

Address:	Royal National Throat, Nose And Ear Hospital Site, 330 Gray's Inn Road (and fronting Swinton Street and Wicklow Street) London WC1		1
Application Number	2023/0904/P	Officer: Josh Lawlor	
Ward:	King's Cross		
Date Received:	01/03/2023		

Proposal: Variation of Condition 2 (Approved Plans), 18 (Cycle Secure & Covered Parking), 31 (Gym House of Operation), 41 (SuDS), and 54 (External Amenity Space Details for Swinton Street Flats) of planning permission ref 2020/5593/P dated 20/07/22 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. Amendments include additional basement area for use as research and development with ancillary teaching (Class E (g) (ii)), amended landscape design, installation of flues through residential building, removal of basement below Wicklow street, additional plant installation at roof level, revised floor-to-floor heights, a dedicated loading bay for UCL on Wicklow Street, revised cycle entrance and amendments to the office building elevational treatment, relocation of the affordable workspace to Gray's Inn Road.

Background Papers, Supporting Documents and Drawing Numbers:

Existing Drawings:18116_00_(00)_P010 Rev P01, (18116_00_(01)_P099-105; P100M; P200-202 and P300-301 Rev P01.

Demolition Drawings: (18116_00_(12))P99-P105; P100M; P200-202 and P300-301 2 Rev P01.

Proposed Drawings: 00_(00)_P010 P01; 00_(00)_P097 P01; 00_(00)_P098 P02; 00_(00)_P099 P03; 00_(00)_P100 P03; 00_(00)_P100M P03; 00_(00)_P101 P02; 00_(00)_P102 P02; 00_(00)_P103 P03; 00_(00)_P104 P02; 00_(00)_P105 P02;

00_(00)_P106 P02; 00_(00)_P107 P02; 00_(00)_P108 P03; 00_(00)_P109 P03;
00_(00)_P110 P03; 00_(00)_P111 P03; 00_(00)_P112 P0; 00_(00)_P113 P03;
00_(00)_P114 P03; 00_(00)_P150 P02; 00_(00)_P200 P01; 00_(00)_P201 P04;
00_(00)_P202 P04; 00_(00)_P203 P03; 00_(00)_P204 P04; 00_(00)_P300 P04;
00_(01)_P099 P01; 00_(01)_P100 P01; 00_(01)_P100M P01; 00_(01)_P101 P01;
00_(01)_P102 P01; 00_(01)_P103 P01; 00_(01)_P104 P01; 00_(01)_P105 P01;
00_(01)_P200 P01; 00_(01)_P201 P01; 00_(01)_P202 P01; 00_(01)_P300 P01;
00_(01)_P301 P01; 00_(12)_P099 P01; 00_(12)_P100 P01; 00_(12)_P100M;
P01; 00_(12)_P101 P01; 00_(12)_P102 P01; 00_(12)_P103 P01; 00_(12)_P104
P01; 00_(12)_P105 P01; 00_(12)_P200 P01; 00_(12)_P201 P01; 00_(12)_P202
P01; 00_(12)_P300 P01; 00_(12)_P301 P01; 01_(00)_P100 P01;
01_(00)_P100M; P02; 01_(00)_P101 P02; 01_(00)_P102 P02; 01_(00)_P103
P02; 01_(00)_P104 P02; 01_(00)_P105 P01; 01_(00)_P106 P01; 01_(00)_P107
P01; 01_(00)_P108 P01; 01_(00)_P109 P01; 01_(00)_P110 P01; 01_(00)_P111
P01; 01_(00)_P112 P01; 01_(00)_P113 P01; 01_(00)_P114 P01; 01_(00)_P200
P01; 01_(00)_P201 P01; 01_(00)_P202 P01; 01_(00)_P203 P01; 01_(00)_P300
P01; 01_(00)_P301 P01; 01_(00)_P302 P01; 01_(00)_P400 P01; 01_(00)_P401
P01; 01_(00)_P402 P01; 02_(00)_P100 P02; 02_(00)_P100M P02; 02_(00)_P101
P01; 02_(00)_P102 P02; 02_(00)_P103 P02; 02_(00)_P104 P02; 02_(00)_P105
P02; 02_(00)_P106 P02; 02_(00)_P107 P02; 02_(00)_P108 P03; 02_(00)_P200
P04; 02_(00)_P201 P04; 02_(00)_P202 P04; 02_(00)_P203 P04; 02_(00)_P300
P04; 02_(00)_P400 P01; 02_(00)_P401 P01; 02_(00)_P402 P01; 02_(00)_P403
P01; 03_(00)_P100 P02; 03_(00)_P100M P02; 03_(00)_P101 P03; 03_(00)_P102
P03; 03_(00)_P103 P03; 03_(00)_P104 P02; 03_(00)_P105 P02; 03_(00)_P106
P02; 03_(00)_P107 P02; 03_(00)_P108 P02; 03_(00)_P109 P02; 03_(00)_P110
P02; 03_(00)_P111 P02; 03_(00)_P200 P03; 03_(00)_P201 P03; 03_(00)_P202
P02; 03_(00)_P203 P02; 03_(00)_P204 P02; 03_(00)_P205 P02; 03_(00)_P300
P02; 03_(00)_P400 P01; 03_(00)_P401 P01; 03_(00)_P402 P01; 03_(00)_P403
P01

Supporting Documents: Affordable Housing Statement February 2023, Air Quality Assessment February 2023, Basement Impact Assessment October 2020 Rev 5, Preliminary Ecological Assessment February 2023, Circular Economy Statement February 2023, Overheating Design Note February 2023, Preliminary Geo-Environmental Assessment (Desk Study) February 2023, Design and Access Statement Addendum February 2023, DLSL Addendum Letter February 2023, Internal DLSL Addendum February 2023, Socio Economic Benefit Statement February 2023, Energy Statement February 2023, Sustainability Statement February 2023, GTW1 Fire Statement dated 01/03/2023 R01, GLA Fire Statement dated 01/03/2023 R06, Flood Risk Assessment and Drainage Strategy January 2023, Financial Viability Assessment February 2023, Health Impact Assessment February 2023, TVIBHA Addendum February 2023, Landscaping Masterplan P02, Residential Garden Plan P02, Public Realm Planning Report February 2023, Environmental Noise Survey and Acoustic Design Statement 28 February 2023, Train Induced Vibration and Assessment Report 19/07/2019, Train Induced Vibration and Assessment Report 7 September 2022, Noise/Vibration Transfer to/from UCL Ear Institute Project Technical Memorandum 23 March 2021, Noise/Vibration Transfer from The Water Rats Project Technical Memorandum 23 March 2021, Town Planning Statement February 2023, Statement of Community

involvement February 2023, Transport Assessment Addendum February 2023, Whole Life-Cycle Carbon Assessment 28/02/2023.

**RECOMMENDATION SUMMARY: Grant Conditional Planning Permission
Subject to a Section 106 Legal Agreement**

Applicant:	Agent:
Grovieworld Ltd 6 Graham Street London N1 8GB	Kate Hughes Gerald Eve 72 Welbeck Street London W1G 0AY

ANALYSIS INFORMATION

Land Use Details:				
Use Class Use Description	Existing	Approved floorspace (GIA m ²)	Proposed (GIA m ²)	Change
Hospital (Use Class E(e))	12,811	0	0	
Office/Labs (Use Class E(g)(il))	0	14,107	15,993 (15,439 + 554 Aff. W/S)	+1,886
Ear Institute (Class E(g)(ii))	0	0	3,945	+ 3,945
Hotel (Use Class C1)	0	9,430	8,328	-1,102
Residential (Use Class C3)	0	8,005	7,452	-553
Gym (Class E (d))	0	1,569	0	-1,569
TOTAL	12,811	33,111	35,718	

Residential Use Details: No change from the extant scheme					
	Residential Type	No. of Bedrooms per Unit			
		Studio/1	2	3	Total
Market	Flat	26	16	2	44
Intermediate (rented)	Flat	8	5	0	13
Social-Affordable Rent	Flat	0	5	10	15
TOTAL - All	Flats	34	26	12	72

Parking Details: No change from the extant scheme		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	2
Proposed	0	7

OFFICERS' REPORT

Reason for Referral to Committee

Major development involving the construction of a building providing more than 10 new dwellings, more than 1,000m² of non-residential floorspace [clause 3(i)] and the making of an obligation under S106 of the Town and Country Planning Act that secures more than £50,000 of financial contributions [clause 3 (iv)].

Referral to the Mayor

The parent application was referred to the mayor as the application included the erection of buildings in Central London with a total floor space of more than 20,000m² (Category 1B(b)) and a building which is more than 30m high and outside the City of London (Category 1C(c)), and was therefore considered a 'strategic' application under the Mayor of London Order 2008.

The current application also meets these criteria and was referred to and reviewed by officers at the GLA, who have decided that, given the scale and nature of the proposals, the amendments do not give rise to any new strategic planning issues.

1 EXECUTIVE SUMMARY

- 1.1 Comprehensive redevelopment proposals were granted planning permission in 2022, including substantial demolition of all buildings apart from the frontage structure at 330 Gray's Inn Road and the erection of five new buildings varying in height from 7-15 storeys. A two-storey extension was proposed to the rear of the retained building on Gray's Inn Road (proposed hotel). The approved uses included office, residential, hotel, office and lab space.
- 1.2 This minor material amendment application (Section 73) seeks several design amendments to accommodate the temporary relocation of the UCL Ear Institute (which occupies the neighbouring building) within the site for the duration of construction of the hotel and affordable workspace at the western end of the site.
- 1.3 There is a requirement in the S106 for the extant scheme for the applicant to decant the UCL Ear Institute before the scheme is implemented. UCL occupy the site next door and undertakes noise-sensitive work that cannot continue with the building works on this site (primarily the works to the hotel element). The applicant has explored alternative options to decant UCL, none of which have proved feasible.
- 1.4 The applicant has decided to amend the current scheme and build out the employment element first to move UCL into it whilst the rest of the scheme is built. Subsequently, the UCL Ear Institute may relocate back into its existing building, located adjacent to the north of the site. It is their intention to relocate back into their building once construction has been completed. Allowing the space to let commercially, but that arrangement is a private matter for those

parties to agree. The extent of the amendments are concentrated to the basement and ground floor levels, with no change to the scheme above the first floor, except for minor adjustments to plant requirements at roof level, elevational changes to Wicklow Street and the landscaping of the residential gardens.

- 1.5 The total quantum and mix of uses have changed, as seen in the Land Use table above. The proposed development now proposes 35,718 sqm of floorspace, an uplift of 22,906 sqm over the existing and 2,607 sqm over the extant.
- 1.6 The mixed-use development proposes 19,938 sqm of flexible office and laboratory floor space (Class E) instead of 14,107 sqm in the extant scheme. In this revised scheme, 554 sqm comprises affordable workspace (Class E) instead of 930 sqm (so there is a net loss of 376 sqm). The 8,328 sqm of hotel floorspace (Class C1), 72 new homes (Class C3), the possibility of a gymnasium 2,890sqm and ancillary flexible uses remain the same as the extant.
- 1.7 The relocated Ear Institute (3,945 sqm) is proposed under Class E (g) (ii) Research & Development) which allows for ancillary teaching. This would be provided within the 19,937 sqm. Similarly, the gymnasium is now proposed under a flexible use class E to enable the option of utilising the floorspace for further lab or office floorspace.
- 1.8 The on-site affordable workspace (554sqm) would now be provided at 50% in perpetuity, a significant increase from 10 years. This offsets the net reduction of 376 sqm from the extant scheme. The affordable workspace has been relocated to the original, historic, retained building fronting Gray's Inn Road, over the upper ground floor to the fourth floor. The new proposal has an entrance from Gray's Inn Road with significant legibility improvements. All net internal area is above ground and benefits from natural light on west elevations. The building also links closely to the proposed hotel, with various flexible working and F&B opportunities. Despite this, it is not anticipated that the new proposal will have a higher rental value than the extant scheme.
- 1.9 The amendments will continue to optimise previously developed urban land following the character and established mix of uses in the surrounding area. The development would replace outdated buildings with a state-of-the-art, genuinely mixed-use development consistent with the NPPF, London Plan, and Local Plan Policy G1.

2. BACKGROUND

- 2.1. The application site is home to the former Royal National Throat Nose and Ear Hospital (RNTNEH). University College London Hospitals (UCLH) NHS Foundation Trust managed the hospital until it closed in 2022, with the services moving to a new UCLH facility in Huntley Street.

- 2.2. The services located at the former RNTNEH included inpatients' ear, nose and throat (ENT) and oral surgery, sleep diagnostics and allergy services. These took place in the hospital buildings along with the Nuffield Hearing and Speech Centre and Audiology Centre (both on Swinton Street). Although this was a UCLH Hospital site, it was owned by the Royal Free, who recently sold it to the applicant (Grovieworld Ltd).
- 2.3. In October 2019, UCLH opened a new hospital on Huntley Street to house the RNTNEH and the Eastman Dental Hospital. The new hospital treats ear, nose, throat and mouth conditions, including dental, hearing, speech and balance services.

3. SITE

- 3.1. The application site is the former Royal National Throat, Nose and Ear Hospital. Its primary entrance is at 330 Gray's Inn Road, with the other site boundaries including Wicklow Street, Swinton Street and a railway cutting. Surrounding uses include the UCL Ear Institute, Water Rats Public House, hotel buildings and student accommodation (Depot Point).
- 3.2. The site includes seven main buildings, many of which are positive contributors and lie within the King's Cross St Pancras Conservation Area and adjacent to Bloomsbury Conservation Area. Several listed buildings are located nearby, including 75 Wicklow Street and Derby Lodge. The site is vacant, with the previous uses mainly decanting to a new UCLH hospital facility on Huntley Street.
- 3.2 The site benefits from a servicing area accessed from Wicklow Street and a car park accessed from Swinton Street. There is a level change of approximately one storey in height between Wicklow and Swinton Streets.
- 3.3 Other adjoining buildings include Swinton House (Point A Hotel) and the Water Rats Public House (an Asset of Community Value ACV) to the south on Gray's Inn Road, with Swinton House on the corner of Swinton Street. Adjacent Swinton House, on the opposite corner, is Acorn House, which has an existing use as offices and has an extant permission under 2020/3880/P for a development involving affordable housing in connection with the Belgrove House extant permission under 2020/3881/P. On the opposite side of Wicklow Street to the north is a large student block (Depot Point).
- 3.4 There are several listed buildings located nearby, some of which are referenced below (all listed grade II):
 - Church School of St Jude's Church adjacent to the site at 75 Wicklow Street
 - Derby Lodge on the opposite side of Wicklow Street to the northeast
 - 29-67 Swinton Street, located on the opposite side of Swinton Street

- 3.5 The application site is located within the Knowledge Quarter and is covered by site-specific policies within the emerging Draft Site Allocations Local Plan document. Applicable policies from the above document include KQ1 (Supporting growth in the Knowledge Quarter Innovation District) and IDS15 (330 Gray's Inn Road). Below is an aerial map of the site (Figure 1), and the relevant site designations are listed below it.

