s which is now largely used for commercial purposes. The back of Tottenham Mews is immediately south east of the Site and has been in industrial use at least since the 19th Century. The Mews contains a range of workshop and warehouse buildings which are associated with and illustrative of such uses from that time onwards, with most now adapted for office use and some for residential use.

2.4 Access

- 2.4.1 The Site has the highest-level accessibility, with a PTAL level of 6b. It is currently well connected to public transport services with Great Portland Street underground station (480m) to the north, Goodge Street (480m) to the east and Oxford Circus (800m) to the south. These offer services on the Circle, Hammersmith and City, Metropolitan, Northern, Bakerloo, Central

and Victoria London Underground lines. Frequent bus services are available from Tottenham Court Road, Euston Road and Oxford Street and there are a number of Santander Cycle Hire points located within close proximity of the Site. This is reflective of its status within the Central London Area of the London Plan and its location generally.

3.0 The Development Proposal

3.1 Pre-Application Consultation

- 3.1.1 Prior to the submission of this application the Applicant discussed, in a number of meetings, the viability position of the scheme with Officers of the Council. In correspondence dated 27th April 2021, Officers acknowledged the fact that the circumstances causing viability problems were largely unseen and that as it stands, the approved scheme offers significantly more affordable housing than would usually be provided for in similar developments within the borough.
- 3.1.2 Officers also concluded that whilst they agree that the approved scheme would result in a financial deficit for the Applicant, they would resist the loss of any affordable units, and that an application would need to be submitted where a reduction is sought, making reference to the change in circumstances surrounding its viability.

3.2 The Proposal

- 3.2.1 This application will deliver on all the elements and competing policy priorities of the previous permission, relative to the amount of affordable housing, while also increasing the amount of overall self-contained housing. In order to best accommodate the reduction in the affordable housing, a number of minor associated changes are proposed. These changes are set out in detail in the supporting Design and Access Statement ("DAS") and are summarised below.

3.2.2 North House

- No changes are proposed.

3.2.3 Listed Workhouse

- Minor changes to staircase window to incorporate Automatic Opening Vents (AOV) for smoke extraction.

3.2.4 South House

- Proposed change in tenure from intermediate affordable to market housing, providing 15 market housing units in the existing buildings.

3.2.5 New Build Commercial Floors (Basement, Ground, 1st and 2nd floors)

- Basement level 2 – New basement level for core and sprinkler water tanks;
- Basement level 1 – Reconfiguration of scanners, changing rooms and plant space;
- Ground floor - Minor changes to layout to create affordable core, disabled bike store with lift access to changing rooms;
- First floor – Minor changes to layout to create affordable core; and
- Second floor – Minor changes to layout to create an affordable core, an overall slight reduction in commercial space to allow for access to affordable units.

3.2.6 New Build Affordable Social Rented and Intermediate Basement (3rd floor)

- Change in layout of apartments which has maximised the footprint to create additional units; and

- All residents on level 3 now have a private terrace or access to the private amenity space courtyard.

3.2.7 New Build Affordable Social Rented and Intermediate (4th-7th Floor)

- Levels 4-7 have been reconfigured to provide 25 market housing units (mixture of 1 and 2 beds); and
- All residents are provided with a private terrace and access to the private amenity space courtyard garden on level 5.

3.2.8 New Build Affordable and Commercial Roofscape (7th Floor)

- The roof plan has been reconfigured to incorporate plant equipment, solar panels and green roofs.

3.2.9 The proposal provides a total of 57 residential units (40 market housing and 17 affordable) and 61% of the overall floorspace comprises residential. The Proposed Schedule of Areas and Accommodation is included in the DAS.

3.2.10 It is important to note that 4 of the 17 affordable units are proposed to be retained by the Charity and will provide staff accommodation for the hospital at affordable intermediate rents.

4.0 Planning Policy and Guidance

4.1.1 This section does not set out the full analysis that accompanied the original application as that is unnecessary but includes the policy context relevant to the proposed changes.

4.2 The National Planning Policy Framework (NPPF)

4.2.1 The NPPF sets out the Government's economic, social, and environmental planning policies for England. The NPPF guides the preparation of all Local Plans and sets out a framework which should be used for decision-making. Where a Local Authority fails to have an up-to-date Development Plan, the NPPF should be used to aid in any decision-making.

