

52 Tottenham Street, London

Local Planning Authority: Camden

Local Planning Authority reference 2020/3043/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

Demolition of existing building and erection of an 11 storey building with basement containing 4 residential units and affordable workspace with ancillary cycle and refuse storage.

The applicant

The applicant is **Flower Island (UK) Ltd** and the architect is **DSDHA**

Key dates

GLA stage 1 report: 22 February 2021

LPA Planning Committee decision: 4 August 2022

Strategic issues summary

Land use principles: The principle of the comprehensive redevelopment of the site for a residential led scheme with affordable workspace remains supported.

Urban Design: The site is not located within an identified tall building zone, however the proposed tall building will not result in unacceptable visual, functional, environmental or cumulative impacts. The proposal will not cause any significant harm to heritage assets or impact upon LVMF views. A fire safety strategy that meets with London Plan requirements has been secured.

Transport: All outstanding transport matters raised at consultation stage have been adequately addressed.

Environment and Sustainability: All outstanding energy issues raised at consultation stage have been resolved. Mitigation measures to address other environmental and sustainability issues have been secured by conditions.

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 11 November 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:
 - *1Cc The building is more than 30 metres high and is outside the City of London*
2. On 22 February 2021 the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority considered planning report GLA/2020//6729/S1/01 ([here](https://planning.london.gov.uk/pr/s/planning-application/a0i4J000002TkdVQAS/20206729))¹ and subsequently advised Camden Council:
 - **Principle of development:** The principle of the comprehensive redevelopment of the site with a mixed-use development that retains employment floor space on-site and enhances the quality and mix of residential units is supported in principle. The proposed affordable workspace should be secured in the s106 agreement.
 - **Housing:** The scale of the development means it is not required to provide on-site Affordable Housing. The enhancement of the quality and mix of housing within a predominately residential neighbourhood of the Central Activities Zone is supported.
 - **Urban Design, Heritage and Views:** Strategically, the overall height, mass and scale of the scheme is supported as it will not impact upon the character of the Conservation Area or impede on strategically important landmark views. Additional information regarding the Fire Safety Statement must be provided prior to determination.
 - **Transport:** The developments impact on public transport is also expected to be minimal and a contribution towards public transport service enhancement is not required. The quantum of cycle storage is acceptable, however a cargo and/or adapted cycle stand within the site should be provided. A Travel Plan should be secured.
 - **Sustainability:** Further information on energy, urban greening and the circular economy is required.
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 4 August 2022 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 18 October 2022 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor

¹ <https://planning.london.gov.uk/pr/s/planning-application/a0i4J000002TkdVQAS/20206729>

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 31 October 2022 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 City Hall website: www.london.gov.uk

Response to neighbourhood consultation

6. 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.
7. Following the neighbourhood consultation process Camden Council received no responses from individuals, but one response in objection from the Charlotte Street CAAC as outlined further below.

Responses from statutory bodies and other organisations

Thames Water

8. No objection.

Charlotte Street CAAC

9. Objects to the proposal. The demolition is not sufficiently justified given the quality and associated public benefits of the replacement building. The appearance and height of the building is out of context with the area.

Representations to the Mayor

10. The Mayor has received no written representations on the application.

Response to public consultation - conclusion

11. 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. GLA officers have had regard to the above statutory and non-statutory responses to the public consultation process where these raise material planning issues of strategic importance.

Update

12. 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, having regard to responses to the public consultation.