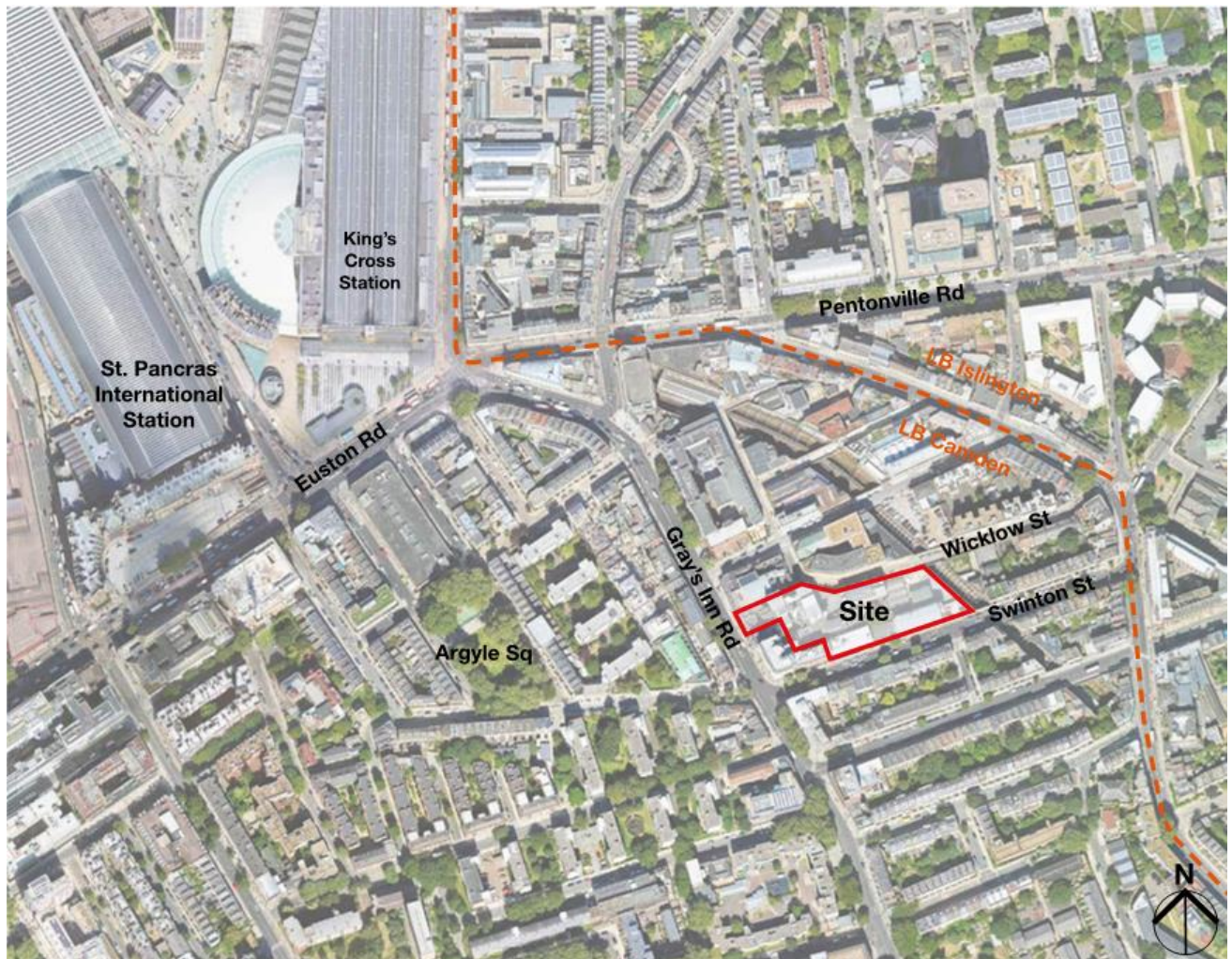


Figure 1 (above): Aerial map of the site in context

Site designations:

- King's Cross St Pancras Conservation Area
- Adjacent to Bloomsbury Conservation Area
- Grade II listed buildings adjacent
- Contaminated Sites Potential
- Strategic View Cone and Wider Setting – Parliament Hill to St Pauls and Kenwood to St Pauls
- TfL Underground Zone of Interest
- Cross Rail Contribution Zone

4. PROPOSAL

- 4.1. This minor material amendment (Section 73) application seeks several design amendments to accommodate the temporary relocation of the UCL Ear Institute within the site for the duration of construction of the hotel and affordable workspace at the western end of the site. The Ear Institute may relocate to its current site after the development or stay at the new premises.
- 4.2. The extent of the amendments are concentrated to the basement and ground floor levels, with no change to the scheme above the first floor, except minor adjustments to plant requirements at roof level, elevational changes to Wicklow Street and the landscaping of the residential gardens.
- 4.3. Several design amendments have been made to accommodate the proposed relocation. These constitute:
 - Amendment to the landscape design of the residential garden
 - Increased acoustic Isolation for lab-spaces
 - Installation of flues through the residential building
 - Omission of the basement below the Wicklow Courtyard
 - Relocation and reconfiguration of plant owing to the increased requirements arising from increased lab space
 - Additional plant installation at roof level to accommodate additional lab floor space
 - Internal reconfiguration and revised floor-to-floor heights to enable greater flexibility over lab-enabled floors
 - The addition of a dedicated loading bay for UCL on Wicklow Street
 - Revised cycle entrance and amendments to the office building elevational treatment to accommodate increased cycle parking provision and associated facilities
 - Relocation of the affordable workspace to Gray's Inn Road
 - The Swinton Street Entrance will become the fire egress and plant replacement use
 - Additional basement area to support the uplift in lab-enabled floorspace
- 4.4. The above is not an exhaustive list of amendments but rather those considered most significant to the proposal.

5. RELEVANT HISTORY

Application site

- 5.1. The host property has been subject to several planning applications and developments. The most relevant from recent history are summarised below:
 - **2020/5593/P dated July 2022:** 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 balconies; 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 Section 106 Agreement attached to this permission was completed on 20th July 2022 and the decision issued, but the planning permission has not yet been implemented.

- **2013/4285/P dated July 2013:** Planning permission was granted for installing a louvred screen enclosure and metal sheet cladding at the 5th floor and roof level of the main hospital block, along with wrapping fabric to a chimney.
- **2008/3231/P and 2008/3243/C dated July 2008:** A planning and conservation area consent application was withdrawn for demolishing an existing outbuilding in the service yard and a new five-storey basement building.
- **2008/1023/P dated September 2008:** Planning permission was granted to enclose the lower level car park to provide engineer's workshops (ancillary to hospital use).
- **2004/1140/C dated May 2005 and 2004/1138/P dated September 2005:** Conservation area consent and planning permission were granted for the erection of a new hospital treatment centre on four floors, involving the demolition of existing buildings and the installation of rooftop plant.
- **2004/0846/P dated April 2004:** Planning permission was granted for the erection of a new link block, enlarging existing lift and provision of fire escape.
- **PSX0105073 and CSX0105074 dated February 2002:** Planning permission and conservation area consent were granted for the erection of a 4-storey building (2,334m²) with plant room for auditory research following demolition of hospital canteen and ancillary buildings.

Adjacent sites

- 5.2. **15-27 Britannia Street ref. 2012/3082/P and 2012/3084/C dated September 2012:** Planning permission and conservation area consent were granted for

redevelopment of the site involving the erection of a mixture of 5-6 storey high blocks to provide 226 bedrooms of student accommodation; two studio flats facing Wicklow Street and an office unit in the basement.

- 5.3. **33 Wicklow Street ref. 2012/6663/P dated September 2013:** Planning permission was granted for a four-storey building with 6 residential units.
- 5.4. **The Water Rats, 328 Gray's Inn Road refs. 2005/3841/P dated January 2006 and 2006/3149/P dated September 2006:** Planning permission has been granted for ventilation equipment, ductwork, and rear extensions at first and second floor levels.
- 5.5. **Swinton House, 324 Gray's Inn Road ref. 2010/6535/P dated March 2011:** Planning permission was granted for the change of use from office to dual-use tourist hostel and/or hotel comprising 114 rooms, ancillary bar, restaurant and retail.
- 5.6. **324-326 Gray's Inn Road ref. 2011/5963/P dated February 2012:** Planning permission was granted for the erection of a 6-storey rear extension to the hotel.
- 5.7. **Tune Hotel, 322-326 Gray's Road and 76-78 Swinton Street ref. 2015/5709/P dated October 2016:** Planning permission was granted for the erection of a rooftop extension and 7 storey rear extension to provide additional hotel accommodation.
- 5.8. Other nearby sites
- 5.9. **Acorn House, 314-320 Gray's Inn Road ref. 2020/3880/P dated November 2021** A planning application on the corner of Swinton Street and Gray's Inn Road for the redevelopment of the site to create a part 6, part 10 storey mixed-use building with 33 affordable homes, affordable office space and retail unit at ground and basement level. This application is linked to the redevelopment of Belgrove House (ref. 2020/3881/P (details below)).
- 5.10. **Belgrove House, Belgrove Street (facing Euston Road) ref. 2020/3881/P dated November 2021** A planning application for the redevelopment of the site to create a part 5 part 10 storey building (plus 2 basement levels) for use as office and research and laboratory floor space, with café, flexible retail and office floorspace at ground floor. This application is linked to the redevelopment of Acorn House, 314-320 Euston Road (ref. 2020/3880/P (details above)).
- 5.11. **Hand Axe Yard, 277A Gray's Inn Road ref. 2019/4867/P dated November 2019:** Planning permission was granted for the erection of gates to the Gray's Inn Road entrance and gates with fascia above the entrance on St Chads Street. The works were to gate a new route created as part of the new development initially consented under 2014/4267/P dated November 2014 for the site's redevelopment to provide 60 residential units.

- 5.12. **Eastman Dental Hospital Site and Buildings, 256 Gray's Inn Road ref. 2019/2879/P and 2019/2880/L dated March 2020:** Planning permission and listed building consent were granted for redevelopment of the site to create approximately 23,861m² of medical research, outpatient facility and academic floorspace. The site is currently under construction.

6. CONSULTATION SUMMARY

Statutory Consultees

Greater London Authority (GLA) on 14/04/2023

- 6.1. It has assessed the details of the application and, given the scale and nature of the proposals, concluded that the amendments do not give rise to any new strategic issues.
- 6.2. Therefore, under Article 5(2) of the above Order, the Mayor of London does not need to be consulted further. Your Council may, therefore, proceed to determine the application without further reference to the GLA.

Transport for London (TfL) comments on 23/03/2023

- 6.3. The retention and uplift in Cycle Parking secured for the previous permission are welcome.
- 6.4. Overall, the new application appears unlikely to result in any strategic transport impacts, and no landscaping or highway works proposals newly impact the Transport for London Road Network, for which we are the highway authority.

TfL Infrastructure Protection Team comments

- 6.5. No response was received

Historic England (HE)

- 6.6. No response was received

Thames Water comments

- 6.7. No response was received

Network Rail comments

- 6.8. No response received

Local Groups and Organisations

Bloomsbury Conservation Area Advisory Committee (BCAAC) and King's Cross Conservation Area Advisory Committee (KXCACC):

6.9 No response received

Adjoining Occupiers

<i>Total number of responses received</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	1

6.10 8 site notices were displayed from 08/03/2023. The site notices were displayed in the following locations:

- In front of 330 Gray's Inn Road
- On the corner of Gray's Inn Road and Swinton Street
- Swinton Street, halfway between the junction with Gray's Inn Road and the railway cutting
- Swinton Street next to the railway cutting (opposite Swinton Place)
- Wicklow Street next to the railway cutting
- On the kink of Wicklow Street near the application site
- On the corner of Wicklow and Britannia Street
- On the corner of Gray's Inn Road and Britannia Street
-

6.8. A local press advert was published on 09/03/2023.

6.9. One objection was received from 30c Acton Street, which is summarised as follows:

- Camden should insist that the site remains in medical/medical research use. We already lost the nurse's home that was transferred to a hospital. We need medical facilities, and this site is ideally located.
- The height of the building is out of character with the historic area.
- Loss of heritage buildings.
- There are too many hotels in the area. There should be an even distribution of hotels across Kings Cross, not just all on the South side. It only adds to the transient nature of the area, where we already have quite a few hotels. We already suffer from noise due to tourism.
- There is little residential value. No additional shop facilities, e.g., space for a proper supermarket on the South side of Kings Cross, or any public facilities, such as a GP surgery, community spa and health facilities.
- Concerns over construction impacts. There are multiple construction projects in the area which adds to air pollution. Effects on Transport/congestion

Officer response:

- *The site has recently become vacant, with the previous uses mainly decanting to a new UCLH hospital facility on Huntley Street. There are lab-*

enabled office spaces which support the knowledge quarter economy, which includes science and medical research.

- Officers have considered the objections related to design and conservation during the parent application process. This variation of condition application makes no changes to the approved heights, and there are no substantive changes to the design or level of demolition.*
- The scheme is considered to provide significant and compelling public and planning benefits.*
- The application will be granted subject to a Construction Management Plan (CMP). Please see the Transport section below for a complete response.*

7. POLICIES

- 7.1. The National Planning Policy Framework 2021 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. It must be considered in preparing the Development Plan and is a material consideration in planning decisions.
- 7.2. National First Homes Policy (Written Ministerial Statement May 2021)
- 7.3. The Camden Local Plan was adopted by the Council on 03/07/2017 and replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions. The Site Allocations Plan (adopted September 2013) also forms part of the Development Plan. Officers note that the site has an emerging site allocation and is subject to the draft Knowledge Quarter policies. Other relevant local documents include the Proposals Map, the King's Cross and St. Pancras Conservation Area Appraisal and Management Strategy, the Bloomsbury Conservation Area Appraisal and Management Strategy and Camden Planning Guidance (CPG).
- 7.4. The London Plan 2021 and the Mayor's Supplementary Planning Guidance (SPG) are important considerations, as are sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.5. In making any decisions as part of the planning process, account must be taken of all relevant statutory duties, including section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 149 of the Equality Act 2010 is also relevant to the determination of the applications. It sets out the Public Sector Equality Duty, which states that a public authority must have due regard to eliminate discrimination, harassment, and victimisation; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.6. The relevant Camden Local Plan 2017 policies are listed below:
 - G1 (Delivery and location of growth)
 - H1 (Maximising housing supply)
 - H2 (Maximising the supply of self-contained housing from mixed-use schemes)

H4 (Maximising the supply of affordable housing)
 H6 (Housing choice and mix)
 H7 (Large and small homes)
 C1 (Health and wellbeing)
 C2 (Community facilities)
 C3 (Cultural and leisure facilities)
 C4 (Public houses)
 C5 (Safety and security)
 C6 (Access for all)
 E1 (Economic development)
 E2 (Employment premises and sites)
 E3 (Tourism)
 A1 (Managing the impact of development)
 A2 (Open space)
 A3 (Biodiversity)
 A4 (Noise and vibration)
 A5 (Basements)
 D1 (Design)
 D2 (Heritage)
 D3 (Shopfronts)
 D4 (Advertisements)
 CC1 (Climate change mitigation)
 CC2 (Adapting to climate change)
 CC3 (Water and flooding)
 CC4 (Air quality)
 CC5 (Waste)
 TC1 (Quantity and location of retail development)
 TC2 (Camden's centres and other shopping areas)
 TC4 (Town centre uses)
 T1 (Prioritising walking, cycling and public transport)
 T2 (Parking and car-free development)
 T3 Transport infrastructure)
 T4 (Sustainable movement of goods and materials)
 DM1 (Delivery and monitoring)

7.7. Relevant supplementary planning guidance is listed below:

Camden Planning Guidance (CPG):

CPG Access for all
 CPG Adverts
 CPG Amenity
 CPG Air Quality
 CPG Artworks statues and memorials
 CPG Basements
 CPG Biodiversity
 CPG Community uses leisure facilities and pubs
 CPG Design
 CPG Developer contributions
 CPG Employment sites and business premises
 CPG Energy Efficiency and Adaptation

CPG Interim Housing
 CPG Planning for Health and Wellbeing
 CPG Public open space
 CPG Town centres and retail
 CPG Transport
 CPG Trees
 CPG Water and flooding

- 7.8. King's Cross and St. Pancras Conservation Area Appraisal and Management Strategy
- 7.9. Bloomsbury Conservation Area Appraisal and Management Strategy April 2011
- 7.10. Planning Statement on the Intermediate Housing Strategy and First Homes (March 2022)
- 7.11. London Borough of Camden Housing Delivery Test - 2021

8. ASSESSMENT

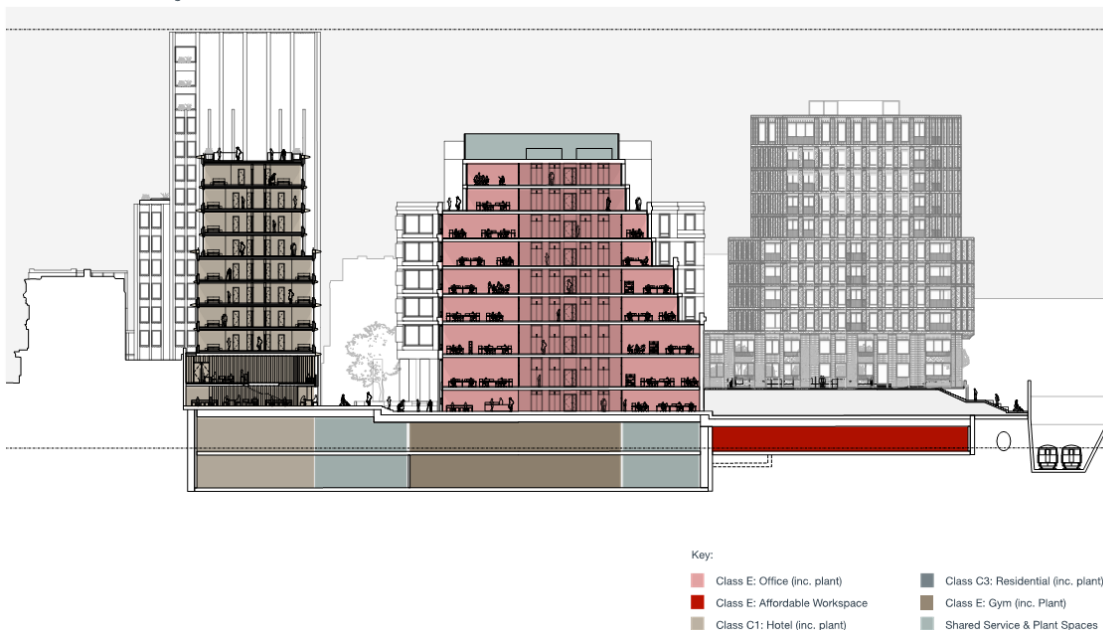
The principal considerations material to the determination of this application are considered in the following sections of this report:

8	Land Use
9	Housing Mix, Unit Size, Quality of Accommodation, Affordable Housing and Viability
10	Design, Character and Appearance, Impact on Heritage Assets
11	Open space, Landscaping, Trees and Nature Conservation and Biodiversity
12	Basement
13	Neighbouring Amenity
14	UCL relocation strategy
15	Transport and Highways
16	Sustainable Design and Construction
17	Air Quality
18	Flood Risk
19	Economic Benefits, Local Employment and Procurement
20	Ecology
21	Fire
22	Section 106 Obligations
23	Community Infrastructure Levy (CIL)
24	Conclusion
25	Recommendations
26	Legal Comments - Conditions

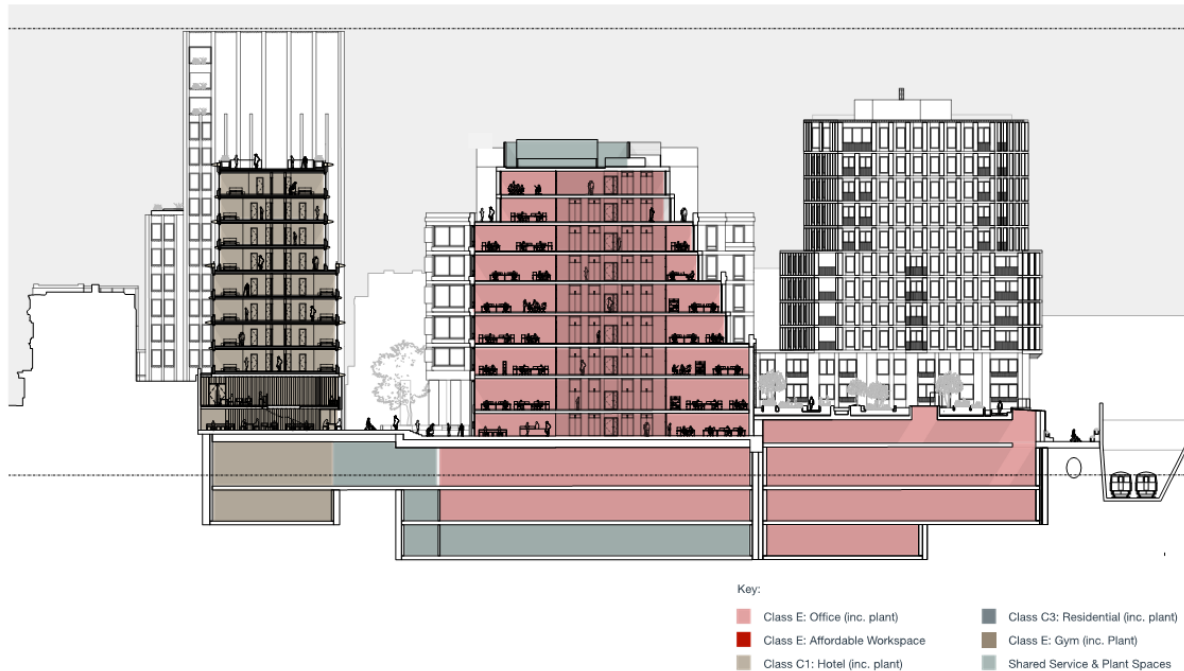
Land Use

- 8.1. Existing situation
- 8.2. UCLH NHS Foundation Trust occupied the site until it closed in 2022, with the services moving to a new UCLH facility in Huntley Street (ref. 2015/1281/P).
- 8.3. Proposed Land use
- 8.4. The proposed S73 development now proposes 35,717 sqm of floorspace, an uplift of 22,906 sqm over the existing. The mixed-use development proposes 15,993 sqm of flexible office and laboratory floor space instead of 14,107 sqm in the extant scheme. Of that, 554 sqm comprises affordable workspace, 8,328 sqm of hotel floorspace (Class C1) and 72 new homes (Class C3). A gymnasium may come forward as part of the development proposals though it is now proposed to be flexible office/lab-enabled or gymnasium (Class E) floorspace (2,890sqm).
- 8.5. The relocated Ear Institute 3,945 sqm is proposed under research and development, including some ancillary teaching (Class E (g)). This is captured within the 19,937 sqm. See the below extant and now proposed long section.

Consented Scheme - Long Section



Above: Consented long section with the land use key



Above: Proposed long section

8.6. Hotel

- 8.7. There would be a modest reduction in the total hotel floorspace, from 9,430 sqm to 8,328 sqm. Although the revised hotel results in 102 sqm less area, it will provide the same number of hotel rooms (182), and the area loss is from ancillary space at the basement level. The hotel would contribute approximately 1,080 gross direct jobs on site. It is also estimated that around 24% of those employed in the hotel and restaurant sector come within 5km of their workplace. Therefore, it will still provide local employment opportunities. This hotel would be located within the Gray's Inn Road frontage building and two new buildings behind it. The ground floor comprises publicly accessible uses and routes. As per the extant scheme, a specific number of hotel jobs for local people has been secured under section 106 for the extant scheme as part of the local procurement package.

Employment space

- 8.8. The application site lies within the Central Activities Zone (CAZ) and the Knowledge Quarter (KQ), recognised by the London Plan as the country's most crucial strategic office location.
- 8.9. This scheme remains employment led as the office is the most significant land use with 19,938 sqm or 56% of the total floorspace (14,107 sqm in the extant scheme). An increased proportion of this would be lab-enabled (7,241 sqm as opposed to 2,640 sqm in the extant scheme), a component will remain as affordable workspace, and obligations to secure Knowledge Quarter users will remain. The additional lab-enabled space is a far more significant benefit to Camden's Knowledge and Innovation District. The lab-enabled office space is

located across the basement, ground and seven upper levels within an orthogonal building in the heart of the site.

- 8.10. The revised scheme also proposes additional lab-enabled space as an option instead of the gymnasium. The extra lab-enabled space is considered to benefit Camden's Knowledge and Innovation District, where new flexible space is in demand.
- 8.11. The proposed amendment scheme will still create many jobs during construction and once occupied and operational. However, it is acknowledged that there is a slight reduction in the number of full-time employees (FTEs) generated once occupational owing to the increased provision of lab-enabled floorspace (1,080 FTE as opposed to 1,350 FTE).
- 8.12. An obligation would be attached to any permission to secure a KQ tenant (a Knowledge Economy Occupier Strategy head of term) for all of the employment space in the development. The applicant estimated that the total number of jobs that the office floorspace would generate would be up to 870.
- 8.13. Providing a significant amount of employment floorspace (the most extensive land use by floor area in the scheme) is welcomed in this location. It would align with policies E1 (Economic Development) and E2 (Employment premises and sites), which seek to secure a successful and inclusive economy in Camden and encourage employment premises.
- 8.14. Affordable workspace
- 8.15. The extant scheme proposed the provision of 930sqm of affordable workspace within the basement under the residential buildings on the site with access off Wicklow Street. This was secured at a 50% discount for ten years.
- 8.16. The scheme proposes 554 sqm of affordable workspace compared with 930 sqm in the extant scheme. The affordable workspace is circa 2.75% of the total office/lab floor space. The affordable workspace has been relocated to a more suitable and prominent part of the site in the original, historic, retained building fronting Gray's Inn Road, over the upper ground floor to the fourth floor. The new proposal has an entrance from Gray's Inn Road with significant legibility improvements. All net internal area is above ground and benefits from natural light on west elevations. The building also links closely to the proposed hotel, with various flexible working and F&B opportunities. Despite this, it is not anticipated that the new proposal will have a higher rental value than the extant scheme.
- 8.17. The on-site affordable workspace (554sqm) would now be provided at 50% in perpetuity, a significant increase from 10 years. The proportion of affordable workspace could be higher, as we typically see up to 20% of the total employment space as affordable. However, 554sqm is recognised as a large quantum of floor space and the discount set at 50% in perpetuity is welcomed and seen as meaningful. Factoring in the proposed discount of 50%, any increase in rental value brought about by the improved quality of office

accommodation would be nominal, and the space will remain genuinely affordable to a wide array of start-ups and SMEs. As such, the offer is better than the extant scheme.

- 8.18. It is noted that the reason for the relocation of the affordable workspace is driven by the need to decant UCL Ear Institute, which is necessary for the scheme to be delivered. See section 14 UCL Ear Institute re-location strategy.
- 8.19. Officers note that the quantum of affordable workspace is not in accordance with the Site Allocations Local Plan (SALP). Policy KQ1 policy seeks 20% of additional employment floorspace as affordable. The shortfall against this draft policy is disappointing; however, the scheme is in a financial deficit (as outlined further in this officer report) and would bring forward other planning and public benefits, including affordable housing, which is detailed further below. The applicant has also offered temporary affordable workspace to further improve their offer.
- 8.20.
- 8.21. Temporary affordable workspace
- 8.22. In addition to the permanent affordable workspace, it is proposed to use the retained buildings between UCL's Gray's Inn Road premises and Swinton House (the proposed hotel) as affordable workspace whilst the new office and residential buildings are constructed. It will provide 1,395 sqm of temporary affordable workspace offered at nil rent for the duration of the construction phase 1.
- 8.23. Residential
- 8.24. The revised scheme provides slightly less residential floor area at 7,452 sqm (553 sqm less) but still provides the same number of homes (72). The loss is from the loss of the ancillary storage area proposed initially in the basement of the affordable housing block and not the actual loss of usable residential floorspace.
- 8.25. Housing would make up 20.8% of total floorspace as opposed to 24.2% under the extant scheme and 32.5% versus 39.4% of the uplift. The mixed-use policy is discussed under section 8.36 below.
- 8.26. Quantum of affordable residential
- 8.27. A total of 3,183 sqm (as opposed to 3,572 sqm in the extant scheme) or 28 units of affordable housing would be provided within the Swinton Street Building, which is the same quantum of units. This equates to 50% on a habitable room basis following the fast-track threshold approach in the London Plan Policy, as the site was formerly public sector land.
- 8.28. This is 389 sqm less than the approved scheme, but the area loss is from the ancillary space initially provided in the basement as storage. There is no loss

of habitable floorspace. The revised proposal still provides 50% affordable housing on a habitable room basis.

- 8.29. Regarding the proportion of affordable housing by floor area (as required by the Camden Local Plan), the proposals would include 42.7% of the housing provided as affordable. In terms of the mixed-use policy, the proposal provides 27.8% of a policy compliant level of housing.
- 8.30. Although the quantum still falls short of the Local Plan target, the key benefit of the number of affordable housing units is retained. Losing the sizeable ancillary basement storage area is not considered to be detrimental to the affordable housing units.
- 8.31. On a floorspace basis, the tenure split would continue to be 62/38 (social rent/intermediate). The proposals broadly accord with the Camden requirement of 60% affordable rent and 40% intermediate, and the provision of larger affordable rent apartments aligns with LBC's aspirations and is considered acceptable.
- 8.32. The standard of living accommodation, affordable housing (quantum, tenures, and mix), dwelling sizes mix, and other criteria remain the same as the extant scheme.
- 8.33. Gymnasium
- 8.34. The extant scheme provided a new gymnasium (Class E) with a floor area of circa 1,569 sqm across two basement levels under the proposed office building. A gymnasium may come forward as part of the development proposals though it is now proposed to be flexible office/lab-enabled or gymnasium floorspace (2,890sqm). The potential gym would be accessed off Swinton Street and the new Wicklow Courtyard (within the passage connecting the new courtyard with Swinton Street).
- 8.35. The potential loss of the gym floor space is acceptable. The additional lab-enabled space greatly benefits Camden's Knowledge and Innovation District, where new flexible space is desperately needed.
- 8.36. Restaurant and café use
- 8.37. Providing an ancillary café/restaurant floor area in the front of the hotel building fronting Gray's Inn Road and the publicly accessible café and events space within the office building remains the same as the extant scheme. The applicant intends that the hotel operator run these spaces but could be occupied independently (they would be part of the hotel, as C1 Use Class).
- 8.38. Mixed-use policy
- 8.39. The application site is in the Central London and King's Cross Growth areas. As such, Policy H2 requires up to 50% of all additional floorspace is expected to be housing unless the site-specific circumstances justify otherwise. Policy

H2 requires the Council to consider several factors when considering whether a mixture of uses is appropriate.

- 8.40. The proposed development continues to offer a mixed-use development comprising office/lab space, a new hotel, new homes, a gym and café/restaurant use. The proposed development would now see a net uplift of 22,906 sqm (total uplift of 35,718 sqm). Under policy H2, this requires 11,453 sqm of that uplift to be provided as housing as a part of a mix of uses. The proposal for residential includes 7,452 sqm, a shortfall of 4001 sqm to meet the 50% target of 11453 sqm.
- 8.41. The proposals would therefore fail to achieve the 50% required by policy H2, which acknowledges there are instances in which on-site provision may not be feasible. That provision will depend on several practical constraints.
- 8.42. The extant scheme provided an overall increase in floorspace (GIA) of 20,300 sqm, with a policy-compliant quantum of residential floorspace (i.e. 50% of the uplift) being 10,150 sqm. The extant scheme provided residential 8,005m sqm or 39.4% of the uplift, a shortfall of 2,145 sqm or 10.6%.
- 8.43. In considering the failure to meet the 50% requirement in the extant scheme, the following were considered:
- The scheme offers wide-ranging benefits, including a high-quality, sustainable design incorporating public realm improvements and an active ground floor.
 - The proposal includes a good offer of affordable housing in terms of quantum, with 3,183 sqm of or 42.7% of affordable housing. The affordable housing would include a 60/40 split of social-affordable rent/intermediate rent and many family-sized homes in the social-affordable rent tenure. Whilst the proposed amendments result in less affordable housing by area, now 27.8% of the mixed-use policy-compliant level of housing, the offering remains the same by unit number, habitable rooms, and habitable rooms by area.
 - The scheme is employment-led as office space is the dominant/most extensive land use, with 19,938 sqm provided. A more significant proportion of this would be lab-enabled, a component would be affordable workspace, and obligations would seek to secure Knowledge Quarter users.
 - The residential buildings are considered to maximise the extent of their footprint, height, and volume, and it would not be suitable to make these buildings any higher. Making the buildings larger would diminish the quality of living accommodation and shared amenity space between the blocks and further impact the townscape, heritage and amenity of other surrounding occupiers.
 - The site has been divided into zones for the uses, with the hotel fronting Gray's Inn Road, the office is in the heart of the site where it can maximise

the footprint, and the residential accommodation is in the most appropriate part of the development. The other land uses have more floor area because they do not have strict standards to provide (such as good outlook, light, layout etc.). Hotel rooms do not have minimum space requirements, amenity space, or aspect considerations. Office development can fill in the centre of the building without needing to create good internal conditions for all parts of the building.

- Other site constraints mean parts of the site are not particularly suitable for residential development. This includes the busy frontage of Gray's Inn Road and significant established uses protected by Agent of Change principles – The UCL Ear Institute and the Water Rats Public House.

8.44. In summary, the revised proposal would continue to be a genuine mixed-use development with multiple benefits. Economic planning objectives would be achieved, café/restaurant uses have the potential to provide an active frontage, and there would be a significant uplift in residential accommodation and affordable housing. Officers consider the proposed quantum and balance of uses appropriate for this site.

8.45. As part of the extant application, the applicant demonstrated that further housing cannot be provided on-site. The applicant does not own other sites in the Borough which could be used for housing. Furthermore, the applicant's Financial Viability Appraisal (independently reviewed by BPS) demonstrates that the development proposals rely heavily on the office and hotel components to make them viable. Therefore, the proposed housing is the full extent of the development's ability to contribute to housing targets.

8.46. The planning obligation securing payment in lieu (PIL) for the shortfall of on-site housing (and affordable housing) subject to viability (in this case, a Deferred Affordable Housing Contribution) would be carried over as part of a Deed of Variation to the S106 Legal Agreement. Further details are provided in this report's affordable housing and viability sections (below).

Conclusion

8.19 Overall, the revised proposal continues to provide an appropriate mix of uses for the site and would benefit several of the Council's policy objectives by contributing towards a successful economy and town centre while making an appropriate contribution towards the Borough's housing supply. The above matters and other priorities are discussed further in the relevant sections of the report.

9. Housing Mix, Unit Size, Quality of Accommodation, Affordable Housing and Viability

9.1. Policy H7 requires homes of different sizes. The proposed unit mix would be the same as the extant scheme and is set out below in Figure 2

Proposed Residential Tenure Mix	Studio	1-bed	2-bed	3-bed
Market	17	9	16	2
Social/Affordable	0	0	5	10
Intermediate	0	8	5	0
Total	17	17	26	12
% Mix	24%	24%	36%	16%

Dwelling sizes mix (all tenures) has no change from the extant.