4.2.2 The NPPF is periodically updated and was most recently updated in June 2019.

4.2.3 The key areas of relevance, to this proposal, are:

- Section 5 – Delivering a sufficient supply of homes;
- Section 9 – Promoting sustainable transport;
- Section 14 – Meeting the challenge of climate change, flooding and coastal change; and;
- Section 15 – Conserving and enhancing the natural environment.

4.3 London Plan (adopted March 2021)

4.3.1 The London Plan is the overall strategic plan for London. It is intended to provide an integrated economic, environmental, transport and social framework for the development of London for at least the next 20 years. The Plan sets out the framework for local plan policy making and planning application decision making at the local level. As such local policies of every London borough should be in general conformity with the London Plan.

4.3.2 The London Plan has been updated since the previous planning permission. This section sets out the relevant policies with regards to the proposed changes though the relevant policies do not significantly differ when compared to the permitted scheme. It does not address policies from the Plan where the proposed changes have no effect. The key areas for discussion, considering this proposal are:

- Policy G5 – Urban Greening
- Policy G6 - Biodiversity and Access to Nature
- Policy D6 - Housing Quality and Standards
- Policy D7 - Accessible Housing
- Policy D12 – Fire Safety
- Policy GG6 – Increasing energy and resilience
- Policy H1 – Increasing housing supply
- Policy H4 – Delivering affordable housing
- Policy H5 – Threshold approach to applications
- Policy H6 – Affordable housing tenure
- Policy H10 – Housing Size Mix
- Policy SI4 – Managing heat risk
- Policy T5 - Cycling

4.4 Camden Local Plan (adopted July 2017)

- 4.4.1 The London Borough (LB) of Camden's Local Plan was adopted in July 2017. It is a 15-year strategy for growth to provide the homes, jobs and other facilities to meet Camden's identified needs.
- 4.4.2 Many of the relevant Local Plan policies are very similar to those in the superseded Core Strategy and Development Policies. The leading policy of the Local Plan; Policy G1 (Delivery and Location of Growth), promotes development that secures the most efficient use of land and buildings by expecting a mix of uses (including an element of self-contained homes) to be provided on suitable sites, and seeks to concentrate development (particularly higher density development) within Camden's identified Growth areas such as the Central London Area and other highly accessible locations. Policy H1 (Maximising Housing Supply) confirms that self-contained housing is the priority land use and for sites where other uses are needed, a mix of uses including self-contained housing will be sought.
- 4.4.3 The policies relevant to this application remain largely the same as those assessed in the previous scheme. The key policies of relevance to this scheme are:
- G1 Delivery and location of growth;
 - H1 Maximising housing supply;
 - H2 Maximising the supply of self-contained housing from mixed-use schemes;
 - H4 Maximising the supply of affordable housing;
 - H6 Housing Choice and Mix;
 - H7 Large and Small Homes;
 - CC1 Climate Change Mitigation;
 - C2 Community Facilities;
 - T1 Prioritising walking, cycling and public transport; and
 - Policies of the Fitzrovia Area Action Plan

4.5 Camden Planning Guidance

LB Camden has produced several supplementary planning guidance documents that support the Local Plan. Those of relevance are:

- Housing (January 2021)
- Transport (January 2021)
- Energy Efficiency and Adaptation (January 2021)

5.0 Assessment

5.1 The Principle of Development

Existing Healthcare Use

- 5.1.1 The established use of the Site is for medical/healthcare uses. Policy C2 of the Local Plan (2017) is of relevance. The Policy says that the Council will support the investment plans of health bodies to expand and enhance their operations, taking into account the social and economic benefits they generate for Camden. While the policy has a number of criteria, they do not all apply, and, in this case, the criteria e and g of the policy applies (the latter deals with the loss of existing facilities).
- 5.1.2 The main hospital site and Arthur Stanley House closed in December 2005/January 2006 when all the outpatient clinics were moved to the new University College Hospital on Euston Road and administration services to 250 Euston Road. Since 2006, the Site has remained largely vacant with parts of the Workhouse presently being occupied by Camelot security (protection by occupation) until the redevelopment of the Site comes forward.
- 5.1.3 It is already evident and accepted that a replacement facility has been provided and as such the development proposal complies with Policy C2 (g) of the Local Plan, while the current proposal will maintain investment in health services (criteria e) both indirectly and directly given the provision of MRI facilities on the Site.