Relevant policies and guidance

13. Since consultation stage the following is now a material consideration:

- On 2 March 2021 the Mayor published his new London Plan (2021). It forms part of the statutory development plan and replaces the London Plan (2016) as the spatial development strategy for London and now has full force as part of the Development Plan;
- The revised National Planning Policy Framework (NPPF) was published on 19 July 2021. The NPPG was also updated in 2021. In addition to this, in January 2021, MHCLG published the National Design Guide and the National Model Design Code;
- Public London Charter LPG;
- Good Quality Homes for all Londoners draft LPG;
- Fire Safety draft LPG;
- Optimising Site Capacity: A Design-Led Approach draft LPG;
- Urban Greening Factor draft LPG;
- Sustainable Transport, Walking and Cycling draft LPG;
- Circular Economy Statements LPG;
- Whole-life Carbon Assessments LPG;
- Air Quality Neutral draft LPG;
- Air Quality Positive draft LPG;
- Be Seen' Energy Monitoring Guidance LPG;
- On 24 May 2021 a Written Ministerial Statement (WMS) was published in relation to First Homes. To the extent that it is relevant to this particular application, the WMS has been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation. Further information on the WMS and guidance in relation to how the GLA expect local planning authorities to take the WMS into account in decision making can be found [here](#). (Link to practice note)

Land use principles

14. The applicant proposes the replacement of a four-storey building in lawful residential (Use Class C3) and retail use (Use Class A1) with an eleven-storey building for residential (Use Class C3) and office use (Use Class B1).
15. The site is located within a predominantly residential area of the Central Activity Zone (CAZ) and also an area covered by the Fitzrovia Area Action Plan (March 2014) (FAAP). Policy SD4 of the London Plan promotes the nationally and internationally significant office functions of the CAZ, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values. The policy also states that in the CAZ the quality and character of predominantly residential neighbourhoods where more local uses predominate should be conserved and enhanced. The FAAP promotes both new business developments and residential uses in Fitzrovia.

Employment floorspace

16. In terms of employment floor space Policy E1 of the London Plan encourages mixed use developments that improve the quality and diversity of employment and office floor space, including the desire for lower cost and affordable workspace. The Local Plan also encourages the provision of employment premises within the borough.
17. The applicant has offered to deliver affordable workspace in order to offset the acute need in Camden for accessible workspace for start-ups, and small to medium sized enterprises. This is welcomed in line with Policy E3 of the London Plan. The discounted commercial unit will have a rental level of 80% of the market value for annual rents charged for comparable spaces within the local area and this rate will apply for the lifetime of the development in line with Council's policy requirements. The affordable workspace has been secured within the Section 106 legal agreement.
18. Overall, the reprovision of the employment floor space, and in particular the provision of affordable workspace in the CAZ accords with relevant policies and is strongly supported.

Housing

19. In terms of housing, the proposed development includes the replacement of four single bedroom units with three one bed units and one three bedroom unit. The quantum of units remains unchanged. The proposed housing provision enhances the mix of units on site which accords with Policy H10 of the London Plan. The quantum of housing falls below the level required for the inclusion of affordable units. The proposed housing raises no strategic issue.

Land use conclusion

20. As outlined at consultation stage, GLA officers consider the principle of development to be acceptable as the proposed land uses comply with relevant policies in terms of appropriate land uses and the proposal will enhance the quality of employment floor space and residential accommodation on the site and

will also preserve and enhance the quality and character of this residential precinct of the CAZ. The mixed-use scheme is therefore supported.

Urban design

Tall building

21. London Plan Policy D9 seeks to ensure that there is a plan-led and design-led approach to the development of tall buildings across London and that the visual, functional, environmental and cumulative impacts of tall buildings are fully considered and addressed. The architectural and materials quality of tall buildings should be of an exemplary standard. Tall buildings should not adversely affect local or strategic views and should make a positive contribution to the character and legibility of an area.
22. It is noted that Camden defines a tall building as one that is significantly taller than the prevailing heights of surrounding buildings. As outlined at Stage 1, the building does not raise significantly above its neighbours and when considered against adopted local policy, would not be defined as a tall building. Notwithstanding this, if the building was considered a tall building for the purposes of applying London Plan Policy D9, the following assessment would be made:
23. The proposal does not meet with the locational requirements of Part B of Policy D9, as it is not within a location designated as suitable for tall buildings, as Camden Council consider the entire borough to be sensitive to tall buildings. However, as outlined at the consultation stage and in the Council's committee report, the proposed building would infill the gap between two similarly scaled buildings, with additional height set back from the site's frontage such that it minimises its visual impact. The proposal therefore has acceptable visual, functional and cumulative impacts, and the environmental impacts have also been found to be acceptable by the Council and the GLA. The heritage impacts are considered further below, with the conclusion that the impacts are acceptable. Therefore, assessed against the qualitative requirements of Part C of Policy D9 of the London Plan, the proposal complies with Part C. The height, massing and appearance of the proposed development is therefore acceptable and is in accordance with the primary objectives of London Plan Policy D9.

