

Abbey Road Phase 3, Abbey Road, London

Local Planning Authority: Camden

Local Planning Authority reference 2022/2542/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 and redevelopment of Emminster and Hinstock blocks including Belsize Priory Health Centre, Abbey Community Centre, public house and commercial units to provide 139 new residential accommodation (Use Class C3) and ground floor commercial space (Use Class E/Sui Generis) to be used as flexible commercial units, across three buildings ranging from 4 to 11 storeys, along with car and bicycle parking, landscaping and all necessary ancillary and enabling works.

The applicant

The applicant is **LB Camden / Wates** and the architect is **Pollard Thomas Edwards**

Key dates

GLA pre-application meeting: February 2022

GLA stage 1 report: 30 August 2022

LPA Planning Committee decision: 13 October 2022

Strategic issues summary

Land use principles: The redevelopment of part of the estate for residential and employment floor space along with new public realm is supported. The estate renewal meets with the requirements of the London Plan and the GPGER.

Housing: The proposal will increase housing within the estate including additional social rent and affordable units which is strongly supported. The Financial Viability Assessment has been scrutinised by the GLA's viability team and the quantum of affordable housing is deemed to be the maximum at this stage. Early and late stage reviews have been secured.

Urban Design and Heritage: The scheme raises no strategic concerns with regards to impacts of tall buildings, public realm and other urban design issues. The scheme will not harm any nearby heritage assets.

Other issues on transport, environmental and energy issues have also been resolved through amendments, clarification, conditions or through the legal agreement.

The Council's decision

In this instance Camden Council has resolved to grant permission subject to planning conditions and conclusion of a 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 21 July 2022 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 30 August 2022 the Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered planning report GLA/2022/0556/01([here](#))¹ and subsequently advised Camden Council
 - **Land Use Principles:** The redevelopment of part of the estate for residential and employment floor space along with new public realm is supported. Overall, and subject to Council securing floorspace and suitable rent levels, the estate renewal meets with the requirements of the London Plan and the GPGER.
 - **Housing:** The proposal will increase housing within the estate including additional social rent and affordable units which is strongly supported. The Financial Viability Assessment is currently being scrutinised by the GLA's viability team with a view to ensuring that the proposals deliver the maximum amount of additional affordable housing. Early and late stage reviews should be secured.
 - **Urban Design and Heritage:** The scheme raises no strategic concerns with regards to layout, scale, appearance and accessibility and the new improved public realm with substantial playspace is welcome. The scheme will not harm any nearby heritage assets.
 - **Transport:** The proposals are broadly in line with London Plan transport policies, but an increase in active electric vehicle charging points is recommended, and clarifications on the design and location of cycle parking are required. The proposal to relocate a bus stop to accommodate a servicing layby is not supported and should be revised.
 - **Sustainability and Environment:** The scheme will meet with urban greening and biodiversity requirements. Further information on energy, WLC and circular economy is required, and mitigation measures on flood risk and air quality should be secured by condition.
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.

¹ <https://planning.london.gov.uk/pr/s/planning-application/a0i4J00000CQJ8qQAH/20220556>

4. On 13 October 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 25 October 2022 it advised the Mayor of this decision. 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 7 November 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 sending notifications to local addresses, and 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 one response commenting on the scheme. The comment from the nearby resident states that it was disappointing to see that the Council is only offering 36 flats as social housing despite such an increase in numbers.

Responses from statutory bodies and other organisations

Historic England (Greater London Archaeological Advisory Service – GLAAS)

8. No objection subject to safeguarding archaeological interest.

Thames Water

9. No objection subject to conditions relating to water efficiency and informatives relating to waste, trade effluent discharge and drainage serving commercial kitchens.

MET Police

10. No objection subject to the inclusion of secure by design conditions

Cadent Gas

11. No objection subject to informatives on gas infrastructure such as easements.

Health and Safety Executive

12. No objection

London Borough of Brent

13. No objection

City of Westminster

14. No objection

Representations to the Mayor

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

Response to public consultation - conclusion

16. Having considered the local response to public consultation, Camden Council has sought to secured planning obligations to deliver the maximum amount of affordable housing on the site including early and late stage reviews. 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

17. Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and Transport for London (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.