Mixed Use

- 5.1.4 Central to Camden's strategy for managing growth is the promotion of higher density mixed use developments which maximise the Borough's limited land supply. Policy G1 of the Local Plan confirms that the Council will a) support developments that make best use of its sites, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility *and any other considerations relevant to the site*. Fitzrovia and the application site are identified as sites with good transport accessibility.
- 5.1.5 Mixed use development is also encouraged in paragraph 2.13 which says that: '*The Council will encourage the provision of a mix of uses in suitable locations and expect development proposals of an appropriate size in growth areas, Central London...to contribute towards meeting Camden's pressing need for self-contained housing. This reflects the designation of self-contained housing as the priority land use of the Plan (see Policy H1)*'. Through Policy G1 the Council will seek to deliver growth by promoting the efficient use of land and securing high-quality development by c) expecting the provision of a mix of uses in suitable schemes, particularly the most accessible parts of the scheme including an element of self-contained housing where possible. The Policy supports Central London as a focus for Camden's future growth through a range of uses including homes (affordable housing), offices, and medical uses.

5.2 Housing and Affordable Housing

- 5.2.1 London Plan Policy H1 focuses on increasing housing supply and how local authorities should encourage development to achieve their ten-year housing delivery targets. The policy says that local authorities should seek to optimise the delivery of housing on all suitable and

available brownfield sites and prioritise housing development in sites with a PTAL rating between 3-6.

- 5.2.2 The Site has the highest PTAL rating (6b) due to its links with public transport across the city, making it a suitable and preferred site for housing development. Policy H1 also supports the development/intensification of housing development on previously developed sites or low-density sites with potential for development.
- 5.2.3 The proposed development will provide much needed homes for the borough across a mixture of tenures and provide allocated housing for NHS Key Workers, in a well-connected part of the borough. The development will maximise the sites potential for a number of uses and maximise the site's ability to contribute to Camden's housing delivery, with an overall increase in housing above the existing planning permission.
- 5.2.4 Policy H4 of The London Plan sets out the city's strategic target for 50% of all new homes delivered to be 'genuinely affordable'. To help achieve this, the plan sets out a threshold approach for all major developments which trigger the need for affordable housing.
- 5.2.5 The appropriate thresholds are set out in Policy H5 (part C), which states that a minimum of 35% affordable housing should be provided in major residential developments.
- 5.2.6 Policy H5 goes on to say that where it is not possible for the requirements set out in Part C to be achieved the application must follow the Viability Tested Route, submitting clear viability evidence as to why the proposal cannot provide the relevant proportion of affordable housing.
- 5.2.7 The Council aims to minimise social polarisation by creating mixed, inclusive, and sustainable communities. Its leading policy in the Local Plan on maximising housing supply (policy H1) is clear that the Council will adjust the type and mix of housing sought, *having regard to financial viability*.
- 5.2.8 Through Policy H2 of the Local Plan, the Council seeks to promote mixed use developments in the most accessible parts of the Borough; including the Central London area, where the Site lies. Policy H2 stipulates that the Council expects 50% of all additional space in new developments to be housing, and the Council will encourage non-residential development throughout the borough to provide a mix of uses (paragraph 3.44).
- 5.2.9 The Council will require development schemes in Central London to provide a mix of uses subject to considerations set out in Policy H2 and will seek half of all additional floorspace as self-contained housing (in Use Class C3), such that additional floorspace in residential use matches all the additional floorspace in non-residential use (paragraph 3.45). The Council has established detailed requirements for non-residential developments in Camden's Central London Area as they have the best access to public transport, making it the best potential for a mix of uses, and the best prospect for the development of housing above active street frontages (paragraph 3.45).
- 5.2.10 It is a significant benefit of the scheme that it provides a further uplift of self-contained housing at 57 in total. This is an uplift in residential floorspace (GIA) from 6,191.98sqm to 6,460.31sqm, meeting the principal housing policy of the London Plan (H1) and Local Plan (H1). The proposed scheme continues to provide a mixed-used residential led development with over 50% of developable space allocated for self-contained residential use.

Nevertheless, the development plan is clear that the financial viability of a scheme is a critical factor to the provision of housing.

