

## Royal National Throat, Nose and Ear Hospital Site in the London Borough of Camden local planning authority reference 2020/5593/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 to provide a mixed use development in buildings ranging between 5 – 13 storeys in height plus basement levels comprising a new office building, a 182 bed hotel, 72 residential units with a shared private residential garden, a gymnasium, a café/restaurant space, creation of 2 new pedestrian routes, a publicly accessible open space, and associated development.

### The applicant

The applicant is **330 Gray's Inn Road Limited** and the architect is **AHMM**.

### Key dates

**GLA pre-application meeting: 18 June 2020**

**GLA stage 1 report: 8 February 2021**

**LPA Planning Committee decision: 8 July 2021**

### Strategic issues summary

**Land use principles:** The principle of the redevelopment of the site for an employment-led mixed used scheme including residential uses in the CAZ is supported. Affordable workspace has been secured in the draft S106 agreement.

**Affordable housing:** 50% affordable housing by habitable room is secured with the tenure split of 67% Social-Affordable Rent and 33% Intermediate Rent units, which meets the requirements of the fast track route. Review mechanism and the affordability of the units have been secured.

**Urban design and heritage:** The proposed layout and public realm improvements are supported. The tall buildings are not in a location identified as suitable for tall buildings. However, no strategic concerns are raised in terms of impacts as set out in London Plan Policy D9(C). Given this and the significant public benefits of the proposal, on balance the non-compliance with London Plan Policy D9(B) does not on its own warrant a direction to refuse. There would be less than substantial harm to the identified heritage assets, which would be clearly and decisively outweighed by the public benefits in terms of economic development, affordable housing, affordable workspace and public realm improvements.

Outstanding issues in relation to **transport, sustainable development** and **environmental issues** have been resolved, and relevant conditions and obligations have been secured.

### 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 17 December 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 categories of the Schedule to the Order 2008:
  - Category 1B: “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings— (b) in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres.”
  - 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 8 February 2021, the Mayor considered planning report 2020/6909/S1 (link to report [here](#))<sup>1</sup> and subsequently advised Camden Council that whilst the land use principle of the development was acceptable, the application did not fully comply with the London Plan 2016 and the then Publication London Plan for the following reasons:
  - **Principle of development:** The principle of the redevelopment of the site for an employment-led mixed used scheme including for residential purposes in the CAZ is supported. Council should robustly secure the proposed affordable workspace.
  - **Housing:** 50% affordable housing by habitable room is proposed with a split of 37% London Affordable Rent and 63% Intermediate Rent. As the tenure split does not meet Camden’s strategic target, further discussion is necessary to confirm if the scheme can follow the Fast Track Route, or whether it is subject to the Viability Tested Route. Appropriate review mechanisms and the affordability of the units must be secured.
  - **Urban design and heritage:** Camden’s Local Plan states that the entire borough is sensitive to tall buildings, and tall buildings must therefore be assessed against detailed design criteria. The applicant must demonstrate how the proposal complies with these criteria, and also the design criteria within Publication London Plan Policy D9. Notwithstanding this, the design and layout are broadly supported from a strategic perspective. Further work relating to public realm areas, active frontages and agent of change principles is required. There would be less than substantial harm to heritage assets. The public benefits in terms of affordable housing provision, affordable workspace and other public realm improvements could outweigh the harm caused, but the maximum amount of affordable housing must be agreed before this can be confirmed.
  - **Transport:** The strategic transport matters arising from this development could be compliant with the London Plan and the Mayor’s Publication London Plan, subject to further information on healthy streets, road safety audit, infrastructure improvements and mitigation measures is required. A Delivery and Servicing Plan and Construction Logistics Plan along with other obligations should be secured.
  - **Sustainable development:** Further information on energy, urban greening, drainage strategy, and circular economy strategy is required.

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<sup>1</sup> <https://gla.force.com/pr/s/planning-application/a0i4J000002Ubs5QAC/20206909?tabset-c2f3b=2>

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 8 July 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 20 October 2021 it advised the Mayor of this decision. The Stage II referral was validated complete on 22 October 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 determining the application and any connected application. The Mayor has until 4 November 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's website: [www.london.gov.uk](http://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.
7. Since consultation stage, minor revisions to scheme, addendum reports, new drawings and documents were submitted. The most significant of the amendments are summarised below:
  - The rooftop plant above the office building was reduced to lessen its visual impact;
  - Increase in affordable workspace of 182 sq.m. by conversion of ancillary affordable housing space within the basement;
  - The affordable housing was amended to be more in line with the Council's preferred tenure mix of 60/40 toward social-affordable rent/intermediate rent. This was achieved by converting 1 beds in intermediate rent into 2 and 3 beds in social-affordable rent;
  - Minor amendments to floor plans, elevations and technical reports due to the above changes.

## **Relevant policies and guidance**

8. Since consultation stage the following is now a material consideration:
  - National Planning Policy Framework dated February 2021; and
  - London Plan March 2021.

