

Acorn House, 314-320 Gray's Inn Road

Local Planning Authority: Camden

local planning authority reference 2020/3880/P

Strategic planning application stage 2 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

Redevelopment of the site through erection of a part 6, part 10-storey building (plus lower ground and basement) to provide 33 affordable housing units, affordable office space and a retail unit, with cycle parking and amenity space.

The applicant

The applicant is **Precis Advisory & Access Self Storage Limited** and the architect is **AHMM**.

Key dates

GLA pre-application meeting: 26 February 2020

GLA stage 1 report: 26 October 2020

LPA Planning Committee decision: 25 February 2021

Strategic issues summary

Principle of development: Redevelopment of the site for a residential-led mixed-use development in the CAZ complies with London Plan Policies SD4 and SD5 and Objective GG2 (paragraphs 8-9).

Affordable housing: The scheme proposes 100% affordable housing, comprised of 62% London Affordable Rent and 38% Intermediate rent, and qualifies for the Fast Track Route (paragraph 10-11).

Heritage and urban design, transport and Sustainable development: The issues raised at Stage 1 have been satisfactorily addressed either by way of additional information and/or secured through conditions or legal obligations (12-22).

The Council's decision

In this instance Camden Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

Recommendation

That Camden Council be advised that the Mayor is content for the Council 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 7 September 2020, 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 the following category 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 26 October 2020, the Mayor considered planning report GLA/2020/6418 ([link to report here](#))¹ and subsequently advised Camden Council that whilst the proposal is supported in principle, the application does not fully comply with the London Plan and the then Intend to Publish London due to the following:
 - **Principle of development:** The principle of redeveloping the site for a residential-led mixed-use development in the CAZ is strongly supported in line with London Plan Policies 2.10 and 2.11 and Policies SD4 and SD5 and Objective GG2 of the Intend to Publish London Plan. The development is linked to Belgrove House, which is proposing research laboratory and office space, an auditorium and step-free entrance to King’s Cross St Pancras LU station.
 - **Affordable housing:** The scheme proposes 100% affordable housing, comprised of 60% London Affordable Rent and 40% Intermediate rent, and qualifies for the Fast Track Route.
 - **Heritage and urban design:** The design of the development is broadly supported and GLA officers consider there would be no harm caused to the setting of nearby heritage assets or the composition of the Protected Vista 2A.1 Parliament Hill the summit to St. Paul’s Cathedral.
 - **Transport:** The Council should confirm that there is adequate capacity within proximity of the site for on-street Blue Badge parking and a final DSP and full CLP should be secured.
 - **Sustainable development:** Further information relating to overheating, district heating connections and futureproofing, PV, heat pumps and Be Seen monitoring is required. A carbon offset payment to the borough of £71,250 should be secured via the Section 106 agreement.
3. 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.
4. On 25 February 2021, Camden Council decided that it was minded to grant permission for the application subject to planning conditions and conclusion of a Section 106 agreement, and on 1 March 2021 it advised the Mayor of this decision. The Stage II referral was validated complete on 3 March 2021. 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

¹ <https://gla.force.com/pr/s/planning-application/a0i4J000002ScLOQA0/20206418>

determining the application and any connected application. The Mayor has until 16 March 2021 to notify the Council of his decision and to issue any direction.

5. The decision on this case, and the reasons, will be made available on the GLA website: www.london.gov.uk

Update

6. Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of the Council's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below.

Relevant policies and guidance

7. The London Plan 2021 was published and became part of the statutory development plan on 2nd March 2021.

Principle of development

8. As stated at the initial consultation, the principle of redeveloping the site for a residential-led mixed use development in the CAZ is strongly supported in line with London Plan Policies SD4 and SD5 and Objective GG2.
9. At Stage 1 further information was requested in relation to the management of the affordable workspace. This matter has been appropriately addressed, as the Council has secured, via the draft Section 106 agreement, the submission of an affordable workspace plan that will specify, amongst other things, a marketing strategy targeting Knowledge Economy SMEs through local business channels and networks such as Business Improvement Districts in the London Borough of Camden, tenancies, and rents (at no more than 50% of market rate). It is understood that the applicant has agreed to provide the affordable workspace units at 40% of market rate for 10 years.

