



GERALDEVE

National Planning Casework Unit
5 St Philips Place
Colmore Row
Birmingham
B3 2PW

72 Welbeck Street London W1G 0AY
Tel. 020 7493 3338
www.geraldeve.com

e-mail: npcu@communities.gsi.gov.uk

20 January 2022

Our ref: LJW/ANE/U0009551

To Whom It May Concern

**Former Royal National Throat, Nose and Ear Hospital 330 Gray's Inn Road
London Borough of Camden Planning Committee decision Thursday 8 July 2021**

We are writing to you as we are aware that you have received a letter in respect of the above development requesting that the Secretary of State call in the planning application for his determination.

On behalf of the applicants, 330 Gray's Inn Road Limited (subsequently referred to as "Groveworld"), we do not consider that an intervention is warranted. The decision by the local planning authority is well thought-through and is informed by consistent advice from the statutory consultees. In case it is helpful to your consideration we set out briefly below the factors which we say evidence this point.

The application is for the "Redevelopment of the former Royal National Throat, Nose and Ear Hospital site, comprising: Retention of 330 Gray's Inn Road and a two storey extension above for use as hotel (5 above ground storeys in total), demolition of all other buildings, the erection of a part 13 part 9 storey building plus upper and lower ground floors (maximum height of 15 storeys) for use as a hotel (including a cafe and restaurant); covered courtyard; external terraces; erection of a 7 storey building plus upper and lower ground floors (maximum height of 9 storeys) for use as office together with terraces; erection of a 10 storey building plus upper and lower ground floors (maximum height of 12 storeys) for use as residential on Wicklow Street and office space at lower ground and basement floors; erection of a 5 storey building plus upper and lower ground floors (maximum height of 7 storeys) for use as residential on Swinton Street and associated residential amenity space; together with a gymnasium; new basement; rooftop and basement plant; servicing; cycle storage and facilities; refuse storage; landscaping and other ancillary and associated works."

The application received a resolution to grant from the London Borough of Camden on 8th July 2021 subject to consideration of the application by the Mayor of London and a S106 Agreement. The Mayor issued his Stage 2 Report on 1 November 2021 confirming that he was content to allow the local planning authority to determine the case itself.

Groeworld

Groeworld has 30 years of experience of delivering mixed-use, sustainable and award-winning schemes, including a Civic Trust Award, in an urban context ranging from the eye-catching to the historically sensitive. Their ethos is to prioritise quality, amenity and sustainability.

Groeworld spearheaded the City Road Basin masterplan in Islington, partnering with a number of public sector organisations, including LB Islington, to realise the area's potential and successfully delivered the newly created City Road Basin Plaza and three mixed-use schemes, including the award-winning Canaletto Tower.

Groeworld is working with Hackney Council and the London Legacy Development Corporation (LLDC) on the Hackney Wick station approach regeneration. The scheme will deliver an important new public route connecting Hackney Wick Station, Wallis Road and the Queen Elizabeth Olympic Park and will be the first step in the creation of the LLDC's exciting plans for a new neighbourhood around Hackney Wick station.

Call in Request

We understand that the letter you have received is from the University College London (UCL) Ear Institute. We have not seen the letter despite numerous requests to them but assume that it relates to the issues which they raised during the course of the planning application determination period, although not formally objecting to the development per se.

The issues have been stated consistently throughout by UCL and so are familiar to us. In broad terms they relate to the construction impacts of the development in terms of noise and vibration and the ability for UCL to continue its research during the construction period.

The UCL Ear Institute has been in operation since 2005. The applicant acknowledges that the development is adjacent to a sensitive site and have therefore been in ongoing dialogue with UCL since June 2020. However, the application site itself is an allocated development site in Camden's adopted Site Allocations Development Plan Document to which no representations were made by UCL.