Heritage

24. The site is located within the Charlotte Street Conservation Area and is surrounded by many other heritage assets. The existing building on the site is a Georgian townhouse which is not listed or locally listed, but is considered to be a positive contributor to the conservation area. The Council's committee report confirms that the significance of the building (which is heavily altered) is now limited to providing a visual break between the two taller buildings. The loss of this visual break, in the Council's view, causes some minor harm to the street scene and therefore some minor harm to the significance of the conservation area, which, in the Council's opinion, is outweighed by the public benefits of the scheme which include high quality new housing, employment space, high quality architecture and improved environmental efficiency.

25. At consultation stage, GLA officers formed the view that the high quality design and appearance of the proposed development will likely improve the visual setting of nearby listed buildings and that the overall appearance of the building will not result in harm to heritage assets located in the wider area and as such meets with the requirements of Policy HC1 of the London Plan. This view remains unchanged, albeit noting that the Council has identified some (low level) less than substantial harm to the significance of the conservation area. In either case, it is agreed that the public benefits of the scheme, which are outlined above, would outweigh any harm that could be identified to heritage assets.

Strategic views (LVMF)

26. The site falls within the London Panorama of Parliament Hill and its protected vista (LVMF view 2A.2). As outlined at consultation stage, in terms of impact, the proposed building will be consistent in height to its neighbours and will not exceed the threshold height of the Protected Vista. As such, the proposed building will preserve the corridor thereby not impacting upon the viewers ability to recognise and appreciate the strategically important landmark from Parliament Hill.

Urban design conclusion

27. As outlined at consultation stage, the applicant has found a novel way to optimise the site's capacity with a design that respects the surrounding urban fabric, The architectural expression, materials and overall appearance is expected to create interest in the street without any significant adverse impacts upon the character of the conservation area. The proposal raises no strategic concern to warrant the Mayor's intervention.

Fire Safety Statement

28. At consultation stage, a fire safety statement that met with the requirements of Policy D12 of the London Plan was requested. A statement was submitted and assessed prior to the Stage 2 referral. The submitted statement meets with the general requirements of the Policy D12 of the London Plan and has been secured as part of the approved documents.

Transport

29. At consultation stage, the proposal raised no significant concerns with regards to impacts upon transport infrastructure. Notwithstanding this, the Council were requested to ensure that the following were secured:
- Management Plans to be secured (A full Travel Plan, Delivery and Servicing Plan, Construction Management Plan, Construction Logistics Plan,
 - Restrictions on parking permits for future occupants
 - Provision of cargo/adapted cycle stand within boundary
30. With the exception of a travel plan, all management plans and restrictions on parking have been secured within the legal agreement.

31. A Travel Plan has not been secured with the Council. This is acceptable in this instance, given that the development would not result in an increase in residential units, and given the limited size of the workspace, the proposal is not expected to significantly increase travel demand or have a significant impact on travel or the transport system.
32. With regards, to cycle parking, the applicant provided additional details of the basement cycle store in response to comments received from Transport for London (TfL). There is insufficient room within the basement to provide an adapted stand on-site. The Council's transport officer and TfL confirmed the cycle parking proposals were acceptable given the site constraints. Notwithstanding this, the applicant has agreed to pay a contribution towards the installation of a short stay cycle stand on the highway near the site. This space will be suitable to be used by cargo/adapted cycles. The requirement has been secured within the legal agreement.
33. As such, there are no outstanding transport issues of strategic importance and the development is broadly in compliance with London Plan transport policy.