## **Land use principle**

9. As noted at consultation stage, the application site was formerly occupied by the Royal National Throat, Nose and Ear Hospital (RNTNEH), which was closed in September 2020 and all services were transferred to the new Royal National ENT and Eastman Dental Hospital on Huntley Street, London, as part of a wider public service transformation plan, and the application site is deemed surplus land. The re-provision of the current social infrastructure in new, modern, fit for purpose facilities,

has released the site to enable the delivery of new homes, including affordable housing, which will contribute towards meeting London's strategic housing need. Therefore, in this instance, the loss of the social infrastructure is accepted, and the proposal satisfactorily addresses the requirements of Policies S1 and S2 of the London Plan.

10. The site is allocated (Policy IDS15 – 330 Gray's Inn Road) within the Draft Site Allocations Camden Local Plan (2020) for a mixed-used development to include office and other uses related to the knowledge and innovation economy, and permanent self-contained homes (indicative capacity of 130 homes).
11. The proposed employment-led mixed use redevelopment of this surplus NHS site to provide office use, a hotel, residential use and public amenity space within the CAZ, comprising a significant quantitative increase and qualitative enhancement to the existing office and commercial floorspace, including new public routes, as well as residential use is acceptable in land use terms, in line with Policies SD4, SD5, E1, E10 and H1 of the London Plan.
12. Given the site's location within the Knowledge Quarter, two floors within the main office building have been designed to provide lab enabled space to accommodate life sciences as well as other knowledge economy uses. The proposed lab enabled space has been designed with flexibility to cater for large businesses, start-ups and SMEs. A Knowledge Economy Occupier Strategy has been secured as part of the draft Section 106 agreement, which would aspire to secure a Knowledge Quarter tenant in the development.
13. At stage 1, the applicant was requested to increase the quantum of affordable workspace. The provision of affordable workspace has been increased from 748 sq.m. (5%) to 930 sq.m. (7%). The applicant has set out that this is the maximum viable affordable workspace that can be provided for this scheme. The Council has accepted the proposed offer and has robustly secured this provision within the draft section 106 agreement.

## Housing

14. At stage 1, the proposal was for 76 residential units. As noted above, in order to provide a Local Plan policy tenure mix, the proposed residential units have been reduced to 72 units. The proposed unit mix is outlined in Table 1 below:

Tenure	Studio	1Bed	2Bed	3Bed	total units	total habitable rooms	% by unit	% by habitable room
Social-Affordable Rent	-	-	5	10	15	62	39%	50%
Intermediate Rent	-	8	5	-	13	31		
Private	17	9	16	2	44	91	61%	50%
<b>Total</b>	<b>17 (24%)</b>	<b>17 (24%)</b>	<b>26 (36%)</b>	<b>12 (16%)</b>	<b>72</b>	<b>184</b>	<b>100%</b>	<b>100%</b>

Table 1: Proposed unit and tenure mix

## Affordable housing

15. As set out at Stage 1, the site comprises public sector land, so is subject to the 50% threshold for affordable housing. The revised affordable housing offer includes 28 affordable units, equating to 39% by unit or 50% by habitable room. Camden's affordable housing policies apply on the basis of floorspace, rather than habitable rooms or units. The proposal offers 44.6% affordable housing by floorspace, which falls short of Camden's Local Plan policy requirement of 50% affordable housing by floorspace, however, the Council has confirmed that given the viability considerations and other benefits delivered by the scheme, this provision is acceptable.
16. The proposed tenure mix includes 15 Social-Affordable Rent and 13 Intermediate Rent units, a split of 67:33 on habitable room basis and 61.7:38.3 on floorspace basis, which is in accordance with the Council's 60:40 tenure split requirements. The overall affordable housing offer of 50% by habitable room with a policy compliant tenure mix meets the requirements of the Fast Track Route in line with London Plan Policies H5 and H6, and the Council has confirmed that the scheme satisfactorily meets other relevant policy requirements.
17. Although there is no early stage review mechanism, Camden Council has secured a post completion viability review, which could secure an additional contribution towards affordable housing, and is acceptable in this instance.
18. In terms of Social-Affordable Rent housing, the rent levels will be set in line with the London Affordable Rent benchmark in line with the GLA's requirement. However, the Council has secured flexibility to allow for social-affordable rent to be delivered if the scheme is built out after the London Affordable Rent grant programme has ended. In case low-cost rent units are delivered as social-affordable, rent levels would be target rents calculated in accordance with the national formula and are likely to be lower than London Affordable Rent levels. Affordable rent levels have been secured in the draft Section 106 agreement.
19. The intermediate housing will be provided as intermediate rent. The intermediate rent would be subject to the following restrictions in the Section 106 agreement, which are secured in perpetuity. Overall housing costs (including rent and service charge) are affordable to households paying no more than 40% of net income, assuming net incomes are at 70% gross income and based on the following income bands:

Unit Type	Weekly Rent	Annual Household Income
1B2P	£185	£34,475
2B3P	£215	£39,913
2B4P	£323	£60,000

Table 2: Proposed affordability criteria

20. The proposed household income requirements for this product are within the Council and GLA requirements and will be accessible to households on income of up to £60,000 per annum. The proposed intermediate rents are broadly similar in terms of affordability when compared to average London Living Rent ward levels across the borough.
21. Overall, the proposed 50% affordable housing by habitable room and policy compliant tenure mix is supported, and no strategic concerns are raised.