UCL's concerns were set out in full within Camden's Committee Report and representatives of UCL directly addressed the Committee through a deputation setting out their position. The Committee Report makes clear that critical noise thresholds would need to be set out in the S106 Agreement and agreed between parties (before permission is granted) to ensure that the construction process does not breach these and prejudice the continued operation of the UCL Ear Institute.

The applicant has spent many months negotiating the S106 agreement with the Council and had reached a position where the terms of the agreement were fully agreed, as is evidenced by the fact that the agreement has been signed by the Council, Groeworld and the mortgagee and was anticipated to be completed before the end of 2021.

Relevant s106 Obligations relating to UCL Ear Institute

The S106 agreement contains a wide range of obligations which fully protect UCL's interests in accordance with the report to committee and the resolution to grant permission. It is helpful to briefly to summarise these obligations:

1. "Programming of Works in relation to UCL Activities" (Clauses 4.22.1 and 4.22.2)

The requirements include providing UCL and the Council with an indicative programme of the works related to the Construction of the Hotel 6 weeks prior to Implementation of the Hotel so that UCL plans its Sensitive Activities accordingly; UCL may give no less than 4 weeks' written notice to the Council and the Owner that it is planning to carry out Sensitive Activities within the UCL Building at the same time as programmed works of Construction on the Hotel which are likely to conflict with those Sensitive Activities; the Owner and the Council shall use reasonable endeavours to work with the UCL to re-programme the activities and/or the works of Construction of the Hotel so that conflicts are avoided or kept to a minimum. Also, indicative details of the piling configuration and engineering arrangements for the works related to the basement of the Hotel will be provided not less than 4 weeks prior to the commencement of any works of Construction of the Hotel. There are specific restrictions regarding the nature of the piling operations which may be used.

2. "Installation of Monitoring Equipment and Thresholds" & "Compliance with Thresholds" (Clause 4.22.3 - 4.22.7)

Requirements include installing monitoring equipment in locations agreed with the Council (in consultation with UCL); maintaining this equipment in full operation throughout the Construction of the Development in order to monitor the incidence of noise and vibration which may be experienced within the UCL Building throughout the Construction of the Development; ensuring that appropriately qualified engineers are instructed to undertake regular monitoring and that readings are constantly available in live data format; and sharing readings from the live data monitoring in real time with the Council and UCL.

Thresholds for noise and vibration in relation to the UCL Building have been identified in the UCL Baseline Document. These are thresholds provided by UCL. During the course of the determination period it was not possible to substantiate the thresholds because of the lack of evidence provided by UCL and as such they were adopted at face value. The thresholds and other mitigation would be open for discussion at an independent review. Prior to Implementation, the Owner shall provide written evidence prepared by appropriately qualified engineers to the Council as to whether it will or will not be possible to meet the Thresholds. At the same time as the Owner provides that evidence, it shall confirm to the Council the position regarding any deed as between the Owner and UCL addressing private neighbourly matters.

If it has been established that it will be possible to meet the Thresholds, then the Owner shall ensure that it continues to meet the Thresholds throughout the Construction Phase for as long as the Ear Institute is still carrying out the Sensitive Activities within the UCL Building.

To the extent that there are any exceedances of the Thresholds for noise and vibration in relation to the UCL Building which have been identified in the UCL Baseline Document, the Owner shall immediately inform the Council and UCL in writing of such exceedances, and comply with requirements including: (i) immediately cease work on the Relevant Phase of the development within which the exceedance has occurred; (ii) forthwith upon an exceedance event confirm in writing to the Council the Relevant Phase within which the exceedance has occurred; (iii) immediately implement measures which the Owner shall propose and the Council may approve to avoid a repeat of the exceedance whereupon work on the Relevant Phase may recommence; (iv) where such measures are not approved, the Council shall at the same time as confirming non-approval indicate such alternative or additional measures as it considers are reasonably required in order to prevent a repeat of the exceedance; (v) within 5 Working Days of receipt of the Council's non-approval with details of

the proposed alternative or additional measures, the Owner either shall immediately implement such alternative or additional measures whereupon work on the Relevant Phase may recommence, or shall propose alternative measures, whereupon subject to Council approval and implementation of such measures work on the Relevant Phase may recommence.