- 5.2.11 Policy H4 of the Local Plan confirms that the Council will seek to negotiate the maximum reasonable amount of affordable housing within a guideline mix. Criteria 'o' is clear that provision is subject to *'the economics and financial viability of the development including any particular costs associated with it...'*
- 5.2.12 The relationship of the site to the Fitzrovia Area Action Plan (FAAP) has been well rehearsed during the life of this application site and is not repeated in detail here. The FAAP is clear that *'The Council considers viability to be a key factor in assessing planning proposals in Fitzrovia and across the borough. In the Plan area, the Council will continue to have full regard to viability as a material consideration in planning decisions...'* (page 10). Equally, it does not attempt to quantify the total amount of development to be delivered by the plan (page 12) or a minimum number of housing units on this site.
- 5.2.13 This application proposes 26% affordable housing but the FVA submitted as part of this application clearly demonstrates (as accepted by Officers) that the amount of affordable housing should be reduced.

5.3 Housing Mix: Tenure and Size

- 5.3.1 Policy H6 of the London Plan looks at housing tenure for affordable housing. Section A of the policy sets out that the split of affordable housing should be 30% social rented, 30% intermediate (London Living Rent/Shared Ownership) and the remaining 40% can be decided by the relevant borough based on the identified local need.
- 5.3.2 Based on an identified local need, Local Plan Policy H4 sets out the Council's guideline tenure mix of new affordable housing whereby 60% of the affordable housing is expected to be social rented accommodation and 40% intermediate affordable housing.
- 5.3.3 London Plan Policy H10 (Part A) sets out that residential developments should generally provide a range of unit sizes. Whilst policy H10 does not set out a specific split of unit sizes it suggests that the range of unit sizes should depend on the following, and will therefore vary for each development:
- Evidence of local need,
 - Requirement to deliver mixed and inclusive neighbourhoods,
 - The need to deliver units across a variety of price points,
 - The mix of uses and tenures in the scheme,
 - Location of the site,
 - The aim to optimise housing potential on sites,
 - The ability of the development to reduce pressure on conversions/sub-conversions of existing residential units, and
 - The need for additional family housing and the role of smaller units freeing up larger family units.

5.3.4 Part B of Policy H10 details the variables that the split of affordable units should be based on. When considering the appropriate split of unit sizes for *affordable* units, policy H10 sets out that the following should be taken into account:

- Evidence of local housing needs,
- Other criteria set out in Part A (including the strategic and local requirement for affordable family accommodation),
- The impact of welfare reform, and
- The cost of delivering larger units and the availability of grant.

5.3.5 Local Plan Policy H7 and the supporting table sets out the Council's requirements with regards to mixture of units within residential developments - but that a flexible approach can be taken in certain circumstances. Paragraph 3.189 of the Local Plan sets out the Dwelling.

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

5.3.6 The table shows a high priority for 2-3 bedroom properties for private market housing and social rented and a high priority for 1 bedroom properties in intermediate tenure.

5.3.7 The proposed Scheme Unit Schedule is shown in full in Section 9.3 of the DAS. An extract of this schedule is shown below to highlight the mix of tenures proposed:

Unit Size	1 bed	2 bed	3 bed	4 bed
Social	8	4	1	0
Intermediate	2	2	0	0
Market	13	24	2	1
Total No.	23	30	3	1

5.3.8 Camden's identified housing need shows a low demand for the larger properties (3-4 bed) and a higher demand for 1-2 bed properties, particular 2 bed properties across all tenure

types. The proposed mix is derived from the Applicant's efforts in trying to maintain affordable housing within the scheme.

5.4 Quality of Accommodation

- 5.4.1 London Plan Policy D6 sets out the standards for housing across the London Boroughs. In accordance with Policy D6 housing developments should be of high-quality design and provide adequately sized rooms. Table 3.1 in the plan sets out the minimum gross internal floor areas for different sized units. Where possible, residential properties should make the most of dual aspect dwellings and all residential properties should have suitable access to separate bin storage.
- 5.4.2 The Policy sets out a number of criteria which all housing developments are expected to meet regardless of the housing tenure. These criteria include floorspace and ceiling height requirements.
- 5.4.3 A number of detailed drawings and the DAS are submitted with this application, which show in detail the proposed floorspaces/layout of each dwelling as well as the communal spaces. All of the accommodation continues to reflect London Plan standards and no material changes are made such that the Council should reach a conclusion that differs from the previously approved scheme.