- 9.2. The proposal continues to provide a high proportion of studios and one beds (48%), but these are mainly in the market tenure (76.5%). There would be a good proportion of 2 beds (high priority) but only 16% of 3 beds overall. The low amount of 3-bed and larger units could be more optimal; however, there would be 10 x 3-bed units within the socially affordable tenure. This good contribution of family-sized units to social-affordable rent is welcome and helps offset the low proportion of market units of this size. The intermediate rent units are 1 and 2 beds per policy requirements.

Unit sizes and quality of proposed living accommodation

- 9.3. All proposed units (across all tenures) continue to meet or exceed the minimum space standard.
- 9.4. The standard of living accommodation for the prospective occupiers has been assessed under the extant scheme and found acceptable. The same conditions related to the standard of housing would be carried over to this consent.
- 9.5. Affordable housing (quantum/tenure)
- 9.6. Policy H4 of the Local Plan seeks to maximise the supply of affordable housing. It has a sliding scale target that requires an additional 2% affordable housing per capacity for each additional home. Due to the size of the development, the on-site affordable housing requirement would be 50% of the residential floor area (GIA).
- 9.7. Policy H5 of the London Plan sets a strategic target of 50% affordable housing by habitable room. This differs from the Camden Local Plan based on floor area (GIA). Under the GLA's 'Threshold Approach', development proposals that provide 35% affordable housing and 50% on public and industrial land that meet tenure, affordability and other relevant requirements can follow the Fast Track Route.
- 9.8. A total of 3,183 sqm instead of 3,572 sqm in the extant scheme or 28 units of affordable housing would be provided within the Swinton Street Building, which is the same number of units. This revised proposal still equates to 50% on a habitable room basis per the fast-track threshold approach in the London Plan Policy, as the site was formerly public sector land.

- 9.9. This is 389 sqm less than the approved scheme, but the area loss is from the ancillary space initially provided in the basement as storage. There is no loss of habitable floorspace. The GLA has confirmed that the proposals are per the fast-track threshold approach in the London Plan.
- 9.10. Regarding the proportion of affordable housing by floor area (as required by the Camden Local Plan), the revised proposals would include 42.7% of the housing provided as affordable compared with 44.6% in the extant scheme. There would be 27.8% of a policy-compliant (mixed-use policy) level of housing compared with 35.2% in the extant scheme. Although the quantum falls short of the Local Plan target, the key benefit in the number of affordable housing units is retained. The loss of the sizeable ancillary basement storage area is not considered detrimental to using the affordable housing units.
- 9.11. This quantum of affordable housing is welcome, and whilst it still falls short of the Camden Local Plan target of 50% by floorspace (and more so in line with required housing under the mixed-use policy), it is considered acceptable on balance due to viability considerations and other policy benefits delivered by the scheme.
- 9.12. Tenure mix
- 9.13. The tenure split would remain the same as the extant scheme equating to 61.7% social-affordable rent and 38.3% Intermediate rent by floorspace, to broadly accord with the Local Plan required of 60/40 in favour of social-affordable. The scheme would provide 15 social-affordable units and 13 intermediate units.
- 9.14. First Homes
- 9.15. The National First Homes Policy has now come into effect for developments that trigger an affordable housing contribution, including section 73 applications which propose changes to the quantity or tenure mix of affordable housing. First Homes are a new type of discount housing for sale. National policy indicates that First Homes should form 25% of the affordable housing sought in development. Where a payment in lieu (PIL) is sought in place of affordable housing, 25% of the value should be used to deliver First Homes. However, the Council has adopted a Planning Statement on the Intermediate Housing Strategy and First Homes, which indicates that First Homes in Camden would not be affordable to median-income residents. Consequently, First Homes will not be sought in the borough. Having regard to the national and local policies relating to First Homes, any funds arising from PIL and deferred affordable housing contributions are expected to contribute to the Council's preferred affordable housing types identified by Local Plan Policy H4 and CPG Housing 2021, namely social-affordable housing, and intermediate rented housing.
- 9.16. Government Housing Delivery Test

9.17. As mentioned in paragraph 7.7 (above), the Government (2018) introduced the Housing Delivery Test (HDT) as a formal measure of whether development provides the number of homes required. The government's most recently published figure is for 2021, when the measurement for Camden was 76% - which means that Camden has to produce an action plan and apply a 20% buffer to our 5-year housing land supply. In view of this measurement, officers have recently reviewed the 5-year housing land supply as part of the Authority Monitoring Report and have concluded that the amount of deliverable housing land in the borough falls substantially short of what is needed for a 5-year supply. Consequently, the presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged, and there is a need to place great weight on the provision of housing in decision making. The NPPF indicates that applications should be granted unless their adverse impacts would significantly and demonstrably outweigh their benefits when assessed against NPPF policies.

9.18. Wheelchair housing

9.19. As per the extant scheme per Local Plan Policy H6, four of the apartments would be suitable for occupation by a wheelchair user or easily accessible for occupation by a wheelchair user per Building Regulation M4(3)(2)b. These would be secured via planning condition.

9.20. Viability

9.21. For this S73 application, BPS was instructed to undertake an independent review of the Financial Viability Assessment (FVA) produced by Gerald Eve. They assessed the cost and value inputs within the financial appraisal to determine whether the scheme could viably make additional affordable housing contributions.

9.22. Gerald Eve has prepared a revised FVA and has assessed the updated cost and value inputs within the financial appraisal. A copy of their independent viability review is included as an Appendix

9.23. Furthermore, BPS instructed their cost consultant (Neil Powling) to review the costings.

9.24. The extant scheme was at least 8M in deficit at the time of presentation to Committee in 2021. For this S73 application, based on an agreed profit target, BPS agree with the applicant's consultant that the scheme has a deficit of more than £40 million.

9.25. The proposals would continue to bring forward the maximum amount of affordable housing possible. However, it is considered that further contributions would be required to make the scheme acceptable. This includes a Pedestrian, Cycling and Environmental Improvements contribution of £200,000; a contribution towards TfL public realm improvements of £220,000; a carbon offset contribution of £635,835; an employment and training

contribution of £514 444 (previous £369,683.32), a public open space contribution of £576,771.73 (previous £478,086.30) and various other transport related contributions. The applicant agrees to this package and for the affordable housing and housing shortfall to be subject to a deferred review (see below).

9.26. Payment in lieu (PIL) contribution

- 9.27. Policy H2 requires the provision of market and affordable housing on-site unless it can be demonstrated that the total amount cannot be reasonably accommodated on-site or on an alternative site (i.e., off-site). Under the extant scheme, the applicant demonstrated that providing housing and affordable housing off-site is not feasible or viable. Therefore, a PIL is required for the shortfall. The calculation for the policy compliant PIL is outlined below (this calculation is based on current floor areas, and the final figure is subject to confirmation):

The total addition to floorspace proposed GIA	22,906m ² (proposed – existing)
Self-contained housing floorspace target GIA	22,906 x 50% target = 11,453.5m ²
Market housing target GIA	5,726.75m ²
Affordable housing target GIA	5,726.75m ²
Additional market housing provided on-site GIA	4,269 m ²
Additional affordable housing provided on-site GIA	3,183m ²
Market housing shortfall GIA	5,726.75 – 4,269 = 1,457.75m ²
Affordable housing shortfall GIA	5,725.75 – 3,183 = 2,542.75m ²
Payment in lieu of market housing (shortfall GIA x £1,500 per m ²)	1,457.75 x £1,500 = £2,186,625
Payment in lieu of affordable housing (shortfall GIA x £1,500 per m ²)	2,542.76 x £1,500 = £3,814,1400
Total payment (different affordable and market housing shortfalls)	£2.1870 + £3.816 = £6,000,765 (previous 3,217,500)

- 9.28. The PIL contribution required for this scheme would be £6,000,765 (the extant scheme was £3,217,500), in addition to providing 28 on-site affordable homes and 44 market units. As outlined above, the scheme is in a significant deficit, and no further contributions can be viably afforded. Any payment would be captured within a post-construction viability review, as set out below.

9.29. Review mechanism

- 9.30. As stated in paragraphs 3.65 (policy H2) and 3.124 (policy H4) of the Local Plan, the Council expects reappraisal of viability when development is substantially completed (if the scheme is in deficit at application stage and does not fully provide all policy requirements, then this needs to be reviewed later in the process). This is to capture an accurate estimate of the value of the development using current values and costs at the time of delivering the

scheme rather than forecasted ones. A subsequent viability review determines the extent of any top-up payments that can be secured towards the shortfall in provision against the Council's affordable housing target.

- 9.31. Given that the proposal fails to meet policy-required levels of affordable housing and housing, planning permission must be subject to a review mechanism provided within the Section 106 agreement. This would protect the applicant's ability to clear the scheme deficit before any deferred contributions become payable and would allow the Council to secure money towards affordable housing if circumstances (in terms of viability) change.
- 9.32. Any deferred contribution, following a future viability review, would be subject to a capped level in line with the policy-compliant amount of affordable housing and housing required on-site as part of the development. Payments in lieu are calculated based on the shortfall of on-site affordable housing and housing. A policy-compliant payment in lieu would be £6,000,765, as calculated above.

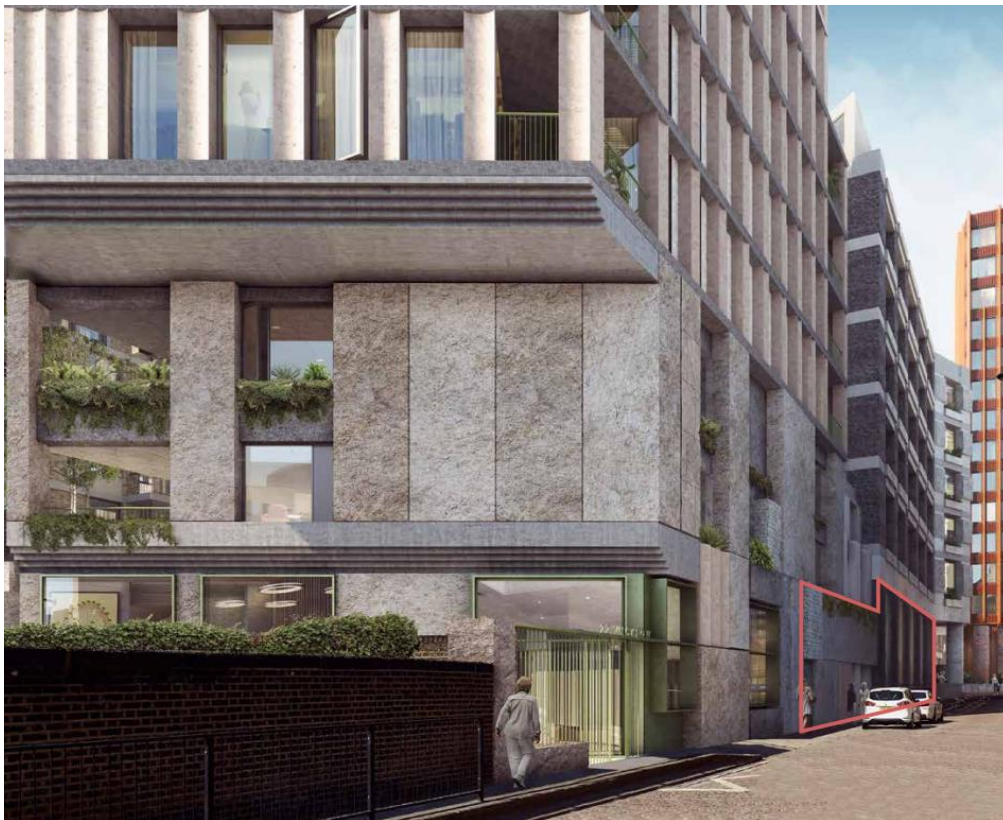
10. Design, Character and Appearance, Impact on Heritage Assets

- 10.1. In considering developments affecting listed buildings or their setting, Sections 16 (under listed building consent applications) and 66 (under planning applications) require local planning authorities to have special regard to the desirability of preserving the buildings and their setting, as well as any features of special architectural or historic interest they possess. Section 66 is relevant to this application, as the proposal would affect the setting of adjacent and nearby listed buildings.
- 10.2. When local planning authorities are considering development affecting a conservation area, Section 72 requires them to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 10.3. Additional plant at roof level
- 10.4. To accommodate the relocation of the Ear Institute and to increase the provision of lab-enabled space, there would be additional plant at the roof level. The air source heat pumps have become more prominent, leading to a change in the plant layout.
- 10.5. There is no increase in the plant screen height for the proposed scheme. There are minor adjustments to the screen footprint, which is not adversely altered from what was consented.
- 10.6. The proposed change is not visible from Wicklow Street bend or the residential garden townscape views. An addendum to the TVIBHA (Townscape, Visual Impact and Built Heritage Assessment) prepared for the extant scheme has been submitted with the application. The addendum concludes that the effects of the proposals would be the same as the TVIBHA, and the conclusions of the previous assessment remain valid for the scheme amendments. The

Council's urban design Officer has reviewed these views and raises no objections to the proposals.

10.7. Swinton Street entrance

- 10.8. The ground floor elevations facing onto Wicklow Street are subject to minor alterations. The affordable workspace entrance will be adapted as a new UCL laboratory entrance with minor modifications to the residential ancillary access and egress. The approved cycle entrance will be moved to a new location on Wicklow Street. The consented cycle entrance is now proposed as a dedicated loading bay for the new UCL facility.



Above: highlighted area of change on Wicklow Street

- 10.9. The entrance has a double bay frontage, with one creating a visible connection to the staircase and a glazed partition to the office reception.
- 10.10. The character of the ground floor streetscape from the consented scheme would be retained with the amendments necessary for the new UCL facility. The cycle entrance has been relocated and visually opened up as part of the front-of-house journey for cyclists to provide a level of activity and animation to the street.
- 10.11. A secure loading bay is necessary for the functioning of the UCL space and has been located adjacent to their new reception space. The new reception

entrance is in the same location as the formerly affordable workspace and now features an open lightwell internally to a teaching space below.

- 10.12. The residential portion of the elevation remains broadly unchanged, save for some refinements in the location of access doors.



Above: consented Wicklow Street.



Above: Revised Wicklow Street elevation

10.13. Extract flues and lift overrun

- 10.14. The existing Ear Institute facility has flue extracts connected to fume cupboards within their laboratory spaces. In their current location, they cross the site boundary and are connected to the building within the development site.

- 10.15. For the temporary relocation, the extent of research will continue; therefore, it is necessary to provide a new flue extract. The lift has been raised by 1m with

1.5m tall flues. This flue is proposed to be located within the residential core and discharges at roof level above neighbouring properties. The central location of the flues within the building reduces any perceived impact on the surrounding townscape views.

10.16. A revised set of verified views have been undertaken on the revised proposals, demonstrating that adding the flues has a minimal impact.

10.17. There would be no additional harm to the King's Cross St Pancras Conservation Area (CA) and adjacent to Bloomsbury Conservation Area beyond what has been identified as part of the assessment of the extant scheme.

11. Open space, Landscaping, Trees and Nature Conservation and Biodiversity

11.1. Open space provision, quality and play space

11.2. The revisions to the proposals at the basement level have led to several requirements regarding landscaping, namely the consideration of new levels, a requirement for a raised central area to provide adequate soil volumes and an external lift between the upper and lower levels.

11.3. The area beneath the residential garden requires a more significant and taller floor-to-ceiling height. This has reshaped the levels of the garden and introduced skylights to provide natural light to the occupied space below. The skylights have been incorporated into the proposed raised tree planters and seating design.

11.4. Towards the eastern edge of the garden, the stepped edge has been redesigned to enable light to enter the office space below and provide views out. The edge combines new geometries, creating a landscaped slope with a slide, a stepped access route to the two levels, a seated and planted edge to a new glazed element, and a platform lift affording level access throughout. Stairs and an accessible lift have been added to the proposed scheme to provide access to the garden from the eastern residential lane. There are no changes proposed to the Wicklow Street Courtyard.



Above: Residential Garden CGI

11.5. Open space contribution

- 11.6. The Local Plan requires an ‘appropriate contribution’ to open space, prioritising publicly accessible open space. Policy A2 prioritises securing new public open space on-site, with the provision of space off-site near the development acceptable where on-site provision is not achievable. If there is no realistic means of direct provision, the Council may accept a financial contribution in lieu of provision. CPG Public Open Space states that developments exceeding 1,000m² in floorspace will be expected to contribute towards open space and play facilities. Policy A2 part m applies a standard of 0.74m² per occupant for commercial developments and 9m² per occupant for residential in terms of on-site provision. Occupation for this assessment is calculated based on the yield for the ward, which is contained within Appendix E of CPG Public open space. In this instance, the site is within the King’s Cross Ward, which yields an average household size of 2.12 people. On-site public open space provision has been made as part of the application in the form of the public courtyard on Wicklow Street. For this assessment, the colonnades and routes have not been included.
- 11.7. The extant scheme had an on-site requirement for public open space of 2,243.69m² (1,373.76m² + 869.93m²). The extant scheme provided 473m² of public open space. This represents a shortfall of 1,770.69m². A financial contribution of £478,086.30 was secured in lieu of this provision.