Sustainability and Environment

Energy

34. At consultation stage, the applicant was advised that they should model additional energy efficiency (EE) measures and aspire to meet the EE targets. With regards to carbon-dioxide, although the savings fall short with London Plan requirements, it was acknowledged that there was little opportunity on site to achieve further reductions. It was also suggested that the applicant reinvestigate the inclusion of renewable technologies.
35. Extensive post stage 1 discussions have occurred between GLA officers, Council and the applicant resulting in a number of energy related improvements including the delivery of heating and hot water via Air Sourced Heat Pumps (ASHP) to all of the units. The Council have also included a condition requiring the applicant to carry out Dynamic Overheating Analysis to ensure the risk of overheating is mitigated. GLA energy officers have confirmed that all energy related issues raised at consultation stage have adequately been resolved by way of amendments or conditions.

Urban Greening

36. At consultation stage, the applicant was requested to provide details of the proposals' Urban Greening Factor (UGF) score. No such details have been provided, however it is noted Policy G5 of the London Plan only requires such information for Major developments. Given this, GLA officers accept the absence of such information and do not consider the issue to warrant the Mayor to intervene.

Circular Economy

37. At consultation stage the applicant was requested to submit a Circular Economy Statement in accordance with the requirements of Policy SI7 of the London Plan.

Such a statement has not been submitted and the Council have not required one to be submitted by way of imposed condition which is unfortunate and not in compliance with London Plan Policy SI7 which requires referable applications to be accompanied by a Circular Economy Statement. Notwithstanding this, the Council have included a condition within the draft decision notice that relates to diversion of waste from landfill. This condition requires the applicant to maximise reuse and minimise sending waste to landfill. The condition specifically relates to the Council's circular economy policies which has similar objectives that that of the London Plan. In this particular case, given that the application was submitted prior to the adoption of London Plan, along with the small scale nature of the floorspace proposed in this case, GLA officers are of the view that in this instance, the lack of a circular economy statement does not warrant intervention from the Mayor and that suitable conditions have been secured to ensure circular economy principles are implemented in accordance with the aims of Policy SI7.

Section 106 agreement

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

- Affordable workspace
 - To refurbish and fit out affordable workspace prior to occupation of residential units and provide the unit at 80% of market value in perpetuity.
 - Affordable SME workspace marketing strategy.
- Employment and training Plan:
 - CITB benchmarks for local employment when recruiting for construction-related jobs.
 - Advertisement of all construction vacancies and work placement opportunities exclusively with the King's Cross Construction Skills Centre for a period of 1 week before marketing more widely.
 - 1 construction apprentice paid at least London Living Wage and a support fee of £1,700.
 - Recruitment of construction apprentices conducted through the Council's King's Cross Construction Skills Centre. Recruitment of non-construction apprentices should be conducted through the Council's Inclusive Economy team.
 - Sign up to the Camden Local Procurement Code.
 - Local employment, skills and local supply plan Energy Efficiency & Renewable Energy plan
- Energy Efficiency & Renewable Energy plan
- Transport

- Car free development
 - Construction Management Plan (CMP).
 - CMP implementation support contribution of £3,920 and a Construction Impact Bond of £7,500.
 - Financial contribution for highway works directly adjacent to the site of £3,293.96 +£250 for a short stay cycle parking stand.
 - Level Plans are required to be submitted at the appropriate stage showing the interaction between development thresholds and the Public Highway to be submitted to and approved by the Highway Authority prior to any works starting on-site. The Highway Authority reserves the right to construct the adjoining Public Highway (carriageway, footway and/or verge) to levels it considers appropriate.
- Retention of Project Architect

Legal considerations

39. 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

40. 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.
41. 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.

42. 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

43. The strategic issues raised at consultation stage with respect to the urban design, transport, fire safety, circular economy and energy have been acceptably resolved on balance, 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):

Scott Schimanski, Principal Strategic Planner (case officer)

email: scott.schimanski@london.gov.uk

Katherine Wood Team Leader – Development Management

email: katherine.wood@london.gov.uk

Allison Flight, Deputy Head of Development Management

email: alison.flight@london.gov.uk

John Finlayson, Head of Development Management

email: john.finlayson@london.gov.uk

Lucinda Turner, Assistant Director of Planning

email: lucinda.turner@london.gov.uk

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