5.5 Energy

- 5.5.1 An amendment to the original energy statement is included with this application. The Energy Statement has assessed the proposed scheme against the 2016 London Plan and the 2021 London Plan.
- 5.5.2 As part of the updated design, covered in this application, a number of opportunities have been taken in order to improve the buildings energy efficiency. These include installing triple glazing, reductions in glazing ratios and improvements to roof insulation beyond that set out in the Part L Benchmarks.
- 5.5.3 As a result of these proposed changes the New Buildings residential accommodation has been able to increase the 'Be Lean' improvement to 4.3% from 3.5%.
- 5.5.4 The proposed development would result in an estimated 14.1% sitewide reduction in regulated carbon dioxide emissions, across the development.

5.6 Fire and Safety

- 5.6.1 Policy D12 of the adopted London Plan ensures that new buildings are fire safe for all of the buildings users. As well as ensuring that buildings are designed to reduce the spread of fire and ensure appropriate outdoor evacuation space, paragraph 2 of Policy D12 sets out that: "all development proposals must ensure that they are designed to incorporate appropriate features which reduce the risk of life and risk of serious injury in the event of a fire".
- 5.6.2 The Applicant proposes internal changes to improve the buildings response to fire safety. The proposal includes the construction of an additional level of basement space, located

within the North East end of the site. The additional level will provide water storage tanks for the site sprinkler water tanks and associated plant space to support the fire safety measures.

- 5.6.3 The additional basement level is not visible externally and therefore has no adverse impact on neighbours. The fire strategy has been prepared using the recommendations of BS9999:2017 for commercial areas (including the MRI facilities) and BS9991:2015 for the residential areas.
- 5.6.4 In the new building the office, MRI and the remainder of the basement will be split into evacuation zones where only the zone of fire origin will evacuate initially. Remaining zones will evacuate in subsequent phases. The residential areas will adopt a 'stay put' strategy and will remain in place unless the fire brigade decides that evacuation is needed.
- 5.6.5 The structural frame of the New Building will be protected to achieve 90/-/- minutes fire resistance. The structural frame of the Townhouses and the Listed Building, based on current guidance, should achieve 60/-/- minutes fire resistance.
- 5.6.6 The detailed fire strategies for the different areas of the development are set out in further detail in the Design and Access Statement.

5.7 Design and Heritage

- 5.7.1 In order to allow for the proposed change in tenure and additional basement level a number of minor design changes are proposed as part of this application. Some design changes have also been made in order to improve the buildings energy efficiency. Minor changes are proposed to the internal layout to reconfigure some floors to allow for an increase in market housing. Externally window heights have been reduced and some windows removed/relocated in order to avoid overheating, as per the supporting Energy Statement. The proposed changes will help to improve the buildings energy efficiency and do not detract from the overall quality of the development, nor do they proposed any material change to the design.
- 5.7.2 Minor changes are proposed to the Listed Workhouse to incorporate Automatic Opening Vents for smoke detection, on the northern elevation, as part of the Fire Strategy. This will involve minor changes to a staircase window, of which Officers are already aware. It is not considered that this proposed change will affect the character of the Listed Workhouse as a building of special architectural or historic interest.

5.8 Urban Greening Factor

- 5.8.1 London Plan Policy G5 (Urban Greening Factor) states that:
- Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
 - Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in the table (refer to DAS), but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominantly residential, and a target score of 0.3 for predominantly commercial development (excluding B2 and B8 uses).

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- 5.8.2 The proposed scheme achieves 0.18, although this falls short of the 0.4 target set out in Policy G5, it is a significant improvement from the existing. The proposed scheme includes retaining 3 existing historical buildings on site, these buildings are not able to meet the requirements under Policy G5.

6.0 Planning Guidance

6.1 Housing (January 2021)

- 6.1.1 This SPG sets out guidance to support Camden's policies on housing. It says that 60% of affordable homes should be social rent and the remaining 40% should be intermediate, based on an identified local need for these housing tenures. Of those which are designated for social rent, 50% of these should be three bedrooms or more, and for intermediate accommodation (London Living Rent/Shared Ownership) the council's preference is one bed accommodation.
- 6.1.2 In light of the circumstances of the scheme, the Applicant has considered this guidance and relevant policy in its proposed changes to overall tenure.