11.8. The financial contribution for this scheme is calculated as follows:

11.9. RESIDENTIAL

11.10. $9 \text{ sqm} \times 2.12 \times 72 \text{ dwellings} = 1,373.8 \text{ sqm}$ is the public open space requirement.

11.11. On-site provision is 473 sqm, so that leaves 901 sqm outstanding. Providing more public open space is impossible so this shortfall will be met by a payment in lieu. On this basis, a financial contribution is required towards providing, maintaining, and improving existing open space in the area. The deed of variation to the S106 Agreement would secure it.

11.12. In calculating the payment-in-lieu, this has been adjusted by 0.66 (that takes account of what is provided in kind). So, the capital cost is $(9 \text{ sqm} \times 2.12 \times 72 \text{ dwellings}) \times £200 \text{ per dwelling} = £274,752$

11.13. Adjusted by 0.66 (to account for on-site), total capital cost = £181,336.32
The maintenance cost is $(9 \text{ sqm} \times 2.12 \times 72 \text{ dwellings}) \times £7 \times 10 \text{ years} = £96,163.2$

11.14. Adjusted by 0.66 (to account for on-site), total maintenance cost = £63,467.71
The total sum payable for the residential component of the proposal = $£181,336.32 + £63,467.71 = £244,804.03$

11.15. COMMERCIAL

11.16. The commercial uplift is 19,938sqm

11.17. The on-site provision has been discounted against the residential so not applied a discount again for the commercial.

11.18. Capital cost is $0.74 \text{ sqm} \times (19,938/12) \times £200 = £245,902$

11.19. Maintenance cost is $0.74 \text{ sqm} \times (19,938/12) \times £7 \times 10 \text{ years} = £86,065.70$

11.20. The total sum payable for the commercial component of the proposal = $£245,902 + £86,065.70 = £331,967.70$

11.21. Therefore, the total public open space contribution is $£244,804.03 + £331,967.70 = £576,771.73$

Conditions and obligations

11.19 Overall, the revised proposal includes high-quality landscaping and publicly accessible spaces. The development would be in accordance with the following policies C1, C5, A1, A2, A3, D1 and D2 of the Local Plan subject to the securing of a range of planning conditions and legal obligations summarised below:

- Details of bird and bat nesting boxes or bricks, along with biodiversity enhancements

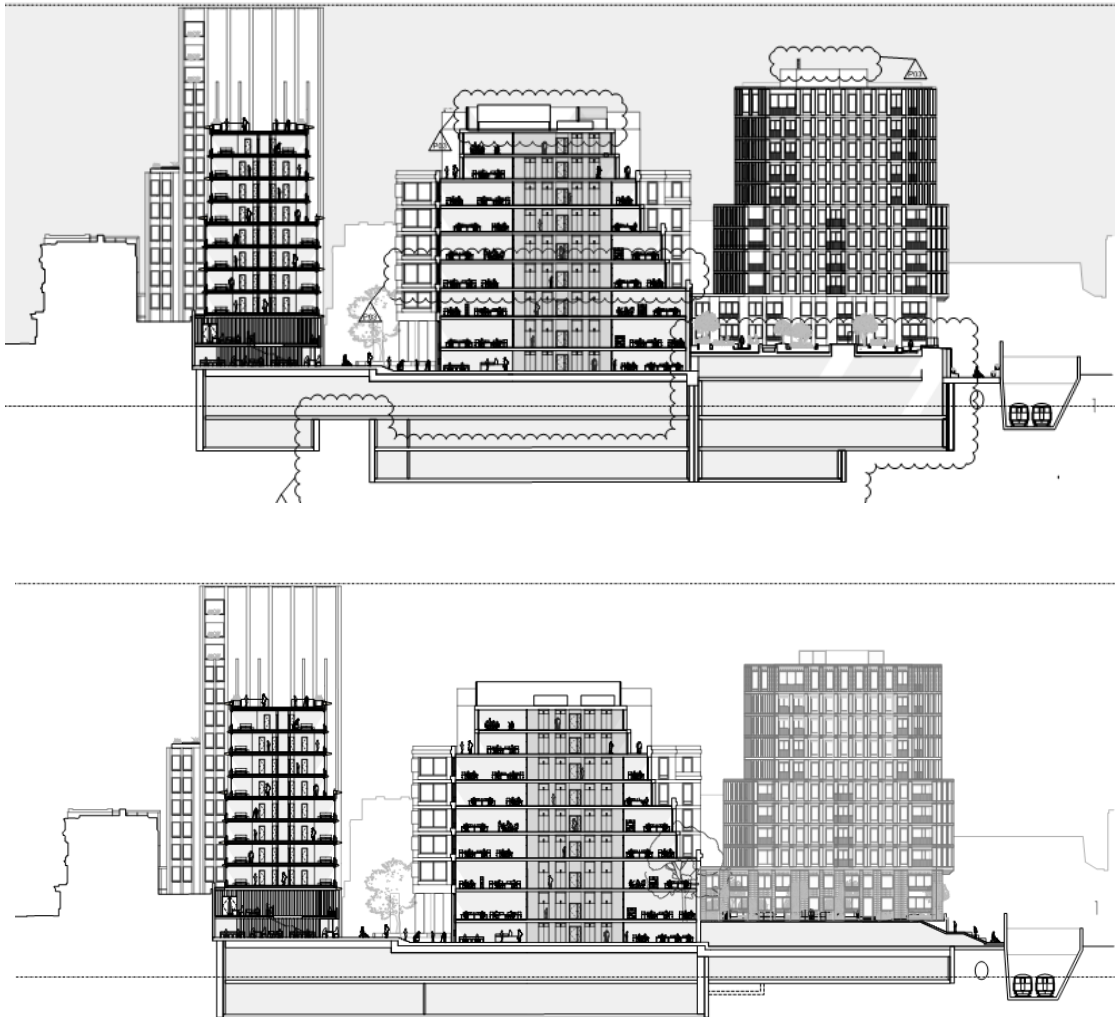
- Public open spaces and routes secured via planning obligation
- Landscaping details
- Tree protection details
- Luminance assessment and lighting details

12. Basement

12.1. Basement level changes

- 12.2. The revised proposal includes additional basement extensions to create a three-and-a-half-storey basement to accommodate the temporary relocation of the Ear Institute. At its deepest, the basement would extend to about 15m below Wicklow Street level. The increase in the basement area results in the area beneath the residential garden requiring a larger area and taller floor-to-ceiling height. This has reshaped the levels of the garden and introduced skylights to provide natural light to the occupied space below. These are the only external manifestations associated with the new basement floors and, as such no changes to the scheme's appearance.
- 12.3. The basement space is acoustically separated from ground-borne noise and vibration via a set of structural-acoustic bearings, with the basement perimeter walls also separated from the basement wall construction.
- 12.4. A revised basement impact assessment has been submitted with the applications to demonstrate that the impact on existing geological and hydrogeological conditions, adjacent structures, slope stability and surface flow can be mitigated by appropriate design and standard construction practices.
- 12.5. Policy A5 states that developers are required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties, avoid adversely affecting drainage and runoff or causing other damage to the water environment, and avoid cumulative impact upon structural stability or water environment in the local area. The siting, location, scale and design of basements must have minimal impact on and be subordinate to the host building and property. Several criteria for basement development on smaller scale schemes are included within the policy but would not apply to this development, being a large, comprehensively planned site.
- 12.6. The existing site has a basement, predominantly under the Nurses' Home on Wicklow Street and behind the 330 Gray's Inn Road building, as well as a lower ground level that sits under the pavement on Gray's Inn Road and Swinton Street. An existing lightwell condition runs down most of Swinton Street, an entire storey higher at street level than Wicklow Street.
- 12.7. The revised proposal includes significant basement extensions to create a three-storey basement, with the upper level taking up the majority of the site (see Figure 27 (below)). At its deepest, the basement would extend to a depth of about 15m below street level.

- 12.8. The extant basement space provided plant, cycle storage and back-of-house facilities for all uses. A shared loading bay within the office building provides all servicing for the commercial elements. The gym also partly subterranean under the extant scheme was accessed from the public courtyard and Wicklow Street.



(top) Proposed site-wide Swinton Street masterplan section of the development showing enlarged basement extent (bottom) site-wide section of the extant scheme

- 12.9. Whilst the revised basement has a large footprint and is now three storeys in total, it is acknowledged that the proposals are for the redevelopment of an urban block. Basement 3 allows for the energy centre, tank room and other plant and servicing rooms. Basement 2 is for lab-enabled office space. Basement 1 provides lab-enabled office space, cycle storage, ancillary teaching space, changing rooms and bin storage. There is also a two-storey basement under the Hotel as per the extant scheme.
- 12.10. The enlarged basement maximises the opportunity for lab-enabled office space. It reduces the creation of inactive spaces at street level and the impacts of putting further plant equipment on the roof. Officers consider that the

proposals would not cause harm to the character or appearance of the area and building, nor the significance of heritage assets (including the surrounding listed buildings off-site and surrounding conservation areas).

- 12.11. An updated Basement Impact Assessment (BIA) prepared by WSP has been prepared to outline how the surrounding buildings and below-ground infrastructure would be safeguarded. The Council's independent auditor Campbell Reith has reviewed these documents.
- 12.12. Overall, the independent audit from Campbell Reith confirmed that individuals with suitable qualifications carried out the BIA; the screening and scoping assessments were undertaken per the Council's CPG Basements; additional investigations are required to be conducted and presented within a Basement Construction Plan (BCP); impacts on adjacent properties, slopes and infrastructure would be limited and mitigated as part of design development; impact on groundwater flow would be very low and the development is not anticipated to impact the hydrological environment.
- 12.13. Based on the above and subject to securing a BCP via section 106, it is considered that it has been demonstrated that the proposal would not cause harm to neighbouring properties, structural, ground, or water conditions of the area, the character and amenity of the area or the architectural character of the building.

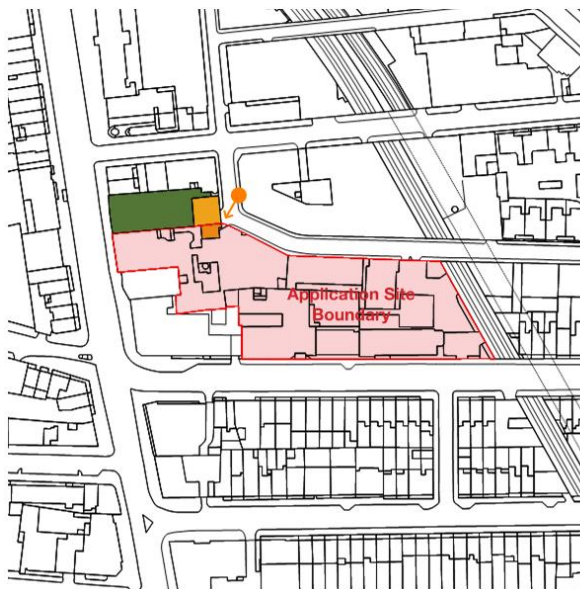
13. Neighbouring Amenity

- 13.1. A range of uses surround the application site. These include institutional/research/higher learning, public house/venue, retail, hotel, residential accommodation, student flats and commercial uses.
- 13.2. Daylight/sunlight
- 13.3. A Daylight and Sunlight Report provides an assessment of the potential impact of the development on sunlight and daylight and overshadowing to neighbouring residential properties based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide (2011)'.
- 13.4. It is noted that there is no increase in bulk and massing above ground level, and there are no objections related explicitly to daylight, sunlight or overshadowing impacts associated with this S73 application.
- 13.5. An addendum report has been prepared with the daylight sunlight assessment prepared for the extant scheme. The addendum concludes that the daylight impacts due to the revised scheme will be similar to the previously submitted initial proposal with a similar number of noticeable effects coupled with sufficient residual daylight. Regarding APSH, there are also no material differences between the two schemes.

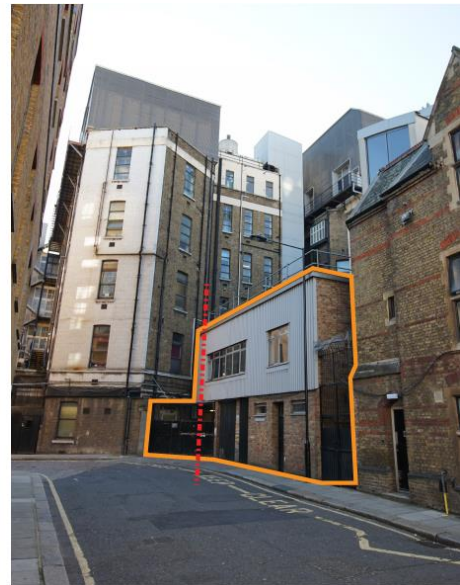
- 13.6. The conclusions made concerning the extant scheme remain, and the proposed level of massing responds to the flexibility inherent in the BRE Guidelines with acceptable residual daylight levels where alterations are noticeable. As a result of the subsequent daylight and sunlight impacts from the revised scheme, it is considered that the revised massing is acceptable.
- 13.7. The internal daylight assessment concludes that the proposed development demonstrates a good level of compliance with the BRE Guidance in terms of internal daylight amenity with 60% of the rooms achieving their respective target illuminance value for the rooms' usage over at least 50% of the rooms area. Many of the rooms achieve considerably more than the required minimum. Similarly, the scheme experiences good levels of sunlight exposure; 72% achieve the recommendations.
- 13.8. It is considered that the proposed amendments comply with the relevant planning policy framework with regard to daylight and sunlight.
- 13.9. Noise and vibration impacts
- 13.10. The site is located adjacent to the UCL Ear Institute (which is sensitive to noise and vibration) and the Water Rats Public House (a live venue). UCL is being decanted into the site to allow their use to continue during construction; however, the intention is that they will return to their current site following the completion of the development.
- 13.11. A revised noise assessment has been prepared and submitted with this application. As detailed in the report, it is demonstrated that acceptable internal noise levels are achievable in the worst-case areas of the development. The predicted worst-case internal noise levels with windows partially opened exceed the proposed target levels (as is often the case). The minimum mitigation available to future occupants would be to close their windows. Ventilation (incorporating suitable acoustic attenuation) will be provided to comply with the Building Regulations Approved Document F whole dwelling ventilation requirements. The occupants will thus have the option of keeping windows closed most of the time and opening windows for purge ventilation.
- 13.12. The external envelope of the proposed residences will incorporate suitably specified glazing to achieve the proposed design target internal noise levels. Where ventilation is provided through the façade, it shall be suitably acoustically attenuated to ensure the achievement of the proposed target internal noise levels is not compromised.
- 13.13. The Council's Environmental Health Officer has assessed the submitted details relating to noise and vibration and considered the proposal acceptable, as it sets out satisfactory noise criteria for the proposed development.

14. UCL Ear Institute re-location strategy

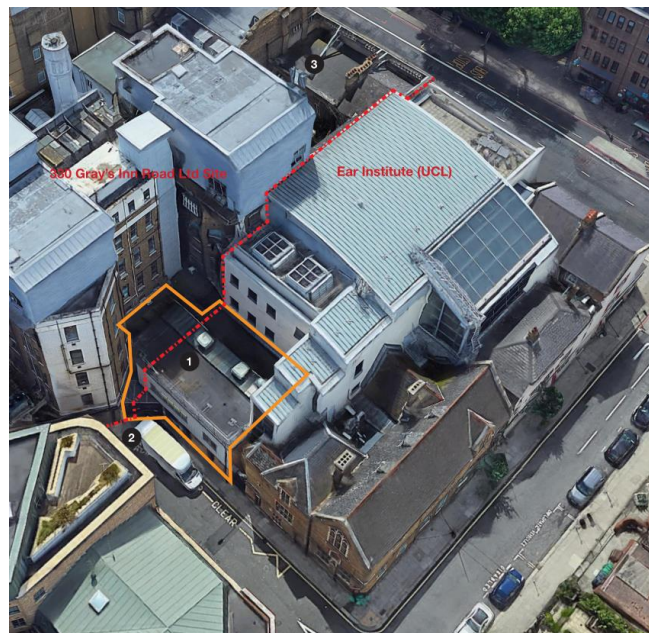
- 14.1. The application site (330 Gray's Inn Road) and UCL Ear Institute (332 Gray's Inn Road) were both formerly owned by the Royal Free Hospital. In the recent land transaction to sell the application site to the applicant (Groveworld), the site was severed so that it includes land/facilities that UCL rely on to support the facility's operation on their land. Figure 31.5 (below) includes a plan and photos to show the complexities resulting from the sale. For example, the buildings sit across the ownership boundary, and UCL's service yard, flues and fire escape is in Groveworld ownership.