### Housing choice

22. The proposal includes a range of residential units as set out in Table 1 above. 36% of the units are two bedroom and 16% of the units are three bedrooms, while the scheme provides 10 three bedrooms units as affordable rented units. The proposal provides a range of units suitable for the location of the site. The Council in their committee report has set out that the proposed unit mix is acceptable.

### Children's play space

23. The proposal would provide circa 190 sq.m. of dedicated play space for all ages on-site, based on the development's child yield in line with the requirements of the Shaping Neighbourhoods: Play and Informal Recreation SPG. This is welcomed.

## **Urban design**

### Site Layout

24. At Stage 1, the overall site layout including provision of public space was supported. A public realm plan and a community safety plan has been secured in the draft Section 106 agreement to ensure that the development and public realm is maintained and managed appropriately.
25. At Stage 1, the applicant was encouraged to further enhance active frontages along Wicklow Street. The applicant has set out that Wicklow Street serves a number of functions and a balance has been struck between solid to void ratios to address the general character of the conservation area. Noting the site's constraints and heritage context, and the remainder of the public realm and high quality design, with good levels of overlooking and active frontages around the site, on balance, the design of the frontage along Wicklow Street is acceptable.

### Tall buildings, height, massing and architectural quality

26. London Plan Policy D9 stipulates that tall buildings should only be developed in locations identified in local plans as being suitable for such buildings. 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 the guidance on tall buildings set out in London Plan Policy D9 and Policy D1 of the Local Plan, the proposed 10 and 13 storey buildings meets the definition of a tall building. Tall buildings in Camden will be assessed against a set of design criteria having regard to the context of the surrounding area, heritage assets and contribution to pedestrian permeability and improvements to public accessibility. This criterion is further expanded in Policy D1 of the Local Plan and aligns with the visual, functional, environmental and cumulative assessments required under London Plan Policy D9.C.
27. Visually, the proposal would have no adverse impact on any local or strategic views. As stated in the Stage 1 report, whilst the heights of the new buildings are greater than those of the existing buildings in the immediate surroundings, the tallest element of the hotel building at 13 storeys would be set back from street level behind the existing retained building fronting Gray's Inn Road and would have a slender appearance. The 10 storeyed residential building would be positioned towards the eastern side adjacent to the railway tracks and would also have a slender appearance with a series of set backs. The proposed massing of the 7 storeyed office building and 5 storeyed residential building fronting Swinton Street would complete the street frontages and appropriately step down in scale to the

lower-rise terraces to the east. At street level, there is good visibility into the buildings as well as improved active frontages across the site. The architectural quality of the buildings would be of a high standard, which compliments the historic context of the surrounding area.

28. On height and massing, the Council has also concluded that whilst the proposals would have some impact on the existing streetscape and roofscape, the masterplan is considered to integrate successfully into its surroundings through the location, form and relationships of the proposed buildings and spaces. Overall GLA officers consider that the application would facilitate the redevelopment of a brownfield site and would form an attractive development which would respond positively to the wider townscape and rejuvenate the area.
29. The impact on heritage assets is considered below. In summary, the conclusion is that whilst less than substantial harm is identified to the significance of some heritage assets, this harm is outweighed by the substantial public benefits of the proposals.
30. In functional terms the tall buildings have been designed to ensure the safety of all occupants and a fire statement has been submitted. Servicing, maintenance and management arrangements are appropriate and there would be no unacceptable overcrowding or isolation, and appropriate conditions are secured for management of public realm areas. Appropriate contributions to the improvements of highways and public realm are secured and the development would result in significant regenerative benefits, including new employment space and affordable housing. The proposal therefore does not raise any adverse functional impacts.
31. No significant adverse environmental impacts in relation to overshadowing, 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. To address light pollution, the Council has secured details of the lighting strategy by planning condition.
32. Cumulatively, the proposed development does not raise any significant adverse cumulative visual, functional and environmental impacts.
33. GLA officers note that local policy does not designate areas that are appropriate for tall buildings. In the absence of specific development plan guidance on this particular site it is accepted that the tall buildings are not proposed in an area identified as suitable for tall buildings and is thus contrary to London Plan Policy D9. The scheme would be in conflict with London Plan Policy D9(C.1.d) due to the impact on heritage assets, nevertheless, the proposals raise no strategic concerns when assessed against other visual impacts identified within the Policy D9(C). GLA officers also note Council's support for the proposed heights in this area as evidenced by their recommendation to approve. As such, whilst there is a conflict with Policy D9(B), the scheme is acceptable in visual, functional and environmental terms and the public benefits of the proposals which outweigh the harm to the heritage assets are material considerations. In these circumstances, officers consider that on balance the non-compliance with the locational requirements of London Plan Policy D9(B) on tall buildings does not on its own warrant a direction to refuse the application.