Affordable housing

10. As set out in the Stage 1 report, the scheme proposes to deliver 100% affordable housing comprised of 19 London Affordable Rent (LAR) and 14 Intermediate homes. This equates to 62% low-cost rent and 38% intermediate, which is acceptable to the Mayor and the Council. The affordable housing units proposed are robustly secured in the draft Section 106 agreement, with the LAR rent levels set out and the Intermediate units being made available to households on a range of total gross household annual incomes below the upper limit in line with the requirements of the London Plan, the Mayor's Affordable Housing and Viability SPG and the London Plan Annual Monitoring Report.
11. It should be noted that this application is linked to the planning application for Belgrove House (GLA reference 2020/6862/S2); and a further contribution of £6,238,500 to affordable housing is secured in the draft Section 106 for the Belgrove House application.

Heritage and urban design

12. Policy D9 of the London Plan makes clear that tall buildings should only be developed in locations identified in local plans as being suitable for such buildings. Policy D9 further states that development plans should define what is a tall building but this should not be less than 6 storeys or 18 metres, measured from ground to

the floor level of the uppermost storey. Where there is an absence of a local definition, the above guidance of 6 storeys/18 metres is applied.

13. Camden Local Plan Policy D1, in addressing tall buildings, states that all of the borough is sensitive to tall buildings. The supporting text at paragraph 7.35 states that tall buildings are those which are substantially taller than their neighbours or significantly change the skyline. Considering London Plan Policy D9 guidance and Policy D1 of the Local Plan, the proposed 10-storey building meets the definition of a tall building as the scheme is taller than the surrounding context, particularly the western side of Gray's Inn Road. In terms of suitable locations for tall buildings, paragraph 2.10 of the Local Plan sets out where tall buildings can be appropriate for some uses, subject to excellent design, protection of strategic views, access to good public transport and impact on the surrounding area. This criteria is further expanded in Policy D1 of the Local Plan and aligns with the visual, functional, environmental and cumulative assessments required for tall buildings under Policy D9C of the London Plan.
14. The proposed height is comparable with the heights of immediate buildings along the eastern side of along Gray's Inn Road. The building marks the junction of Swinton Street and Gray's Inn Road, with lower terraced housing located on Swinton Street, which is an approach also evident to the immediate south of the site where 8-storey and 6-storey buildings landmark Gray's Inn Road and Acton Street. These three buildings along with the 7-storey block immediately north of the site would maintain the cluster of taller buildings on Gray's Inn Road. As stated in the Stage 1 report, there would be no harm caused to the conservation areas or listed buildings in the vicinity or composition of LVMF Viewing Corridor Protected Vista 2A.1 Parliament Hill the summit to St. Paul's Cathedral. At ground level, retail units and entrances to the residential cores would ensure an improved level of active frontages and relationship with both Gray's Inn Road and Swinton Street. The architectural quality of the building would be of a high standard, with the use of brick and stone reflective of the predominant materials evident in the area.
15. Regarding functional impacts, a fire strategy has been submitted with the application with acceptable measures to ensure the safety of future occupants. Notwithstanding, the Council has secured through planning condition the submission of a fire strategy for approval through the Building Regulations process. In addition, the application is supported by a delivery and servicing plan that demonstrates an acceptable strategy for undertaking these activities during the occupation of the building. To ensure the building functions without causing disturbance or inconvenience, a construction management plan has been secured as well as a maintenance plan. The application site is highly accessible to public transport, with a public transport accessibility level (PTAL) of 6b, the highest possible level; and given this accessibility and car-free nature of the proposal, the impact on the public transport would not be significant. With 100% affordable housing, affordable workspace and retail, the scheme would contribute positively to the regeneration of the area. The proposal therefore does not raise any adverse functional impacts.
16. No significant adverse environmental impacts in relation to overshadowing, glare, wind, microclimate, daylight and sunlight are expected. The Daylight and Sunlight report submitted with the application shows that the development would not have a significant impact on neighbouring buildings. Regarding noise, the application is supported by an acoustic report that assesses noise emission from proposed

building services plant as well as sound insulation requirements to achieve appropriate internal noise levels for residences. The report identifies a number of mitigation measures to ensure there is no nuisance from noise, which have been secured by the Council through planning conditions. To address light pollution and glare, the Council has secured details of the lighting strategy by planning condition.

17. Cumulatively, the proposed development does not raise any significant adverse cumulative functional and environmental impacts.

Transport

18. All transport matters raised at the initial consultation have been dealt with satisfactorily via planning conditions and obligations. These include a car-free obligation alongside a contribution of £13,500 for the Council to provide disabled persons parking bays on public highway in the vicinity of the site. To mitigate the shortfall in short-stay cycle parking, the Council has secured a financial contribution to deliver on-street facilities as required. The developer is obligated to enter into a S278 agreement with TfL to deliver the requisite highway works and must submit a construction management plan for approval by TfL and the Council. The aforementioned measures make the application acceptable in strategic transport terms.