Site Plan View
Orange 2 storey building currently occupied by UCL straddling onto 330 Gray's Inn Road Ltd ownership
Green Ear Institute (UCL)

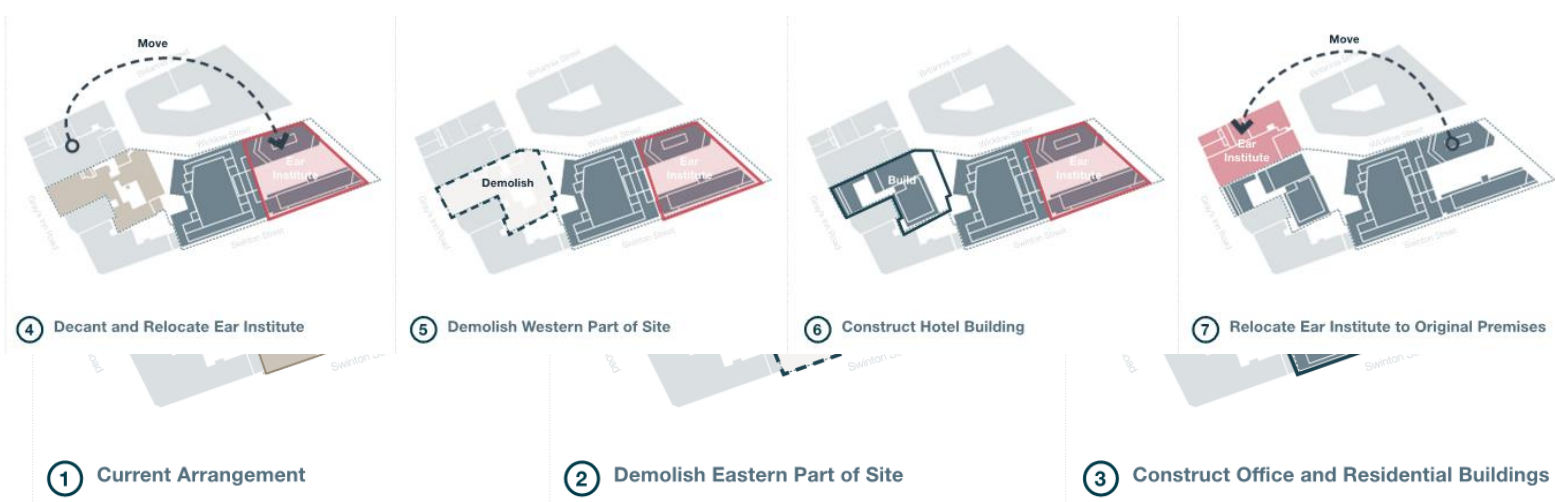


View from Wicklow Street



A plan and two photos (above): Top left is a site plan illustrating how the ownership boundary has severed the sites. This is also shown in the two images – the top right from Wicklow Street, and the bottom is an aerial view.

- 14.2. During the extant application process, UCL raised concerns with the proposals. These included how they would maintain servicing access (it is currently off Wicklow Street), the fact that they have flues that are attached to a building on 330 Gray's Inn Road and how noise and vibration issues (during construction and operation of the development) could impact the testing, research and teaching facilities within their building. Matters such as loss of access/egress, security matters and loss of future research/funding were also raised. The issues regarding servicing and the flues were largely resolved, leaving the primary material planning considerations between the parties being the noise and vibration impact during construction and the operation of the development.
- 14.3. The extant scheme had the following clauses secured via section 106 to protect the UCL Ear Institute during the construction and operation of the development:
- UCL Engagement Commitment – committing the applicant to ongoing engagement with the UCL Ear Institute.
 - UCL Neighbour Management Plan – setting out a package of measures seeking to prevent/minimise the possible noise and vibration impacts of the development on the operations of UCL. Reference to agreeing on a neighbourly deed.
 - UCL Liaison Group – a dedicated liaison group to maintain a working relationship between the applicant and UCL.
- 14.4. The applicant could not find a working solution or agreement based on the above as it was technically challenging to implement the development without significant noise and disturbance to the institute. The result is, therefore, a neighbourly agreement to re-phase the construction of the development site to mitigate the construction impact on the Ear Institute. The below diagrams demonstrate the phased approach which includes the temporary decant of the Ear Institute into the newly proposed spaces within basement levels below the landscaped garden to the Eastern portion of the site prior to demolition of the buildings on the western part of the site and the construction of the hotel.
- 14.5. Despite the relocation, the clauses noted above will remain and be updated because the applicant still needs to engage/liaise with UCL throughout the build and ensure that they don't cause noise and vibration impacts if they return to their own premises. The previous UCL obligations would also be updated so that the space be available for UCL at a suitable trigger point associated with phasing.



Above: Visual of the phased development/relocation strategy (Ear Institute in red)

- 14.6. The existing Ear Institute has a GIA of 3,867 sqm, and the proposed Ear Institute would be 3,775 sqm. As part of the relocation strategy, the applicant and design team have assessed the minimum areas necessary areas for the Ear Institute's new temporary facility to function. This is based on the existing Gross areas of their current facility, with an allowance for enhanced space standards efficiencies and improved layouts.
- 14.7. Regarding the area breakdown of the Ear Institute, there are several key departments and activity types. Office (639 sqm), teaching (405 sqm) and labs (1,178 sqm) (measured in NIA).
- 14.8. The design team have reviewed the technical requirements of each department specific to the need for natural light and the sensitivity to noise and vibration from the neighbouring railway cutting to the East of the site. They have worked with UCL developing the space who have confirmed it meets their requirements.
- 14.9. The spaces afforded access to natural daylight are located on the lower and ground floor roof light into the garden above and from an open glazed wall and lightwell to the east. The plant spaces at the basement level do not need access to natural light. The previous UCL obligations would be updated so that the space be available for UCL at a suitable trigger point associated with phasing.

15. Transport and Highways

- 15.1. Regarding highways, one amendment is proposed from the consented position along Wicklow Street, with the introduction of an internalised loading bay necessitated by the UCL Ear Institute relocation into the site.

- 15.2. The proposed development will provide cycle parking in accordance with the London Plan (2021). A worst-case assessment regarding cycle storage has been conducted assuming the Class E floorspace comes forward as Office. The long stay cycle provision increased, and the short stay decreased from the extant scheme:

Land Use	Long Stay Spaces	Short Stay	Total
Class C3	119	3	122
Class E	292	14	306
Class C1	9	4	15

- 15.3. Short-stay cycle parking is provided at street level and shared between all uses. Within the basement, three cycle stores are provided:

- Shared facility for office, hotel, and gym
- Swinton Street Residential Building
- Wicklow Street Residential Building

- 15.4. Full changing facilities have been provided for the commercial uses within the shared cycle facilities and level access is provided from street level to the basement cycle stores. Sheffield stands are provided for larger cycles meeting 10% of the provision for each use.

- 15.5. On-site car parking provision will remain as per the extant scheme for the residential and commercial land uses on-site. Accessible car parking will also be provided in accordance with the extant scheme and the London Plan (2021).

15.6. Conclusion

- 15.7. The Council's Transport Officers have reviewed the proposals in terms of transport implications and confirm that it is acceptable subject to the same conditions and planning obligations attached to the extant scheme. The following are secured by legal agreement:

- Travel plans and associated monitoring and measures fees of £9,618 (non-residential) and £4,881 (residential).
- Car-free development.
- Demolition and Construction Management Plans (D/CMP) and implementation support contribution £28,520.
- D/CMP Bond – £30,000.
- Requirement to form a Construction Working Group consisting of representatives from the local community.
- The two public routes secured under Section 35 of the Highways Act 1980 (via a Public Realm Plan).
- Delivery Servicing Plan.

- Approval in Principle (AiP) and associated assessment fee of £1,584.01 (+ VAT).
- Pedestrian, Cycling and Environmental Improvements contribution of £200,000.
- Level plans.
- Requirement to enter into a section 278 agreement with TfL with respect to AiP, relevant highways works and a financial contribution of £220,000 towards King's Cross gyratory improvements
- No provision for hotel guests/visitors arriving by coach.
- Highways contribution of £30,222.72.
- Above 30k contribution to pay for Highways works on Swinton Street and Wicklow Street, including:
 - Red line marking converted to double red
 - Ambulance Bay markings removed
 - Crossover to service yard and car park removed and reinstated with kerb
 - 'KEEP CLEAR' markings replaced with 'No Loading'
 - Detailed design for installing three disabled spaces
 - Reinstating footway on main entrance on Gray's Inn Road

16. Sustainable Design and Construction

- 16.1. The Local Plan requires development to incorporate sustainable design and construction measures to ensure they use less energy through decentralised energy and renewable energy technologies. All developments are expected to reduce their carbon dioxide emissions by following the steps in the energy hierarchy (be lean, be clean and be green) to reduce energy consumption. Policies CC1 and CC2 of the Local Plan require developments to minimise the effects of and be resilient to climate change and to meet the highest feasible environmental standards. Where feasible, developments must achieve a 20% reduction in CO2 emissions through renewable technologies (the 3rd stage of the energy hierarchy). They are also expected to achieve a BREEAM 'Excellent' rating and minimum credit requirements under Energy (60%), Materials (40%) and Water (60%).
- 16.2. To comply with the London Plan the proposal must secure a minimum 35% reduction in regulated CO2 emissions below the maximum threshold allowed under Part L of the Building Regulations 2013. Where the London Plan carbon reduction target cannot be met on-site, the Council may accept the provision of measures elsewhere in the Borough or a financial contribution (charged at £95/tons CO2/year over 30 years) to secure the delivery of carbon reduction measures on other sites.
- 16.3. There has been a change in the Building Regulations and the methodology for calculating carbon since the original application was approved. The extant scheme (2020/5593/P) was assessed using Part L 2013 and calculated using the SAP10 carbon factors. The variation uses the Part L 2021 and SAP10.2. There have been changes to both the baseline assumptions and also the carbon factor which has reduced the carbon by around 42% each kwh of electricity used. Therefore, a development using the same amount of

electricity will now have a carbon calculation 42% lower – due to the decarbonisation of the electricity supplied from the grid through decreased use of fossil fuels and increased use of renewable energy such as wind and solar power and other low carbon electricity. This impacts on the carbon offset contribution.

16.4. New build commercial areas:

- 16.5. The approved application 2020/5593/P was calculated using the SAP10 carbon factors and it was calculated that the commercial new build areas would achieve a carbon reduction of 38.9% (34% through renewable energy – Be Green), but only 7.5% through energy efficiency – Be Lean.

Commercial New Build	Policy requirement	Approved 2020/5593/P	Variation 2023/0904/P
Be Lean	15%	7.5%	13.7%
Be Green	20%	34.0%	5.1%
TOTAL	35%	38.9%	18.1%
Shortfall tCO ₂ e	0	367.5	195.3
Offset payment		£1,047,375	£556,605

- 16.6. The variation uses the up-to-date Part L 2021 with SAP10.2 carbon factors. This uses a new baseline for commercial developments assuming low carbon heating so reductions from the baseline are harder to achieve for commercial developments. A reduction of 13.7% in carbon emissions through energy efficiency measures at Be Lean stage does not meet the requirement 15% for commercial developments. A decrease of 5.1% in carbon emissions at Be Green stage does not meet the requirement of 20% from onsite renewable energy. The Be Green calculation measures the reduction from the baseline which has already assumed low carbon heating such as air source heat pumps and therefore the analysis now only accounts for renewables such as solar PV, hence the reduction compared to the extant scheme.

- 16.7. The overall carbon reduction of 18.1% does not meet the requirement for 35% minimum on site or net-zero carbon. However, it is necessary to consider the baseline of what has already been approved. In view of this the proposal is considered to be acceptable subject to a carbon offset payment of £556,605 (195.3 tonnes £95 per tonne for 30 years).

16.8. New residential areas

- 16.9. The approved application 2020/5593/P was calculated using the SAP10 carbon factors and it was calculated that the residential new build areas would achieve a carbon reduction overall of 40.4% (with 33.6% through renewable energy – Be Green), and 10.3% through energy efficiency – Be Lean.

16.10. For the residential areas the up-to-date Part L 2021 with SAP10.2 carbon factors are also used but developments are expected to achieve on site savings beyond the minimum 35% so the GLA have introduced an additional percentage improvement benchmark of 50% plus. The proposed variation achieves this benchmark with an overall 59.5% reduction in carbon emissions against the Part L 2021 baseline. The proposals also achieve 32.2% at Be Lean which exceeds the 10% requirement. The proposals achieve 40.2% at Be Green which exceeds the 20% reduction requirement. The residential areas meet the carbon reduction requirements.

16.11.

Residential New Build	Policy requirement	Approved 2020/5593/P	Variation 2023/0904/P
Be Lean	10%	16.9%	32.2%
Be Green	20%	34.2%	40.2%
TOTAL	35%*	45.3%	59.5%
Shortfall tCO2e	0	40.1	27.8
Offset payment		£114,285	£79,230

*50% for residential developments using Part L 2021

16.12. Overall carbon reduction of 59.5% does not meet the requirement for net zero carbon and therefore a carbon offset payment of £79,230 is required (27.8 tonnes £95 per tonne for 30 years).

16.13. A total carbon offset payment of £635,835 should be secured through a revised s106 agreement.

16.14. Be Lean

16.15. The proposals include energy efficient walls, floors, roof and windows and a low air permeability of 3m3/m2/hr. This is the generally the same as the existing approval with a slight improvement from 1.3 to 1.2 for the u value of the windows. Wastewater heat recovery will be implemented in the residential and hotel elements.

16.16. Be Green

16.17. There is no change to the PV strategy with 24.70kWp (130m2) of roof mounted arrays on Block A of the residential development and the Hotel.

16.18. There is an improved efficiency for the heat pumps for heating for the non-domestic space from COP of 3.5 to 4.6 (and up from 4 for cooling to 5.9). The COP for the heating for the domestic areas has not improved, there has been a slight improvement from 2.5 to 2.6 for cooling. The overheating report shows that overheating will not occur if air tempering is added to MVHR.

16.19. Green roof and walls

16.20. There has been an increase in the green roof and wall area compared to the approved scheme which is welcomed. The intensive green roof is now 844m², extensive green roof is 105m² and green wall is 199m². The intensive green roof has a deeper substrate depth to allow a wider variety of species compared with the extensive green roof. A condition would secure further details of the green roof.

16.21. Water consumption

16.22. The proposed development is conditioned to reduce water consumption to less than 105 litres per person per day and water consumption would be offset through the provision of rainwater collection for irrigation purposes across the development, which would meet policy requirements.

16.23. BREEAM

16.24. The previous the office and gym were assessed separately – now combined into Office and laboratory and supporting function areas).

16.25. Hotel - Pre-Assessment

- Overall = 74.91% (Excellent) achieves the 70% requirement
- Energy 15/21 of the available credits = 71% exceeds the 60% requirement
- Water 6/9 of the available credits = 67% meets the 60% requirement
- Materials 11/14 of the available credits = 79% exceeds the 40% requirement

16.26. The scores have improved slightly for the hotel

16.27. Office/Lab/Support functions – Pre-Assessment

- Overall = 73.22% (Excellent) achieves the 70% requirement
- Energy 17/21 of the available credits = 81% exceeds the 60% requirement
- Water 7/9 of the available credits = 78% meets the 60% requirement
- Materials 9/14 of the available credits = 64% exceeds the 40% requirement

16.28. The score for materials has reduced but still meets the requirement. The above revised scores would be secured as minimum in the deed of variation to the S106 agreement.

16.29. Whole Life Carbon (WLC)

16.30. The London Plan Policy SI 2 (F) states that WLC emission assessments are required for development proposals referable to the Mayor. Major non-referable development is also encouraged to undertake WLC assessments. Applicants are required to report on how the total WLC emissions compare

against the WLC benchmarks. WLC assessments are also required for all proposals including substantial demolition in Camden.

- 16.31. WLC emissions are the total carbon emissions resulting from the construction and the use of a building over its entire life, including its demolition and disposal. WLC considers a building's operational carbon emissions from its operation such as regulated energy for space and water heating and lighting and unregulated energy such as for cooking and small appliances, as well as its embodied carbon emissions.
- 16.32. The GLA WLC assessment guidance sets out benchmarks for different building typologies per square meter of gross internal area in kilograms of carbon equivalent (kgCO₂e/m² GIA) and an aspirational benchmark. Benchmarks are for Modules and an overall Total A-C. Sequestered carbon is a calculation of the carbon absorbed by trees as they grow and locked in timber until the end of their life.
- 16.33. A revised WLC assessment report for 330 GIR has been provided. The proposals generally meet the benchmarks and show a reduction in the Whole Life Carbon compared to the extant scheme for A1-A5 (see table below). This now meets the more stringent aspirational benchmarks for residential developments. It has been stated that this is due to the revised scheme design's specification of more recycled content. For example, the structural concrete is generally now proposed to be 50% ground granulated blast-furnace slag (GGBS - a by-product from blast furnaces) throughout for C32/40 concrete and 30% GGBS for C40/50 concrete used in some upper floors and roof slabs. Therefore, the A1-A3 emissions for substructure and superstructure frame categories show significant savings based on the new scheme. Currently, this material is available on the market, but it should be noted that the demand for this type of material for concrete will increase over time, and the timescales for the project are long. Therefore, it is not guaranteed that this will be available when required however the proposals are well within the aspirational benchmarks for these modules. It is noted that A4 and A5 life cycle stages show an increase for the new scheme, due to the increased quantity of materials to transport and greater requirement for equipment use during the construction process.