### Fire safety

34. In accordance with London Plan Policy D12, the applicant has submitted a fire statement, which meets the requirements of the policy. The fire statement has been secured by condition.

### Inclusive design

35. The proposal would feature wide and clearly legible areas of public realm, which would be accessible by disabled people. The proposal would provide 10% of homes as wheelchair accessible. The Council has secured M4(3) requirements by condition.
36. For the hotel accommodation the proposal would provide 5% of the rooms as wheelchair accessible and a further 5% as wheelchair adaptable should a demand arise. The proposal falls short of the target threshold of 10% accessible units being provided at the outset as required by London Plan Policy E10, and the applicant has not set out how the development would be adapted to accommodate demand above 5%. Whilst the proportion of accessible units has not been increased to a policy compliant level, taking note of the other benefits of the scheme, it is not recommended that the application is refused on this basis in this particular instance, however the applicant and Council are reminded that compliance with this established policy is expected for all future hotel developments..

### Residential Quality

37. All units would meet the internal space standards, and there is efficient core to unit ratios. The proposed residential unit have been designed to incorporate evacuation measures to address flood and fire risk. The scheme has maximised dual aspect units. The Council has assessed the scheme in relation to internal daylight and sunlight, overlooking and privacy, outlook, residential amenity and noise and vibration and is satisfied that the proposal provides good quality accommodation for the future occupiers.
38. A number of conditions have been secured to ensure that the proposal complies with the private amenity space standards, and mitigation measures are implemented in terms of privacy screens and noise and vibration.

### Agent of change

39. The proposed development would act as an 'agent of change', introducing new sensitive receptors in close proximity to the established Water Rats Pub which operates as a late night music venue and is an Asset of Community Value (ACV); UCL Ear Institute, which contains specialist research facilities; and adjacent to railway cuttings. At stage 1, the applicant was required to demonstrate how the proposal would be protected from these neighbouring noise generating activities.

### *Railway cuttings:*

40. The built fabric and internal acoustic environment of the scheme has been provided with acoustically rated windows specified to achieve internal sound levels in line with British Standards (BS) 8233 and World Health Organisation guidance and standards. A solid wall screen for the residential courtyard has been incorporated within the design to shield against the railway cutting noise to provide future residents with quieter outdoor amenity space. The majority of the balconies have been oriented to face the residential courtyard. However, some private balconies would face the railway cuttings and/or be sensitive to noise from the adjacent



highway, while some residential units are likely to experience elevated noise levels with open windows. The applicant was required to demonstrate whether any additional design features can be included to ensure that residential units can benefit from adequate noise levels with open windows. Upon further design review, the applicant has set out that there is no opening panel which is viable, and in any event, openable windows are only required for purge ventilation and not for cooling of the dwellings. In addition, the Council concludes that acceptable internal noise levels have been adopted as design targets in the proposed habitable rooms. The Council has further secured conditions for noise levels to meet the relevant British Standards. Taking this into consideration, GLA officers consider that subject to appropriate mitigation measures the proposal is acceptable in this regard.

*UCL Ear Institute:*

41. The Council has assessed the proposal in detail and concludes that the primary material planning considerations between the parties to be noise and vibration impacts during construction and the operation of the development.
42. With regards to operational impacts, officers note that the UCL Ear Institute is not considered to be a use of significant noise or vibration generation and the only potential source of noise identified is from the external plant. The hotel building, which is the closest part of the development to the Ear Institute is designed to avoid windows on adjoining façades, while mitigation measures such as mechanical ventilation has been incorporated within the design for alternative facades. As such, UCL Ear Institute is unlikely to have a harmful impact on the proposed development.
43. In terms of impact from the proposed development on the Ear Institute, the operation of a Hotel use is unlikely to be significantly different to the previous hospital use in terms of noise/vibration output. A condition has been secured to ensure that noise and vibration from mechanical operations associated with the development would be appropriately mitigated to prevent adverse impact on the UCL Ear Institute during operation of the development. Furthermore, a UCL Neighbour Management Plan has been secured in the draft Section 106 agreement to ensure that relevant development phases are being managed in accordance with the approved plan post occupation.
44. With regards to construction impact, demolition, piling, basement and sub-structure works could impact the operation of UCL Ear Institute. Council officers note that it is challenging to ensure that building works can be managed to avoid any impact on the Ear Institute, and full extent of construction impact and compliance with critical thresholds cannot be determined until the detailed design of the proposals are worked through and a principal contractor is selected. As such, the Council considers that these details could be worked through in more detail subject to mitigation measures and controls secured through planning obligations, such as, provision of a Construction Management Plan and creation of a UCL Liaison Group, to ensure that any adverse impact on the operation of UCL Ear Institute is avoided. In circumstances where the development cannot be built without breaching the critical thresholds, the applicant would be required prepare a UCL Decant Strategy to temporarily relocate the existing occupiers. A robust set of obligations have been secured in the draft Section 106 agreement to protect the UCL Ear Institute during the construction and operation of the proposed development.