Land use principles

18. As required for all estate renewal schemes, at consultation stage, the proposal was assessed against the requirements of Policy H8 of the London Plan and the Mayor's Good Practice Guide to Estate Regeneration (GPGER Feb 2018). The principle of the demolition of community facilities and a public house were also considered. In this regard, the proposed estate renewal generally met with the requirements of the London Plan and the GPGER Feb 2018 subject to the following being confirmed:

- that the existing affordable floorspace is to be replaced by floorspace at an equivalent or better quality at the same or similar rent levels.
- that former residents will be offered a full right of return
- appropriate controls should be put in place to prevent the demolition of health care facilities in advance of these being reprovided and operational on the Phase 2 site.
- that the LPA must confirm that the existing public house has no obvious social or cultural significance.

19. The rent levels have been secured within the legal agreement. The total cost of rent and service and management charges for social rent units will meet targets set by the Regulator and both intermediate and social rent units will meet with the Mayor's 'Homes for Londoners Affordable Homes Programme'. Although residents have been rehoused within the earlier phases of the scheme or elsewhere in the borough, the Council have confirmed that the legal agreement will include a right to return obligation for residents. Specific details on affordable housing have been provided within the housing section of this report.
20. The applicant has confirmed that the Community Centre (Abbey CC) have agreed Heads of Terms and a license to occupy with Camden and have started to fit out the new Community Centre which is located within Phase 2. It is understood that this is now nearly fully operational and they are working towards the end of October 2022 for the Community Centre to sign leases and vacate the existing Phase 3 building. Both Camden and the Abbey CC are fully expecting that they move in and vacate the old building imminently. It is noted that the legal agreement includes an obligation to prevent the closure of the existing medical and community facilities until such time as those within Phase 2 are operational.
21. With regard to the social or cultural significance of the public house, the Council within its committee report has confirmed that the public house has no heritage or townscape value and that it is not a designated as an Asset of Community Value. Given this, along with the lack of objection to its loss by local residents, GLA officers are of the view that the public house is not of social or cultural significance and as such its loss is accepted under London Plan Policy HC7.
22. As such, outstanding issues raised at Stage 1 regarding the land use principles have been resolved, and the application is compliant with the London Plan in this regard.

Urban design

Tall buildings

23. 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.
24. It is noted that the Council 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 rise significantly above its neighbours and when considered against adopted local policy, would not be defined as a tall building. It is noted that the Council do not consider the proposal to include tall buildings. Notwithstanding this, if the building (which rises up to 11 storeys) was considered a tall building for the purposes of applying London Plan Policy D9, the following assessment would be made:

25. 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 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 buildings with a maximum height of 11 storeys are substantially lower than the two existing towers within the estate that are in excess of 20 storeys in height. Notwithstanding this, the buildings have been designed to respect the prevailing heights of surrounding buildings, with the taller buildings located closest to the junction (and the tower buildings within the estate) and lower buildings along the western edge adjacent to the low rise buildings within the Priory Road Conservation Area. 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 particularly with regards to suitably mitigating against wind, daylight and sunlight impacts. The heritage impacts are considered further below, with the conclusion that the impacts are acceptable and will not result in harm. 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.

Architectural quality

26. At consultation stage, GLA officers formed the view that the overall architectural approach was expected to result in a high quality scheme, however that the Council should secure high quality materials through conditions. Conditions requiring details of materials have been included within the draft decision notice and these are considered satisfactory.

Heritage

27. The site is located adjacent to the Priory Road Conservation Area and is surrounded by other heritage assets including the South Hampstead Conservation Area, the Alexandra Road Conservation Area, the St John's Wood Conservation Area, the Grade II* Alexandra Road Estate and the Grade II listed St Mary's Church and Church Hall. The existing buildings are not listed or locally listed and are not considered to be positive contributors to the setting of the nearby conservation area. The Council's committee report states that the proposed material palette and design will ensure that the impact of the proposal on the surrounding heritage assets is marginal given the context and as such, the proposal would not harm the conservation areas, their setting, or the setting of any listed buildings. 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.