Module	WLC Benchmark for offices/residential (kgCO ₂ e/m ² GIA)	Aspirational Benchmark for offices/residential (kgCO ₂ e/m ² GIA)	Approved scheme	Proposed Variation
A1-A5	<950/ <850	<600/<500	532	469
B-C (excluding B6 and B7)	<450/<350	<370/<300	440	439
Total A-C (ex B6&B7)	<1400/<1200	<970/<800	972	908

16.34. Overall, the proposals meet the requirements for whole life carbon. A condition is recommended to secure WLC reporting post construction.

16.35. A completed Circular Economy GLA Spreadsheet has been submitted.

16.36. The targets for at least 95% reuse/recycling/recovery of construction and demolition waste and 95% beneficial use of excavation waste are being aimed for. A revised condition would be attached to ensure the Post Construction section of the spreadsheet is also completed and submitted.

Conclusion

15.17 Overall, the revised proposal is considered acceptable on sustainable and energy grounds, subject to the following planning obligations and conditions being secured in the event of an approval:

- Sustainability measures to be secured through a section 106 sustainability plan, indicating BREEAM 'Excellent' level and minimum credit targets in Energy (60%), Materials (40%) and Water (60%)
- Commitment to achieving Home Quality Mark, LEED and WELL Building Standard
- Energy provisions to be secured through a section 106 Energy Efficiency and Renewables Plan
- Circular Economy Strategy to achieve at least 95% reuse/recycling/recovery of construction and demolition waste and 95% beneficial use of excavation waste
- District Energy future proofing details
- Carbon Offset Fund of £635,835 (previously £1,161,660)
- Solar PV details
- Air Source Heat Pump (ASHP)
- Green Roof details
- Rainwater harvesting and grey water recycling
- Water efficiency

17. Air Quality

17.1. The air quality construction impacts risk assessment assesses the proposals as 'High risk' for dust during works without mitigation due to the scale and type of works, which was the same for the approved scheme. Appropriate relief is proposed. A condition would be retained, and slightly revised wording to clarify requirements.

17.2. The air quality neutral assessment states that as the building does not use a combustion plant, it is therefore assumed to be Air Quality Neutral however, the transport emissions information still needs to be provided. Consequently, it is not possible to confirm if the proposals are air quality neutral. This information would be provided by condition and if the emissions are not found to meet the benchmark, then the development should be amended to meet

the benchmarks. If the transport emissions are still not able to meet the benchmarks, then on or off-site mitigation would need to be agreed with the local planning authority or if it is not possible to identify or agree appropriate and adequate mitigation measures then it may be possible to agree an offsetting payment instead calculated in line with the Air Quality Neutral London Plan Guidance Feb 2023. A condition is attached to secure this information and appropriate mitigation.

- 17.3. To assess the operational air quality impact on the occupants the assessment has undertaken revised modelling of the air quality for the site. It is noted that the most recent London wide modelling LAEI 2019 indicates reduced levels of pollution along Swinton Street. It is not clear what these levels are at the façade of the buildings and there are still significant levels of pollution at the boundary of the site on Gray's Inn Road. However, the revised assessment has not followed the methodology set out in the Camden Planning Guidance for Air Quality for the modelling. Some site-specific monitoring was undertaken for a period of 6 months from July 2019 until January 2020. The assessment has annualised this data and used it to 'calibrate' or adjust the air quality modelling for 2022 and 2025 – reducing the official DEFRA background figures by 27% (applying a factor of 0.73). Whilst monitoring can be useful for model verification, CPG guidance is clear that “for background concentrations, referring to data from the closest Automated Monitoring Station or the data for the location from the background mapping published by Defra, whichever is the more pessimistic” should be used. The results show that many of the NO₂ levels modelled are below both the DEFRA background of 35.5 µg/m³ (and even the lower rate at the closest automatic background monitoring site of 32µg/m³). The modelled pollution for the site along the boundaries of these roads would be expected to be above these levels once it has considered local conditions (such as traffic). This adjustment to the baseline and hence modelling results is not accepted. The assessment discusses the mitigation required as part of condition 50 of the approved scheme, including non-openable windows for residential areas where the air quality is more than 5% over the WHO standard. Unless an acceptable revised assessment in line with guidance is approved, which confirms the levels of air pollution are within the standard, then agreed mitigation from the approved scheme should remain. A revised Air Quality Assessment in line with guidance is required and is to be secured through condition.
- 17.4. The assessment considers the impact on air quality of the development. The all-electric heating strategy eliminates combustion emissions. However, two emergency backup diesel generators are proposed. The proposed testing for 30 minutes 12 times a year is acceptable. The flue terminating 3m above the roof at 49.7m is also welcomed. Details of the proposed generator, including a diagram of the flue location concerning air inlets and surrounding buildings and maintenance details, are secured by condition.
- 17.5. The proposed development will also relocate flues serving the UCL Ear Institute building, which will help the fume cupboards in the basement. The impacts associated with the relocation of the laboratory flues are being assessed separately by RWDI. Several options regarding potential locations

and configurations of these flues were evaluated via wind tunnel testing. Dispersion from the modelled extract flues was measured at receptor locations representing air intakes, and openable windows on the new development (primarily the Hotel), the existing UCL Laboratory Building, and other nearby buildings. However, the assessment findings should have been included in the Air Quality Assessment. Further information is therefore required, and a condition is attached to ensure this is provided.

18. Flood risk

- 18.1. The proposals are located partially in the North Swinton Street Local Flood Risk Zone and surface water modelling maps indicate a surface water risk along Wicklow Street and a high risk to the railway to the east of the site. The development proposes green roofs, attenuation tanks and a rainwater harvesting tank. The existing runoff rate from a 1 in 100-year rainfall event would be 186.35 litres per second into the drainage system. A greenfield runoff rate is calculated to be 2.03 litres per second. The proposed runoff rate for the site is 2 litres per second for all storm events up to and including 1 in 100-year event which meets the policy requirements and is a significant improvement on the current runoff rate for the site.
- 18.2. To achieve this runoff rate it is proposed that an attenuation tank of 612m³ is provided at B3 level as well as a 50m³ rainwater harvesting tank. Pump stations will have dual pumps, duty and standby, to provide back up in the event of failure of a pump, alongside telemetry to ensure if failure occurs those are notified. A condition is recommended to confirm further details including maintenance tasks and frequencies prior to commencement.
- 18.3. In addition, green roofs are incorporated into the development which cannot be assessed as part of the attenuation strategy but will provide gradual release of rainwater, help reduce overheating and provide biodiversity benefits. The applicant has confirmed that the green roof area of 838m² intensive green roof with a substrate of 150mm and 105m² of extensive green roof on the retained building is to remain the same as in the existing consented scheme.
- 18.4. The proposed basement will be formed within a piled wall which will control the upper groundwater inflow. The increase in depth is not thought to provide a greater impact than the current scheme as the existing basement extends into the London Clay. Site ground investigation will include groundwater level monitoring during the investigation works and in the following 12 months to confirm both shallower and deeper groundwater profiles. A condition is recommended to confirm that the increased levels of the basement will not impact on groundwater levels. There are a number of conditions requiring further details related to flooding, including SuDS, Rainwater harvesting and green roof details.

19. Economic Benefits, Local Employment and Procurement

19.1. The proposed development has the potential to create significant temporary and permanent economic, strategic, and local benefits, including:

- It is estimated that the total number of jobs that would be generated by the office floorspace would be 1,080 gross full-time equivalents (FTE's) supported by on-site employment site wide. This is a slight reduction from the 1,350 FTE in the extant scheme owing to the increased provision of lab-enabled floorspace.
- Estimated £9.8million a year hotel visitor spending, £3.1million additional business rates revenue for the Council.
- An average of 330 construction jobs per annum during the construction period, first targeted at Camden residents and then via Central London First. This is opposed to 670 per annum in the extant scheme, though in total that would be 2,310 across the entire construction period vs 2,010 in the extant scheme.
- Approximately £2-£3.3million spent by construction workers in the surrounding area during the construction period which equates to approximately £576,700-£944,000 annually.
- The scheme is estimated to invest approximately £147million in construction.
- Work placements and apprenticeships during the construction period.
- Over 1,080 FTE gross direct on-site jobs during operation.
- Apprenticeships made available each year in the completed development within a range of roles including business administration, finance, customer service and IT.
- Work placements and apprenticeships made available in the hotel in connection with Westminster Kingsway College school of hospitality and culinary arts.
- Promotion of the Camden STEAM Commission objectives amongst end users and occupiers.
- Maximise the opportunities for local businesses to supply goods and services at the construction and end user phases.
- Potential to contribute towards the ongoing success and development of the Knowledge Quarter through provision of lab-enabled space.
- Approximately 170-210 new residents as part of the development with an estimated £1.2million additional household spend in the local economic and £120,000 additional Council tax revenue.

- Pay London living wage (for end-use phase and construction) as a minimum salary for all employees across the development and include obligations for contractors on-site to pay a minimum of London Living Wage.
- 19.2. The revised proposal has the potential to positively contribute to the growth of the knowledge economy in the area through the provision of lab-enabled space.
- 19.3. A range of training and employment benefits would be secured via section 106 to provide opportunities during and after the construction phase for residents and businesses. This would include:

Construction phase:

- CPG Employment Sites & Business Premises expects one construction apprentice position per £3M construction contract. Based on the estimated project construction contract cost this equates to 60 (compared with 47 in extant) apprentices over the duration of the build; paid at least London Living Wage, and the Council a support fee of £1,700 per apprentice. Recruitment of construction apprentices should be 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.
- Construction Work Experience Placements - The applicant should provide 39 construction work placement opportunities (this is one placement per 500sq m of non-residential floor space of not less than 2 weeks each, to be undertaken over the course of the development, to be recruited through the Council's King's Cross Construction Skills Centre, as per section 69 of the Employment sites and business premises CPG.
- Local Recruitment – our standard local recruitment target is 20%.The applicant should work with the Kings Cross Construction Skills Centre to recruit to vacancies, advertising with us for no less than a week before the roles are advertised more widely.
- Local Procurement – The applicant must also sign up to the Camden Local Procurement Code, as per section 61 of the Employment sites and business premises CPG. Our local procurement code sets a target of 10% of the total value of the construction contract.
- Work to CITB benchmarks for local employment when recruiting for construction-related jobs.
- Advertise all construction vacancies and work placement opportunities exclusively with the King's Cross Construction Skills Centre for a period of one week before marketing more widely.
- Provide a specified number (28) of construction work placement opportunities of not less than two weeks each, to be undertaken over the course of the development, to be recruited through the Council's King's Cross Construction Skills Centre.
- Sign up to the Camden Local Procurement Code.

- Provide a local employment, skills and local supply plan setting out a plan for delivering the above requirements in advance of commencing on site.

End use phase:

Office

- Minimum of 3 rolling end use apprenticeships (for the first 10 years following first occupation), with an annual recruitment target of 1, paid at least London Living Wage. Apprenticeship standards of a level no higher than Level 4, and targeting qualifications related to the KQID sectors of research, science, media, culture or computing.
- Provide 5 end-user placements for Camden students, preferably aged 16+, to be recruited through the Council's Inclusive Economy team or directly with Camden state schools/college.

Hotel

- Minimum of 3 rolling end use apprenticeships (for the first 10 years following first occupation), with an annual recruitment target of 1, paid at least London Living Wage. The apprenticeships could be within a range of roles (examples include hospitality, business administration, finance, customer service, IT) and a shared apprenticeship scheme.
- Target 1 of the rolling hospitality apprenticeships to be linked with the courses held at Westminster Kingsway College.

All (i.e. Office and Hotel)

- Promote the Good Work Camden programme (this would be a lease condition) amongst end-use occupiers, including the following commitments:
 - Joining the Inclusive Business Network
 - Advertising vacancies in partnership with Good Work Camden and its relevant local employment support providers to create pathways into knowledge economy jobs
 - Committing to attend job fairs to promote opportunities to local residents
 - Committing to provide supported employment opportunities – e.g., supported internships and joining the Inclusive Business Network
 - Join Camden Climate Change Action and support local circular economy initiatives relating to waste reduction, recycling and re-use
- Promoting the Camden STEAM programme and the Camden STEAM employer pledge amongst end-use occupiers.
- An occupation strategy to market to Knowledge Economy occupiers for a two-year period before other types of occupiers can be considered. This requirement would apply to the entire office building. It would essentially create a presumption in favour of companies or institutions which will actively contribute to enhancing the KQID's reputation as an international player in life sciences, cultural, scientific and heritage

collections, digital archiving, curation and publishing and data sciences such as machine learning.

- Ensuring that the future occupiers contribute to a progressive and innovative programme of education and outreach and inclusive local employment and skills opportunities.
- Using the design attributes of the building to its optimal value for Knowledge Economy uses, through maximising the use of the lab-enabled floorspace for lab-based research and development purposes.
- A section 106 contribution to be used by the Inclusive Economy service to support employment and training activities and local procurement initiatives. This contribution would be calculated as follows:

Employment space - Net increase in floorspace (19,937m² GIA) / 12m² [space requirement per full time employee] = 1,661 full time jobs created

Hospitality - No of bedrooms (182) x 0.5 [number of employees per bedroom] = 91 full time jobs created

Full time jobs created (1,661 x 21% [% of Camden residents who work in Camden] x 35% [% of employees requiring training] x £3,995 [£ per employee requiring training] = £514 444.
employment and training contribution

- 22.4 Subject to the above being secured by section 106, the proposal is acceptable in this regard.

20. Ecology

- 20.1. The application is accompanied by a Preliminary Ecological Appraisal (PEA). As detailed in the report, the three potential roost features (PRFs) on the buildings identified in the 2019 PEA were still present and in the same condition (as of 15/12/22). There were two additional PRF features on the buildings (one large cavity in the roof and one large cavity in the wall) which had appeared since 2019. The PRF on the mature walnut tree was still present and in similar condition, and two other new cavities of similar size had appeared on the same tree. There was also a third small developing branch cavity. The PRFs on buildings were all assessed as having low bat roost potential and the tree features as moderate potential. The extant scheme had a condition requiring a further bat survey if 12 month elapsed between the last survey in March 2019. As such a further condition is required.
- 20.2. The tree and introduced shrub onsite have the potential to support nesting birds. The rest of the site does not have the potential to support protected species.

21. Fire

- 21.1. An updated fire statement has been submitted with the application. The fire statement documents the fire strategy principles for the scheme with the design at a RIBA Stage 2[15] level of detail. A detailed fire strategy will need

to be produced with information suitable for Building Regulations approval. The detailed fire strategy will also form part of the information pack handed over to the building operator(s) under Regulation 38 to assist the responsible person in carrying out the necessary fire safety risk assessments and implement and maintain a fire management plan following the Regulatory Reform (Fire Safety) Order 2005 "FSO".

- 21.2. The Council's Environmental Health (Private Sector Housing) team have reviewed the Fire Statement dated 1/3/23 from OFR. The use of materials classified as Euroclass A1 or A2-s1,d0 combustibility, concrete frame and slab structure, mineral wool insulation, and masonry/stone outer lining is regarded as positive.
- 21.3. The changes brought about by the application are primarily at below ground level. The GLA have issued a letter of no strategic issues and the building complies with current government regulations as set out in the fire statement submitted with the application.