### *Water Rats Pub:*

45. The hotel building would be the closest part of the development to the Water Rats Pub.
46. Following a structure borne and airborne music noise intrusion assessments, it is established that significant mitigation measures, such as, thick masonry façade providing sound reduction, high specification acoustic glazing, and sound absorption measures, are required to achieve suitable noise and vibration levels for the hotel. As such, the Council has secured a condition requiring submission of a scheme for protecting the proposed hotel from both structure borne and airborne music noise from the Water Rats Pub.
47. The applicant has also offered an acoustic survey to the Water Rats Pub with the intention of providing the pub with improved external sound insulation if the survey determines that a significant reduction in music noise emissions can be achieved from sound insulation. This measure could benefit other nearby noise sensitive uses as well. Details of this provision and a commitment to adhering to agent of change principles, including a requirement to make any hotel operator/guests aware that there is an adjacent established venue have been robustly secured by the Council.
48. Overall, GLA officers consider that the proposed mitigation measures secured by conditions and Section 106 obligations would adequately address the agent of change principles in line with Policy D13 of the London Plan.

### Strategic views

49. With respect to strategic views, the site falls within the LVMF London Panorama 2A.1 from the summit of Parliament Hill towards St Paul's Cathedral and within the LVMF 3A.1 from Kenwood Gazebo towards St Paul's Cathedral. As noted at Stage 1, the proposal would not harm the characteristics and composition of these protected views or the ability to appreciate St Paul's Cathedral from these views. As such the proposal meets the requirements of London Plan Policies HC3 and HC4.

### **Heritage**

50. The GLA's Stage 1 report considered the impact of the proposals on designated heritage assets. In summary, the proposals would result in less than substantial harm to the significance of King's Cross St Pancras Conservation Area. No harm was identified to the significance of Bloomsbury Conservation Area and listed buildings contained within it.
51. Historic England in their representation do not formally object to the schemes but consider that the proposal would cause some harm to surrounding conservation area but acknowledge that there is significant public benefit arising from the scheme.
52. The Council has assessed the significance of relevant heritage assets and considers that the removal of the individual buildings and structures from this site, which are considered to positively contribute to the character of King's Cross St Pancras Conservation Area, does constitute harm by way of loss of non-designated heritage assets. As such, due to the demolition of the existing buildings and the height and scale of the redevelopment buildings would lead to less than substantial harm to the significance of King's Cross St Pancras Conservation Area and the setting of the adjacent grade II listed former Church School at 75 Wicklow Street. The council in their committee report set out that harm is not considered to result to

other designated heritage assets, including the Bloomsbury Conservation Area and other listed buildings on Swinton Street and Derby Lodge on Wicklow Street.

53. Having reviewed the applicant's assessment, the representations received to the application and the Council's committee report, and having given considerable weight and importance to the harm to heritage assets, GLA officers concur with the Council's conclusion that due to the loss of non-designated heritage assets and the proposed scale and height of the buildings, the development would cause less than substantial harm to the significance of the King's Cross St Pancras Conservation Area and the setting of adjacent grade II listed building former Church School at 75 Wicklow Street.
54. This less than substantial harm amounts to a departure from London Plan Policy HC1 (which seeks to avoid harm) and therefore the NPPF heritage balance is engaged. In accordance with paragraph 202 of the NPPF, where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In terms of the weight to be given to the harm to designated heritage assets, case law has established that that less than substantial harm does not equate to a less than substantial objection. NPPF paragraph 203 sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

#### Heritage conclusion

55. Council officers consider that the public benefits arising from the proposed development would outweigh the less than substantial harm to the heritage assets as well as the loss of the non-designated heritage assets. These benefits are considered to be:
- Creating publicly accessible routes and spaces on-site;
  - Additional employment floorspace;
  - Provision of circa 930 sq.m. of affordable workspace;
  - 72 high quality new residential units of which 28 would be affordable housing units, including 15 social-affordable rent and 13 intermediate units;
  - Provision of visitor accommodation which would support the Central London Area;
  - Construction jobs, with local procurement, placements and apprenticeships;
  - Direct on-site jobs during operation of wider development;
  - An overall sustainable scheme that meets the majority of carbon reduction and renewables targets;
  - Contributions towards the provision of local infrastructure and facilities.
56. The Council has further secured planning conditions to retain and reinstate commemorative items as well as recording conditions prior and during demolition, to ensure that special features of the existing buildings can be preserved.
57. As such, notwithstanding the harm identified, the Council's conclusion on the weight to be given to the public benefits arising from the scheme is accepted, and in GLA officers' view, the public benefits which include delivering a high-quality design, optimising a brownfield site, reinforcing the character and appearance of the conservation area with a high quality building, providing new affordable workspace,

and genuinely affordable homes, and improved public realm would decisively outweigh the less than substantial harm identified to heritage assets. As such, the proposal is acceptable, having regard to the statutory duties and the requirements of the NPPF.