Sustainable development

19. The applicant has submitted additional information demonstrating that the provision of PV has been maximised. In terms of overheating, a commitment to providing guidance to future occupants on reducing overheating was requested and this has been secured.
20. With regard to the communal heat network, a drawing showing the route of the heat network linking all buildings/uses on the site alongside a drawing indicating the floor area, internal layout and location of the energy centre have been provided as requested at Stage 1. Additionally, the applicant has confirmed that capped connections will be provided for the commercial unit tenants. Drawings have been provided demonstrating how the site is to be future-proofed for a connection to a district heating network.
21. Further information on the heat pumps has been submitted as requested at the initial consultation. The applicant has also confirmed that the information set out in the 'Be seen' guidance will be submitted to the GLA's portal at the appropriate reporting stages and the submission of the post-construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA has been secured by planning condition. Lastly, a carbon offset contribution has been secured in the draft Section 106 agreement.
22. The outstanding issues relating to sustainable development have been satisfactorily addressed.

Local consultation process

23. Camden Council publicised the application by issuing site and press notices. The relevant statutory bodies were also consulted. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.

Responses to neighbourhood consultation

24. Following the neighbourhood consultation process Camden Council received a total of 3 responses, all objecting to the proposal. The reasons for objection raised as part of the neighbourhood consultation process are collectively summarised below.

Neighbourhood objections

- No appetite for this type of development on Gray's Inn Road;
- The history, fabric and feel of the place will be destroyed;
- Building is too tall and undermines local vernacular and scale;
- Building shows lack of understanding of local architecture;
- The empty buildings in the area need to be filled first; and,
- Concern that Gray's Inn Road is riddled with empty office space.

Responses from statutory bodies and other organisations

Historic England (GLAAS)

25. No objection.

Thames Water

26. No objection, subject to a condition relating to piling and informatives with respect to the water network and water treatment infrastructure capacity and the discharging groundwater into a public sewer. The requisite condition and informatives have been secured.

Bloomsbury Conservation Areas Advisory Committee (BCAAC)

27. Objects to the proposal on the basis of design and scale and massing. The Committee states that the 'block massing' of the upper storeys is in strong contrast with the accepted precedent in the area, and for this reason has a much more negative impact upon the townscape than other similarly sized buildings in the locale. With regard to design, the Committee describes it as lacklustre and failing to meet the high standard demanded of all development in Camden's most prestigious conservation area; though not particularly objectionable in any regard, it is simply entirely ignorant of local context and fails to relate to the historic environment in any tangible way.

Camden Cycle Campaign

28. Objects to short-stay cycle parking, contending that it is not acceptable for public realm to be used to substitute for the developer's duty to provide short-stay cycle storage and if the developer has not allowed space for this statutory requirement then they should change their plans and make space within their site.

Response to public consultation - conclusion

29. Having considered the local responses to public consultation, Camden Council has sought to secure various planning obligations, conditions and informatives in response to the issues raised. Having had regard to these GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process, do not raise any material planning issues of strategic importance that have not already been considered in this report, or in consultation stage report GLA/2020/6418.

Section 106 agreement

30. The Section 106 agreement will include the following provisions:

- 19 London Affordable Rent units and 14 homes for Intermediate rent;
- affordable workspace plan;
- community space management plan;
- children's playspace management plan
- car-free development;
- TfL highways agreement;
- construction management plan;
- construction management plan implementation support contribution of £7,564.50;
- construction management plan bond of £15,000;
- short-stay cycle contribution of £500;
- financial contribution of £13,500 towards the provision of disabled parking bays;
- retention of architect;
- financial contribution of £48,020 towards community facilities;
- financial contribution of £143,100 towards public open space;
- carbon offset contribution of £71,250;
- emergency generator feasibility study;
- sustainability plan;
- ventilation and cooling plan;
- implementation and delivery plan;
- local procurement and employment; and,
- an employment and training plan.

Legal considerations

31. 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. Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes 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

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

33. 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.
34. 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

35. The strategic issues raised at consultation stage with respect to the principle of development (affordable workspace), affordable housing, heritage and urban design, transport and sustainable development have been addressed, and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision, the application is acceptable in strategic planning terms, and there are no sound planning reasons for the Mayor to intervene in this case. It is therefore recommended that Camden Council is advised to determine the case itself, subject to any action that the Secretary of State may take.

For further information, contact GLA Planning Unit (Development Management Team):

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