Fire safety

28. At consultation stage, the Council were requested to ensure that all the proposed fire safety measures, as detailed in the statement are secured through appropriate

planning conditions. The fire statement has been secured as part of the approved documents.

Inclusive access

29. With regards to access, at consultation stage, the applicant was requested to confirm that at least one lift per core should be a fire evacuation lift suitable to be used to evacuate people who require level access from the building as required by London Plan Policy D5. Further, the LPA was also required to secure M4(2) and M4(3) requirements by condition or planning obligation to ensure compliance with Policy D7 of the London Plan.
30. The applicant has confirmed that each block is served by two lifts in order to meet the requirements of Policy D5 of the London Plan (including fire evacuation lifts). Further, access satisfies the requirements of Policy D7 of the London Plan with 15 wheelchair units (10.79%) being provided and the remaining meeting M4(2) requirements.

Housing

Affordable housing and viability

31. As part of the application, 139 residential units are proposed with 93 private residential units, and 46 affordable units comprising 36 social affordable rent homes and 10 intermediate rent (Camden Living Rent) homes. The proposal includes the housing mix as outlined in table 1 below:

Proposed Residential Use Details:						
	Residential Type	No. of Bedrooms per Unit				
		1	2	3	4	Total
Market	Flat	45	48	0	0	93
Affordable (Social affordable rent)	Flat	7	12	17	0	36
Affordable (Intermediate Rent)	Flat	2	8	0	0	10
TOTAL – All	Flats	54	68	17	0	139

Table 1: Proposed housing

32. As outlined at consultation stage, the proposed affordable housing units within this phase are in addition to the 66 social rent units that were delivered through the first phase of the estate renewal. As such, 112 affordable units will be delivered over all phases to replace 74 existing affordable units resulting in a net increase in affordable housing on the site.

33. The affordable housing includes Social Rented Housing, London Affordable Rented Housing and Intermediate Housing that meets the needs of people who cannot afford to occupy homes available in the open market in accordance with the National Planning Policy Framework and successor documents. The proposal includes 10 Intermediate Rented Housing Units and 36 Social Rented Housing Units within the development to be constructed fitted out and occupied exclusively as affordable housing. These units along with rental level obligations (and maximum caps) have been secured within the legal agreement and meet with the requirements of Policy H8 of the London Plan and the GPGER Feb 2018.
34. The submitted financial viability assessment (FVA) has been robustly reviewed by GLA officers. Overall whilst there remained elements of disagreement on the FVA between the two parties, GLA officers agree that 41.1% affordable housing provision by habitable room, at an affordable housing tenure split by unit of 78% social rent and 22% Camden Living Rent, constitutes the maximum viable amount that can be provided at this stage.
35. The Shadow Section 106 agreement, in accordance with the London Plan, includes early and late stage review mechanisms. The mechanisms use the formulas set out in the Mayor's Affordable Housing and Viability SPG and the drafting has been based on the GLA's S106 Review Mechanisms template. The proposals therefore comply with Policies H5 and H6 of the London Plan.

Housing choice

36. At consultation stage, the proposed housing mix raised no strategic concern, however the Council were requested to confirm that they supported the mix proposed. In this regard, the Council state within the committee report that the mix meets with local policy and is considered appropriate.

Playspace

37. At consultation stage, the Council were requested to ensure that all playspace be secured by way of condition and that play areas are accessible to all residents and are suitable for all age groups in accordance with Policy S4 of the London Plan. If this can not be achieved then a financial contribution towards off-site provision should be secured.
38. The Council have confirmed that the playspace meets with the quantitative requirements of the London Plan. The playspace is located within the common courtyard and will be accessible for all residents and suitable for all age groups.

Transport

39. At consultation stage, the proposal was broadly in line with London Plan transport policies, but an increase in active electric vehicle charging points was recommended, and clarifications on the design and location of cycle parking were required. The proposal to relocate a bus stop to accommodate a servicing layby was not supported and it was requested that this be revised. Management plans also needed to be secured.