## **Transport**

58. Since Stage 1, the applicant has clarified a number of transport issues, including healthy streets analysis and Stage 1 Road Safety Audit, which are now considered acceptable.
59. As requested at Stage 1, a financial contribution of £220,000 as part of a 278 highways agreement has been secured towards the improvement works of Kings Cross gyratory. This is welcomed. In addition, a number of conditions and obligations, including a financial contribution of £200,000 towards Pedestrian, Cycling and Environmental improvements and a contribution £30,222.72 towards highway improvement works have been secured in the draft Section 106 agreement.
60. The proposal is a car-free development, with provision for disabled parking only for both residential and commercial uses. This is supported. Restriction on parking permits for future occupiers has been secured in the draft Section 106 agreement. In addition, provision of cycle parking has been secured by condition.
61. A Servicing Management Plan, a Construction Management Plan and a Travel Plan have been secured in the draft Section 106 agreement to be approved in consultation with TfL.
62. As reported at Stage 1, due to the site's location adjacent to a London Underground (LU) cutting, further clarification was sought regarding open inset balconies fronting the railway cutting in the Wicklow Street building and where buses operate on a 24-hour basis on Swinton Street and Gray's Inn Road. This is addressed as noted in paragraph 40 above.
63. Overall, the additional information provided since consultation stage combined with the mitigation measures secured through conditions and draft Section 106 agreement results in the scheme being acceptable in strategic planning terms.

## **Sustainable development**

### Energy strategy

64. At Stage 1, issues relating to aspects of the energy strategy, including PV provision, carbon reporting, estimated energy cost, overheating, natural ventilation, capacity for future connection to a District Heating Network, the proposed Air to Water Heat Pump System (ASHP) were raised. The applicant has provided further information and clarifications in response to the Stage 1 comments, which have resolved the outstanding issues.
65. The applicant has confirmed that the provision of PV has been maximised. The Council has secured a condition requiring submission of drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells. The Council has secured an obligation for provision of a meter on the ASHP units so the Council can monitor how much energy is being derived from ASHP. Future connection to a district heating network and carbon offset contribution has also been secured in the draft Section 106 agreement.

66. The applicant has submitted further information in relation to Whole Life Carbon assessment, and outstanding matters have been satisfactorily resolved since Stage 1. A condition requiring submission of post construction results has been secured.

#### Circular economy

67. The applicant has submitted further information in relation to Circular Economy Statement, and outstanding matters have been satisfactorily resolved since Stage 1. A condition requiring compliance with the agreed statement and submission of post construction results has been secured.

#### Urban greening and biodiversity

68. Since consultation stage the proposed Urban Greening Factor (UGF) has been increased from 0.22 to 0.24, which still does not meet the target set out in London Plan Policy G5. The applicant has provided additional information to set out that due to site constraints, UGF has been maximised. Whilst the scheme does not meet the requirements of Policy G5, it does include a number of positive landscape proposals, and the applicant has engaged well with the UGF. On balance, the applicant's overall approach to greening is considered reasonable and therefore, the UGF is considered acceptable.
69. The scheme has been calculated to deliver a 245% net biodiversity gain, which is supported. In addition, the Council concludes that subject to conditions and obligations, the development would contribute positively to the biodiversity objectives of the development plan.

#### Sustainable drainage and flood risk

70. Since consultation stage, the applicant has provided additional information to address flood risk issues which have been suitably resolved. The revised information addresses the matters raised in relation to surface water drainage and water efficiency. The Council has secured relevant conditions to ensure that the development is acceptable in this regard.

### **Environmental issues**

#### Air quality

71. As reported at Stage 1, the submitted air quality assessment has identified exceedances of the air quality objectives. Therefore, a number of mitigating measures have been proposed. The Council has secured relevant conditions and obligations in the draft Section 106 agreement to address air quality matters.

### **Equality**

72. London Plan Policy GG1 promotes openness, diversity and equality to help deliver strong and inclusive communities. More generally, the 2010 Equality Act places a duty on public bodies, including the GLA, in the exercise of their functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. In this case it is noted that the proposals involve the permanent relocation of the Royal National Throat, Nose and Ear Hospital from the site. As mentioned above in paragraph 9, this relocation was undertaken in line with a wider public transformation plan, with services reprovided in new, modern facilities.
73. The Council has considered equalities impacts, and notes that the previous functions of the site have been relocated to new facilities, and that there would be

no individuals, groups or organisations significantly prejudiced or permanently lost by the proposed development. The proposed uses would not disadvantage a specific grouping within the nine protected characteristics nor that discriminates against age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. As such Council is satisfied that any of the neighbouring occupiers would not be unduly harmed or would be threatened by the development, either by the temporary construction works or ongoing use. Taking into consideration the Council's assessment and noting the specifics of the development, GLA officers concur with the Council's assessment that the proposal would not unduly harm or disadvantage any specific groups within the nine protected characteristics.

## **Local consultation process**

74. Camden Council publicised the application by issuing 8 site notices and a press notice. 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**

75. Following the neighbourhood consultation process Camden Council received a total of 2 responses in objection. The reasons for objection raised as part of the neighbourhood consultation process are collectively summarised below.