6.2 Transport (January 2021)

- 6.2.1 This SPG, was updated in January 2021 and focuses on transport provisions and infrastructure within the borough. Of particular relevance to this application is the guidance on cycle facilities for residential developments. Camden will seek high quality cycle parking facilities for any development/redevelopment that has an impact on travel patterns or which will see an increase in the number of people travelling to and from the site.
- 6.2.2 Section 8 of the SPG sets out that all cycle parking facilities must be accessible to all via step-free access and as a minimum should provide the quantity of cycle parking facilities as set out in the London Plan.
- 6.2.3 The cycle parking facilities provided in this proposal are in line with the standards and reflect the requirements of the Development Plan and can be seen in more detail in the accompanying DAS.

6.3 Energy Efficiency and Adaptation (January 2021)

- 6.3.1 This SPG was updated in January 2021 and focuses on improving the energy efficiency of new developments within Camden. In particular, section 3 focuses on how to make buildings more energy efficient.
- 6.3.2 Section 3 of the SPG sets out that major residential developments in Camden should seek to achieve a 10% reduction (beyond Part L Building Regulations), and it is Camden's preference that where possible passive methods are used rather than active methods.
- 6.3.3 Energy efficiency should be included in the design of a building using an integrated approach including consideration for solar gain, access to daylight, insulation, ventilation and heating controls. It also says that when designing any residential scheme, natural cooling should be considered, this includes the location/number of openable windows, room layout and vegetation in any outdoor areas.
- 6.3.4 Notwithstanding that the scheme is already onsite, it continues to comply with development plan policy and this guidance. This is demonstrated in the accompanying Energy Assessment.

7.0 Planning Obligations

7.1.1 This application would attract some changes to relevant planning obligations within a further deed of variation. These are anticipated to relate to:

- Plans and details in relation to the revised affordable housing layout and accommodation;
- An Affordable Housing Viability Review mechanism; and
- Increased Carbon offset payment to £198,890, being an increase of £51,840.

8.0 Summary and Conclusion

- 8.1.1 The principal issue for this application is the amount of affordable housing being proposed. There can be no question that the ability of the scheme to meet up to date affordable housing policy targets should be subject to financial viability. Equally, it is reasonable to expect that where a scheme does not meet policy, but its viability is accepted, that planning obligations are utilised to capture future improvements in viability. This is clearly set out in both the London Plan and Camden's Local Plan and for the development of sites identified in the Fitzrovia Area Action Plan.
- 8.1.2 The Council has long maintained its position that the relevant obligations within the 2004 Agreement for the 30 affordable housing 'legacy units' must be delivered on this site, though it is clear that the delivery of affordable housing is subject to financial viability. The Applicant's position is that the 2004 Agreement is irrelevant and it is proceeding with its approach to the Agreement as set out in the introduction to this statement.
- 8.1.3 The 2019 scheme significantly exceeded affordable housing policy as acknowledged by the Council in its recent correspondence. The Applicants FVA demonstrating that no (zero) affordable housing is viable has been accepted in correspondence from Officers.
- 8.1.4 Nevertheless, the Applicant finds itself in a unique position. Though it must reduce its loss in continuing to develop this scheme, the Applicant is prepared to engage with Camden to seek an alternative tenure mix and provide less affordable housing, as opposed to zero. A commercial developer would be justified in bringing forward a s73 application for a scheme with no affordable housing provision whatsoever. However, the Applicant, as a charitable organisation, is willing to deliver 17 affordable homes at the site with an anticipated return much lower than that which would be commercially acceptable to the market. It proposes to retain 4 of the proposed 17 units as intermediate affordable housing, suitable for 'hard to reach' Doctors and Nurses with the remainder as Social Rent. The proposed mix is considered appropriate. Equally, the Applicant is willing to accept a viability review mechanism in relation to any future uplift in viability and raises no issues with remaining existing obligations (except for any in relation to the 2004 Agreement) where they remain relevant.
- 8.1.5 The remaining changes to the scheme are only consequential of the proposed changes in affordable housing or current fire safety requirements and are minor.
- 8.1.6 Considering the above, we ask that Camden carefully consider this application alongside the Applicant's offer to deliver some affordable units. The Applicant has made clear (as set out earlier) that this should facilitate delivery of the scheme where its losses can be contained in these unique circumstances, while still providing the borough with some affordable units.
- 8.1.7 In this respect and all others, the application is considered acceptable, and we consider that planning permission should be granted for these proposals.