3. "UCL Mitigation or Decant Strategy" (Clause 4.22.8 – 4.22.13)

Where it has been established that it will not be possible to meet the Thresholds for noise and vibration in relation to the UCL Building identified in the UCL Baseline Document, prior to Implementation the Owner shall provide to the Council for approval the UCL Mitigation or Decant Strategy which must set out the process by which the uses carried out in the UCL Building which are adversely affected by noise and vibration arising from the construction of the Relevant Phase will be mitigated and (if and to the extent any decant is shown to be required under the strategy) by which UCL and the Owner will enable the decanting of such uses to alternative premises and will provide how their continued operation would be maintained, and set out the location of the decant premises, the timetable within which the decant will be effected and a date for completion of the decant. The Strategy must have been discussed and prepared in full consultation with UCL. In addition, the Council shall allow UCL to comment on the Strategy and have due regard to any UCL comments and the Owner shall not Implement the Development until the Council has approved the UCL Mitigation or Decant Strategy. The Owner shall comply with the approved UCL Mitigation or Decant Strategy during the Construction Phase if and to the extent any decant is required under the approved UCL Mitigation or Decant Strategy. To the extent that the Strategy requires actions by the Owner before Implementation of the Development the Owner shall take such actions before Implementation.

Prior to Implementation of the Relevant Phase the Owner and the Council shall use reasonable endeavours to convene the UCL Liaison Group (Construction Phase), and ensure that meetings of the UCL Liaison Group (Construction Phase) shall take place as agreed by the UCL Liaison Group subject to a minimum of four meetings per year throughout the Construction Phase.

4. "Obligations in respect of UCL in respect of the Operation and Occupation of the Hotel" (Clause 4.22.14 – 4.22.23)

Requirements include acting at all times in accordance with the UCL Engagement Commitment in relation to the operation and Occupation of the Hotel (with particular reference to the Sensitive Activities). In particular, the Owner will ensure that all appropriate and reasonable steps are taken throughout the carrying out of works to and operation and Occupation of the Hotel to protect the highly sensitive instrumentation located within the UCL Building.

Prior to Occupation of the Hotel the Owner and the Council shall use reasonable endeavours to convene the UCL Liaison Group (Neighbour Management Phase) and ensure that meetings of the UCL Liaison Group (Neighbour Management Phase) shall take place as agreed by the UCL Liaison Group subject to a minimum of two meetings per year. Also, the Owner shall comply with the UCL Engagement Commitment in respect of the Hotel for as long as the Ear Institute is still carrying out the Sensitive Activities within the UCL Building and shall consider and shall (so far as reasonably practicable) give effect to the ideas, representations, recommendations and decisions of the UCL Liaison Group (Neighbour Management Phase).

Prior to the Occupation of the Hotel the Owner shall provide to the Council for approval the UCL Neighbour Management Plan (on which the Council shall allow UCL to comment, and have due regard to any UCL comments). The Owner shall not Occupy or permit Occupation of the Hotel until

such time as the Council has approved the UCL Neighbour Management Plan as demonstrated by written notice to that effect. Also, the Owner shall not Occupy or permit Occupation of the Hotel until a satisfactory post-completion review has been submitted to and approved by the Council.

Following the Occupation of the Hotel the Owner shall ensure that the Hotel is being managed in strict accordance with the UCL Neighbour Management Plan as approved by the Council, and that plan shall remain in force and shall be kept under review throughout the life of the Hotel whilst UCL is in occupation of the UCL Building and carrying out the Sensitive Activities within the UCL Building to ensure that UCL Management Plan Objective continues to be addressed.