### **Neighbourhood objections**

- Inadequate consultation process;
- Overdevelopment of the site with high rise buildings, which would have a negative impact on the conservation area and grade II listed building;
- Loss of former Nurses' Home with no demonstration of repurposing of the building;
- Overbearing and overshadowing impact on neighbouring residents and open spaces;
- Increased traffic and pollution and impact on wellbeing and health;
- Impact on the daylight and sunlight amenity of neighbouring residents;
- Little community benefits;
- Inadequate public realm;
- Separating affordable and market housing is unimaginative.

## **Responses from statutory bodies and other organisations**

### **Historic England Greater London Archaeological Advisory Service (GLAAS):**

- No objection subject to recommended condition(s).

### **TfL Infrastructure Protection Team**

- No comments to make.

### **Historic England**

- The proposals would result in some harm (less than substantial in NPPF terms) to the surrounding conservation area through the marked increase in scale behind the historic Gray's Inn Road frontage (no. 330);

- Acknowledge that the proposals would provide a series of public benefits and that the decision maker must weigh the harm against these public benefits when determining the application;
- The new roof extension above 330 Gray's Inn Road appears at odds with its classical proportions and would somewhat reduce the contribution the building makes to the character and appearance of the conservation area.

### **Thames Water**

- Waste Comments: Unable to determine the waste water infrastructure needs of this application. Request a condition be added to any planning permission requiring details of capacity off-site to serve the development, or a development and infrastructure phasing plan, or for all wastewater network upgrades required to accommodate the additional flows from the development. No objection is raised regarding surface water network infrastructure capacity. Condition requested in relation to piling method;
- Water Comments: Concerns over existing water network infrastructure to accommodate the needs of the development proposal. Relevant conditions requested;
- Supplementary Comments: Requested drainage strategy in relation to foul water indicating the existing and proposed points of connection and if it is by gravity or pumped.

### **The Victorian Society**

- The removal of 1960s addition and improved façade of the hospital could have a positive impact on this group and the overall conservation area;
- However, the benefits would be negated by the construction of tall buildings to the rear;
- The new buildings would be completely incongruous in the context of the wider streetscape and have a negative impact on the King's Cross/ St Pancras Conservation Area;
- The proposed buildings fail to respond to the context of surrounding development within the conservation area;
- It is imperative that any development in this location respects the scale of the surrounding buildings so as to contribute to this heritage asset, and request that the Council refuses consent to this application.

### **Metropolitan Police Service Designing out Crime Officer**

- No objection to the overall proposal and recommendations are made in relation to office use and residential units.

### **Natural England**

- No comments to make.

### **Network Rail**

- No objection subject to suggested conditions.

### **Bloomsbury Conservation Area Advisory Committee (BCAAC) and King's Cross Conservation Area Advisory Committee (KCAAC)**

A joint objection was made by BCAAC and KCAAC:

- The scale, massing and design of the application is completely inappropriate for the conservation area, and would significantly detract from both conservation areas and the application should be rejected;

- The scale and design of the development fails to properly preserve this uniformity of the 'King's Cross character', and therefore causes harm to the surrounding area;
- The proposed hotel is particularly inappropriate in both scale and design;
- Such dramatic increase in scale would set a dangerous precedent for this area of London;
- The scale of development should respond to the context Swinton and Wicklow Streets rather than extend the scale of Gray's Inn Road;
- The design of the development is disappointing and fails to respond adequately to the demands of the site;
- Inappropriate choice of materials;
- Substantial harm could be caused to the King's Cross Conservation Area;
- Other objections include the demolition of the existing buildings;
- The proposal should retain the façades of the positively contributing buildings and use them to strengthen the character of the Conservation Area.

### **CamdenLocalHistory.info**

- Dispute the submitted archaeological assessment and considers that an archaeological investigation should assess the Pleistocene record from boreholes, dig trenches for the Palaeolithic and investigate Roman and Saxon settlement.

### **The Grand Order of Water Rats (GOWR)**

- Object principally in relation to the provision of a covered passageway immediately adjacent to the Public House that would be detrimental to public safety and security;
- Concerns about increased crime and drug abuse on the premises;
- The GOWR fear that enhanced security would be required at all times of the day if the passageway goes ahead;
- Nearby development face similar issues;
- Every opportunity should be taken to ensure that the layout minimises the opportunities for abuse, crime and the fear of crime;
- Passageway should be removed from the scheme and the hotel redesigned accordingly;
- The proposed gates and shutter are key issues and management regime is not clear;
- Gated passageways appears to go against the design objective of avoiding gated communities;
- The GOWR run an entertainment venue with a late license. Accordingly, the current use is lawful and that the future hotel operator should not raise unreasonable objections relating to noise or make a claim of a statutory nuisance against the public house;
- A response was made from a Trustee on behalf of the GOWR to confirm that they have a party wall consultant advising on any damages, any difficulties, vermin and pest infestations that might occur whilst the development is underway;
- Concerns about right to light of the conference room being affected.