40. In response, all parking spaces will have active EVCP, the location of the loading bay no longer impacts upon the bus stop and management plans have been secured. In addition, the applicant has also added another gate access from the garden area to the north, with key fob access. They have also added windows to increase passive surveillance. GLA officers are of the view that through amendments, conditions or obligations, transport issues raised at consultation stage have been appropriately mitigated and as such, there are no sound grounds for the Mayor to intervene with regards to transport impacts.

Environmental, sustainability and energy

41. At consultation stage, it was confirmed that the scheme would meet with urban greening and biodiversity requirements. However, further information on energy, WLC and circular economy was required, and mitigation measures on flood risk and air quality were required to be secured by condition. In this regard, the Council have included conditions with regards to flood risk and air quality mitigation.

Energy

42. At consultation stage, the energy strategy was reviewed by the GLA's energy team who considered it not to be compliant with London Plan energy policies namely with regards to:
- GLA carbon emission reporting spreadsheet must be completed
 - Confirmation of mitigation measures for overheating
 - Investigate opportunities for connection to nearby existing or planned district heating networks (DHNs). Ability to connect to district heat networks.
 - Single point of connection and a communal heating network where all buildings/uses on the site will be connected
 - Roof layout and details of PV to be provided
 - Details of the proposed heating
 - Be Seen monitoring commitment to be secured
43. Subsequently, since consultation stage, the applicant has undertaken extensive dialogue with the GLA's energy officers to address outstanding issues. Additional information, amendments or the inclusion of conditions, obligations or financial contributions have appropriately resolved these issues. As such, GLA officers are of the view that all outstanding energy issues have been resolved and the proposal satisfies the requirements of Policies SI2, SI3 and SI4 of the London Plan.

Whole Lifecycle carbon (WLC)

44. At consultation stage, GLA officers formed the view that the submitted WLC report covered much of the assessment requirements, however an Excel version of the

GLA WLC template must be submitted. The applicant has submitted the requested document to satisfy this requirement. There are no outstanding WLC issues.

Circular Economy

45. At consultation stage, the Council were requested to secure the circular economy strategy as part of any consent. The draft decision notice includes the circular economy statement as one of the approval documents. GLA officers are of the view that this document fulfils the requirements of Policies D3 and SI 7 of the London Plan and that Council have appropriately secured it for implementation.

Legal agreement

46. The Council is the landowner of the site and also the local planning authority, Accordingly, it cannot secure the planning obligations in the normal way as the Council cannot lawfully enter into an agreement with itself. Therefore, the Council has prepared a 'Shadow Section 106 agreement' which includes the required obligations. The Council have stated that this document will be in the same form as a "standard" Section 106 agreement, incorporating the usual legal clauses and negotiated by separate lawyers within the Borough Solicitors Department representing the interests of the Council as landowner/ applicant and the Council as regulatory planning authority. The Shadow Section 106 will include inter alia a provision requiring (i) that in the event of any disposal of the relevant land the Shadow Section 106 Terms will be included in the terms of the sale transfer and (ii) the purchaser will be formally required to enter into a Section 106 agreement as owner of the land at the point of acquisition (and hence its terms will thereafter bind the site).
47. The Shadow Section 106 agreement will include the following provisions:
- Affordable housing including early and late stage reviews; consisting of 46 residential units comprising of 36 social affordable rent homes and 10 intermediate rent homes.
 - Car free development for new residents;
 - Highways works and contributions, stopping up orders; £65,000 for Pedestrian, cycling and environmental works, £229,231.85 for highway works.
 - Management Plans (Delivery, CMP); including £28,520 monitoring fee and £30,000 CMP bond.
 - Energy and sustainability; including Carbon off-set contribution of £184,224, future connection to DEN
 - Employment and training; including contribution of £28,900, provision of 17 apprenticeships.
 - Retention of architect.

Legal considerations

48. 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

49. 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.
50. 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.
51. 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

52. The strategic issues raised at consultation stage with respect to the urban design, retention of community facilities, affordable housing and viability, transport and viability 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):

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