As can readily be seen from the above, UCL is fully protected by comprehensive and exhaustive obligations which cover both the construction and operational phases of the development. These obligations reflect the contents of the committee report, the recommendation to grant permission subject to the S106 agreement, the decision taken by the committee on 8th July and the discussions which the applicant has had with the Council since the committee meeting regarding the terms of the S106 agreement. The terms of the agreement have been fully agreed between Groveworld and the Council and all parties have now signed the agreement.

Benefits of Scheme

As summarised in the Committee Report, 'The proposal on the former Royal National Throat, Nose and Ear Hospital (RNTNEH) site would bring forward a comprehensive redevelopment of the recently vacant site and further key objectives of the Development Plan. It would provide a meaningful contribution of housing (the priority land use of the Development Plan), affordable housing, employment space, a hotel, foster links with the Knowledge Quarter and local community, and provide a high quality development with well-designed new buildings and public realm.'

This is a large, vacant, brownfield, allocated development site capable of delivering significant public benefits including new housing and new jobs and in doing so supporting the Knowledge Quarter Innovation District. We consider that an intervention would send the wrong message regarding an application that accords with national, regional and local policy objectives to deliver sustainable, mixed-use and balanced communities. Furthermore, this is not an issue that specifically relates solely to the nature of the proposed development but would have an effect on any development of this allocated development site or any other site in close proximity to the UCL Ear Institute.

The proposed development has taken all reasonable measures to mitigate adverse impacts from construction that would arise from an urban development project of this scale. This would be controlled, monitored and enforced via a Construction Management Plan. Furthermore, the development seeks to attain the highest reasonable standards of sustainability in the form of BREEAM 'excellent' and compensates for the practical difficulties of incorporating carbon savings by making a financial contribution for the shortfall.

The Proposed Development seeks to create an exemplary mixed-use development through the provision of high-quality architecture, public realm and landscaping, which encourage activity and permeability through the Site. The new hotel and office buildings create a publicly accessible ground floor including café and restaurant spaces and the creation of new public routes through the site connecting Gray's Inn Road, Swinton Street and Wicklow Street.

The site is of strategic importance within the Knowledge Quarter and has the potential to deliver much needed affordable housing, affordable workspace and knowledge quarter uses including laboratory enabled floorspace with associated economic benefits for the local community.

The redevelopment proposals present a significant opportunity to extend the transformation of King's Cross to the south and east of the stations. In doing so this would substantially improve the environment both physically and socially for those already living and working in the vicinity and Groveworld look forward to being able to move forward to the delivery phase of the scheme.

Overall, the proposals include the following benefits:

- Creating publicly accessible routes and spaces on the site
- Additional employment floorspace including laboratory-enabled floorspace catering specifically to the demands of the Knowledge Quarter, with an uplift of approximately 14,107m²
- Provision of circa 930m² subsidised (affordable) workspace
- 72 high quality new residential units
- 28 affordable housing units, including 15 social-affordable rent and 13 intermediate, which is around 44.6% of the provided housing by floor area (GIA) and 50% by habitable room and a tenure mix of 60/40 in favour in social-affordable rent by floor area (GIA)
- New 182 bed hotel
- New café, restaurant spaces and gymnasium
- Construction jobs, with local procurement, placements and apprenticeships
- Local spending
- 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 are proposed through commitments and financial contributions in the section 106
- The proposed extensions and new buildings are considered to be of high-quality architecture
- Delivering a net gain for biodiversity through increased and more varied planting and the incorporation of blue/green roofs; and,
- £2.7million in Section 106 contributions.

We are sure that Camden has provided you with a full pack of information regarding the application, however, should there be any further information you require, or any aspect of the information you

would like clarification on, please do not hesitate to contact us. We have copied this letter to the London Borough of Camden and the Greater London Authority for their information.

Yours sincerely

Gerald Eve LLP.

Gerald Eve LLP

LWebb@geraldeve.com
Direct tel. +44 (0)20 7333 6225
Mobile +44 (0)7747 607309

cc Jonathan McClue – London Borough of Camden
Areena Berktold – Greater London Authority
Neil Turvey - UCL