Officer note: The Council notes that the new access and gates would be subject to a management plan, which has been secured in the draft Section 106



agreement. In addition, CCTV cameras would be provided to cover the public realm. No concerns were raised by the Council's Designing Out Crime Officer.

### **UCL Ear Institute and Faculty of Brain Sciences**

Object on the following grounds:

- Noise and vibration: the research activities at the Ear Institute are particularly sensitive to disruption. Construction works would require temporary relocation;
- Security and overlooking: Home Office have raised concerns that the waste entry is overlooked and is adjacent to a social meeting area of the proposed development. This would compromise security;
- Access/egress: demolition works as part of the proposal would result in loss of secure and safe means of escape from an existing plant room;
- Relocation of flues: the works would require relocation of existing flues attached to the application site. A temporary or permanent solution has not been agreed with the applicant;
- Loss of funding and future research projects: ongoing projects would be impacted and future funding jeopardised.

### **The Francis Crick Institute Limited**

- The proposed development and associated construction would result in significant noise, vibration, security and servicing impacts, as well as party wall and neighbourly issues.
- Without proper mitigation these impacts would severely prejudice the Ear Institute's research operations and funding of future programmes.

### **British Tinnitus Association**

- Object due to the impact on UCL Ear Institute due to noise, vibration, security, servicing, party wall and neighbourly issues.

### **Royal National Institute for Deaf People**

- Object due to impact on UCL Ear Institute due to noise, vibration, security, servicing, party wall and neighbourly issues.

### **National Institute for Health Research (Manchester)**

- Object due to impact on UCL Ear Institute due to noise, vibration, security, servicing, party wall and neighbourly issues.

### **National Institute for Health Research Biomedical Research Centre (UCLH)**

- Object due to impact on UCL Ear Institute due to noise, vibration, security, servicing, party wall and neighbourly issues;
- Impact on Ear Institute's research operations and funding programme.

### **Medical Research Council (MRC)**

- Object due to the impact on UCL Ear Institute due to noise, vibration, security, servicing, party wall and neighbourly issues.

### **Biotechnology and Biological Sciences Research Council**

- Impact on UCL Ear Institute due to noise, vibration and percussion.

## **Representations to the Deputy Mayor**

76. The Deputy Mayor has received a written representation on the application, from UCL Ear Institute outlining the following concerns:

- The impact of construction works could have severe implications on the continued operation, teaching and research carried out by UCL's Ear Institute;
- The impact of the development includes significant noise, vibration, security and servicing impacts;
- UCL is carrying out additional technical surveys and reports to understand the full impact, however the Home Office have confirmed that the additional vibration on site would mean the Biological Services Unit, which underpins much of the research on site, would have to close during construction.

## **Response to public consultation - conclusion**

77. 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, and those representations made directly to the Mayor, do not raise any material planning issues of strategic importance that have not already been considered in this report, or in consultation stage report 2020/6909/01.

## **Section 106 agreement**

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

### Highways/transport

- Car-free development;
- Construction and Demolition Management Plans, contribution (£28,520) and bond (£30,000);
- Level Plans/interface details;
- Highways Contribution - £30,222.72, works to Wicklow Street (including walkways agreement and disabled parking);
- Pedestrian Cycling and Environmental Improvements Contribution – £200,000;
- Delivery and Servicing Management Plan;
- Travel Plan and Travel Plan Monitoring and Measures Contribution - £14,499;
- Securing of section 278 agreement with TfL and contribution of £220,000;
- Approval in Principle £1,584.01;
- Restriction on hotel coach parking Housing;

### Affordable Housing

- 28 units (50% by habitable room) with a tenure of 67% Social-Affordable Rent and 33% Intermediate Rent;
- Deferred Affordable Housing and Housing Review (capped at £3,217,500);

### Social/community

- Community Outreach Plan;
- Community Safety Plan;
- Public Realm Plan;
- Public Art Plan;
- Landscape Management Plan;
- Public Open Space Contribution - £478,086.30;

### Environmental

- Carbon Offset Contribution – £1,161,660;
- Energy Efficiency and Renewable Energy Plan;
- Sustainability Plan - BREEAM 'Excellent' rating and minimum credit requirements;
- Future proofing for decentralised energy network;
- Ventilation and Cooling Strategy;

### Employment

- Employment and Training Plan;
- Affordable workspace;
- Employment and Training Contribution - £369,683.32;
- Knowledge Quarter Tenant;

### Other

- Basement Construction Plan (BCP);
- Phasing Plan;
- Retention of Architect;
- UCL Engagement/Management/Liaison;
- UCL Decant Strategy;
- Agent of Change mitigation.

## **Legal considerations**

79. 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**

80. 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.

81. 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.

82. 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

83. The strategic issues raised at consultation stage with respect to the land use principle, housing, affordable housing, urban design, heritage, transport, and sustainable development have been acceptably resolved. Whilst there are conflicts with some policies as set out within this report, 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.

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We are committed to being anti-racist, planning for a diverse and inclusive London and engaging all communities in shaping their city.