22. Section 106 Obligations

- 22.1. Conditions/S106 obligations which were imposed on the extant scheme are to be reapplied to this, the report deals with new matters, and it is assumed where the scheme is the same and no policy change the same controls are needed.
- 22.2. The 'Heads of Terms' embodied in the section 106 legal agreement referred to above would include the following:

Highways/Transport

- **Car-free development** - Commitment to a car-free development
- **Construction and Demolition Management Plans (C/DMPs)** - including Construction Working Group and implementation support contribution £28,520 and Construction Management Bond £30,00
- **Level Plans/interface details**
- **Highways Contribution** - £30,222.72
- **Pedestrian, Cycling and Environmental Improvements** - £200,000
- **Delivery and Servicing Management Plan**
- **Travel Plan and Travel Plan Monitoring and Measures Contribution (combined for residential and non-residential) – £14,499**
- **Approval in Principle** - £1,584.01
- **Section 278 agreement with TfL** – with a requirement for highway works on Swinton Street and Gray's Inn Road and a contribution of £220,000 towards King's Cross Gyratory improvement projects
- **Restriction of coach parking/pickup/drop off for hotel** – there would be no provision for parties of guests or visitors arriving by coach
- **Highways works on Wicklow Street** – including a walkways agreement and disabled parking

Housing

- **Affordable Housing on-site** – 28 affordable units, including 15 social-affordable rent and 13 intermediate rent
- **Deferred Affordable Housing Review for Affordable Housing and Housing Contribution** – Capped at £6,000,765 (£3,217,500)

Social/community

- **Community Outreach Plan** - Engagement with STEAM commission, engagement with other community organisations, local schools and community outreach
- **Community Safety Plan** – including monitoring of gated access points, public routes and spaces
- **Public Realm Plan** – securing public open space and routes on-site, including the gate management plan, securing lifts on the streets for public use
- **Public Art Plan** – artwork strategy throughout the site, delivery and retention of public art
- **Landscape Management Plan**
- **Public Open Space Contribution** - £576,771.73 (previous £478,086.30)

Environmental

- **Carbon Offset Contribution** - £635,835 (previous £1,161,660)
- **Energy Efficiency and Renewable Energy Plan**
- **Sustainability Plan** - BREEAM 'Excellent' rating and minimum credit requirements under Energy (60%), Materials (40%) and Water (60%) and commitment to Home Quality Mark overall rating of 3.5; LEED score of 62, WELL Building Standard – Silver Level
- **Future proofing for decentralised energy network**
- **Ventilation and Cooling Strategy**

Employment

- **Employment and Training Plan** - Local Employment, Local Procurement, Construction Apprentice Default Contribution, Construction Apprentice Support Contribution, Employment Post Construction
- **Affordable workspace** – 930m², subsidised at 50% of comparable rents for 10 years
- **Temporary affordable workspace** – for duration of phase 1 construction
- **Employment and Training Contribution** - £514 444 (previous £369,683.32)
- **Knowledge Economy Occupier Strategy** – a requirement to secure Knowledge Quarter occupiers/tenants

Other

- **Basement Construction Plan (BCP)**
- **Phasing Plan**
- **Retention of Architect**
- **Agent of Change** – the hotel operator and guests are to be made aware of particulars of the Water Rats' venue
- **UCL Engagement Commitment** (including reference to Neighbourly Deed), Neighbour Management Plan, Liaison Group
- **UCL updated Decant Strategy** – a detailed process setting out decanting relevant parts of UCL's operation to alternative premises, new space be available for UCL at a suitable trigger point associated with phasing, reference to critical thresholds during construction and operation for when UCL return to ensure that UCL can continue their operations

23. Community Infrastructure Levy (CIL)

23.1. The proposal would be liable for the Mayor of London's CIL2 and Camden's CIL due to the net increase in floor space and creation of residential units. Since 2012, all developments in London that result in the addition of over 100m² GIA floorspace (with some exceptions including affordable housing) have been eligible to pay Mayoral CIL. In February 2019 the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and supersedes MCIL1 and the associated Crossrail Funding SPG. The relevant MCIL2 rates are as follows:

- Office - £185 per sqm (Central London);
- Retail - £165 per sqm (Central London); and
- All other Development - £80 per sqm (Band 1 – Camden).

23.2. The current Camden CIL rates came into effect on 1 October 2020. The CIL tariff for sites located within Central Camden (i.e. Zone A) are charged at the following rates:

- Office - £110 per m²;
- Hotel - £110 per m²;
- Retail - £32 per m²;
- Residential (10 or more dwellings) - £193 per m²; and
- Other commercial uses - £32 per m².

23.3. It is noted that there are implications for the previous CIL liability on the original scheme. The following is an assessment at the time, but liability for the original permission, if implemented would impact on this calculation as would any other update in sqm GIA/uses. The calculation on this s.73 can only be confirmed once the original scheme's details are confirmed, implemented, and original liability paid, or not.

23.4. For the extant scheme, based on the MCIL2 and Camden's CIL charging schedules and the information given on the plans, the charges are estimated

by officers to be £7,603,563 for the development's total floor area. This development is anticipated to have a 9.9 million CIL liability.

- 23.5. Officers note that the floor areas for this calculation were approximate, and sums are indicative. Final payable contributions for this S73 application would be calculated (following any potential scheme approval) by the Council's CIL officers. Suppose the applicant can demonstrate that the existing buildings are lawfully occupied and are therefore in lawful use (at the time of implementation) and not vacant under the terms of the "vacancy test" set out in the CIL Regulations. In that case, only the uplift in floorspace might be liable for CIL. However, at this stage, the proposal would be subject to an indicative CIL contribution (based on total area).

24. Conclusion

- 24.1. The proposed scheme will continue to seek 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.
- 24.2. 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.
- 24.3. 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 with associated economic benefits for the local community.
- 24.4. The redevelopment proposals present a significant opportunity to extend the transformation of King's Cross to the south and east of the stations and substantially improve the environment physically and socially for those already living and working in the vicinity.
- 24.5. Crucially, the proposed amendments mitigate concern around the impact of construction on the day-to-day operation of UCL's Ear Institute whilst at the same time delivering an increased provision of lab-enabled floorspace, which is considered to be of more significant benefit to Camden's Knowledge and Innovation District where new flexible space is in great demand.
- 24.6. Overall, the proposals include the following benefits:
- Creating publicly accessible routes and spaces on the site.
 - Additional employment floorspace, with an uplift of approximately 19,938 sqm.
 - Provision of circa 554sqm subsidised (affordable) workspace
 - Temporary affordable workspace – duration of phase 1
 - 72 high-quality new residential units.
 - 28 affordable housing units, including 15 social-affordable rent and 13 intermediate, which is around 42.7% of the provided housing by floor

area (GIA) 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 the 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 of high-quality architecture.
- Delivering a net gain for biodiversity through increased and more varied planting and the incorporation of blue/green roofs.

24.7. Overall, the proposed development is considered to be acceptable, on balance, and is therefore recommended for approval subject to conditions, and a section 106 agreement.

25. Recommendation

Planning permission is recommended for the Section 73 application, subject to a Section 106 Legal Agreement and planning conditions (clauses and conditions set out below).

Draft heads of terms listed below, with more detail included in paragraph 22.1 (above):

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

- Deferred Affordable Housing and Housing Review £6,000,765 (previous 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 of £576,771.73

Environmental

- Carbon Offset Contribution – £635,835 (previous £1,161,660)
- Energy Efficiency and Renewable Energy Plan
- Sustainability Plan - BREEAM 'Excellent' rating and minimum credit requirements under Energy (60%), Materials (40%) and Water (60%)
- Future proofing for decentralised energy network
- Ventilation and Cooling Strategy

Employment

- Employment and Training Plan
- Affordable workspace
- Temporary affordable workspace for duration of phase 1
- Employment and Training Contribution - £514, 444 (previous £369,683.32)
- Knowledge Quarter Tenant

Other

- Basement Construction Plan (BCP)
- Phasing Plan
- Retention of Architect
- UCL Engagement/Management/Liaison
- UCL Decant Strategy

26. Legal Comments

30.1 Members are referred to the note from the Legal Division at the start of the Agenda.

30.2 Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of five years from the date of 20/07/22 (Ref 2020/5593/P)

Reason: In order to enable appropriate commencement and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 For the purposes of this decision, condition no.2 of planning permission 2020/5593/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans and documents-

Existing Drawings: 18116_00_(00)_P010 Rev P01, (18116_00_(01)_P099-105; P100M; P200-202 and P300-301 Rev P01.

Demolition Drawings: (18116_00_(12))P99-P105; P100M; P200-202 and P300-301 2 Rev P01.

Proposed Drawings: 00_(00)_P010 P01; 00_(00)_P097 P01; 00_(00)_P098 P02; 00_(00)_P099 P03; 00_(00)_P100 P03; 00_(00)_P100M P03; 00_(00)_P101 P02; 00_(00)_P102 P02; 00_(00)_P103 P03; 00_(00)_P104 P02; 00_(00)_P105 P02; 00_(00)_P106 P02; 00_(00)_P107 P02; 00_(00)_P108 P03; 00_(00)_P109 P03; 00_(00)_P110 P03; 00_(00)_P111 P03; 00_(00)_P112 P0; 00_(00)_P113 P03; 00_(00)_P114 P03; 00_(00)_P150 P02; 00_(00)_P200 P01; 00_(00)_P201 P04; 00_(00)_P202 P04; 00_(00)_P203 P03; 00_(00)_P204 P04; 00_(00)_P300 P04; 00_(01)_P099 P01; 00_(01)_P100 P01; 00_(01)_P100M P01; 00_(01)_P101 P01; 00_(01)_P102 P01; 00_(01)_P103 P01; 00_(01)_P104 P01; 00_(01)_P105 P01; 00_(01)_P200 P01; 00_(01)_P201 P01; 00_(01)_P202 P01; 00_(01)_P300 P01; 00_(01)_P301 P01; 00_(12)_P099 P01; 00_(12)_P100 P01; 00_(12)_P100M P01; 00_(12)_P101 P01; 00_(12)_P102 P01; 00_(12)_P103 P01; 00_(12)_P104 P01; 00_(12)_P105 P01; 00_(12)_P200 P01; 00_(12)_P201 P01; 00_(12)_P202 P01; 00_(12)_P300 P01; 00_(12)_P301 P01; 01_(00)_P100 P01; 01_(00)_P100M; P02; 01_(00)_P101 P02; 01_(00)_P102 P02; 01_(00)_P103 P02; 01_(00)_P104 P02; 01_(00)_P105 P01; 01_(00)_P106 P01; 01_(00)_P107 P01; 01_(00)_P108 P01; 01_(00)_P109 P01; 01_(00)_P110 P01; 01_(00)_P111 P01; 01_(00)_P112 P01; 01_(00)_P113 P01; 01_(00)_P114 P01; 01_(00)_P200 P01; 01_(00)_P201 P01; 01_(00)_P202 P01; 01_(00)_P203 P01; 01_(00)_P300 P01; 01_(00)_P301 P01; 01_(00)_P302 P01; 01_(00)_P400 P01; 01_(00)_P401 P01; 01_(00)_P402 P01; 02_(00)_P100 P02; 02_(00)_P100M P02; 02_(00)_P101 P01; 02_(00)_P102 P02; 02_(00)_P103 P02; 02_(00)_P104 P02; 02_(00)_P105 P02; 02_(00)_P106 P02; 02_(00)_P107 P02; 02_(00)_P108 P03; 02_(00)_P200 P04; 02_(00)_P201 P04; 02_(00)_P202 P04; 02_(00)_P203 P04; 02_(00)_P300 P04; 02_(00)_P400 P01; 02_(00)_P401 P01; 02_(00)_P402 P01; 02_(00)_P403 P01; 03_(00)_P100 P02; 03_(00)_P100M P02; 03_(00)_P101 P03; 03_(00)_P102 P03; 03_(00)_P103 P03; 03_(00)_P104 P02; 03_(00)_P105 P02; 03_(00)_P106 P02; 03_(00)_P107 P02; 03_(00)_P108 P02; 03_(00)_P109 P02; 03_(00)_P110 P02; 03_(00)_P111 P02; 03_(00)_P200 P03; 03_(00)_P201 P03; 03_(00)_P202 P02; 03_(00)_P203 P02; 03_(00)_P204 P02; 03_(00)_P205 P02; 03_(00)_P300 P02; 03_(00)_P400 P01; 03_(00)_P401 P01; 03_(00)_P402 P01; 03_(00)_P403 P01

Supporting Documents: Affordable Housing Statement February 2023, Air Quality Assessment February 2023, Basement Impact Assessment October 2020 Rev 5, Preliminary Ecological Assessment February 2023, Circular Economy Statement February 2023, Overheating Design Note February 2023, Preliminary Geo-Environmental Assessment (Desk Study) February 2023, Design and Access Statement Addendum February 2023, DLSL Addendum Letter February 2023, Internal DLSL Addendum February 2023, Socio Economic Benefit Statement February 2023, Energy Statement February 2023, Sustainability Statement February 2023, GTW1 Fire Statement dated 01/03/2023 R01, GLA Fire Statement dated 01/03/2023 R06, Flood Risk Assessment and Drainage Strategy January 2023, Financial Viability Assessment February 2023, Health Impact Assessment February 2023, TVIBHA Addendum February 2023, Landscaping Masterplan P02, Residential Garden Plan P02, Public Realm Planning Report February 2023, Environmental Noise Survey and Acoustic Design Statement 28 February 2023, Train Induced Vibration and Assessment Report 7 September 2022, Noise/Vibration Transfer Technical Memorandum 23 March 2021, Transport Assessment Addendum February 2023.

Reason: For the avoidance of doubt and in the interest of proper planning.

3 Fixed Mechanical Plant Noise

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

4 Emergency Plant

Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10dB one metre outside any premises.

The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00hrs Monday to Friday and not at all on public holidays.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

5 Plant Mitigation

Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

6 Internal Noise - Compliance

The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16 hrs daytime and of more than 30dB LAeq 8hrs in bedrooms at night.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the requirements of policies D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

7 Noise Separation - Details

Prior to commencement of works to the superstructure, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings, namely e.g. living room and kitchen above bedroom of separate dwelling. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the requirements of policies D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

8 Sound Insulation - Commercial Uses

Prior to commencement of works to the superstructure, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ceiling/walls separating the commercial part(s) of the premises from noise sensitive premises. Details shall demonstrate that the sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the the criteria of BS8233:2014 within noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/adjacent dwellings/noise sensitive premises is not adversely affected by noise in accordance with the requirements of policies D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

9 Sound Insulation - Hotel to Reduce Impacts from Water Rats

Prior to commencement of above ground works, details shall be submitted to and approved in writing by the Council, of a scheme for protecting the proposed hotel from both structure borne and airborne music noise from the Water Rats Public House. All works which form part of the scheme shall be completed before any part of the Hotel is occupied and remain in perpetuity.

Reason: To ensure that the amenity of occupiers of the hotel building are not adversely affected by noise and to protect the established venue of the Water Rats Public House, in accordance with the requirements of policies D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

10 Café/Restaurant Plant - Details

Prior to commencement of the use, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the assessment of odour for planning 2018 by the Institute of Air Quality Management. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by cooking odour in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

11 External Artificial Lighting - Compliance

External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes Reduction of Obtrusive Light'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

12 Thames Water - Waste water

No properties shall be occupied until confirmation has been provided that either: 1. Capacity exists off-site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with the requirements of policies A5 and CC3 of the Camden Local Plan 2017.

13 Thames Water - Piling Method Statement

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure, in accordance with the requirements of policies A5 and CC3 of the Camden Local Plan 2017.

14 Thames Water - Network Infrastructure

No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no/low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development, in accordance with the requirements of policies A5 and CC3 of the Camden Local Plan 2017.

15 Waste storage

Prior to commencement of works to the superstructure of each building, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facilities as approved shall be provided prior to the first occupation of any of the new uses and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made to avoid obstruction of the highway and to safeguard amenities of adjacent premises in accordance with the requirements of policy CC5, A1, and A4 of the London Borough of Camden Local Plan 2017.

16 Air Source Heat Pumps (ASHP) Details

Prior to commencement of above ground works, design specification documents showing the location, Seasonal Performance Factor of at least 2.5 and Be Green stage carbon saving of the air source heat pumps and associated equipment to be installed on the building, shall be submitted to and approved by the Local Planning Authority in writing.

The measures shall include the installation of a metering details including estimated costs to occupants and commitment to monitor performance of the system post construction. A site-specific lifetime maintenance schedule for each system, including safe access arrangements, shall be provided.

The equipment shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CC1 of the London Borough of Camden Local plan Policies.

17 Detailed landscape plan

Notwithstanding the approved drawings, full details of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority before the relevant part of the development commences.

The submission to include details of:

- a) full details of all open spaces, terraces and routes
- b) any external CCTV and security monitors/fixtures
- c) courtyard planters including sections, materials and finishes and planting schedules
- d) final location details of all trees, with accompanying evidence that all locations have been investigated to ensure planting is viable and takes sufficient account of the proximity of local highway and underground infrastructure;
- e) permanent works, including samples of ground surface materials, to all areas of public open space including details of materials and finishes
- f) details of all boundary treatments to the site

- g) details of the planting species, soil type
- h) a maintenance plan for a minimum of 3 years
- i) irrigation
- j) sectional drawings of all planting areas
- k) level (step-free) access within the residential courtyard
- l) Wicklow Street courtyard frontage
- m) play equipment

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

The development shall not be occupied until such time as the works have been completed in accordance with the details thus approved.

This condition can be discharged on a building/phase by building/phase basis as well as on the basis of any potential interim and final landscaping proposals.

Reason: To enable the Council to ensure a reasonable standard of amenity in the scheme in accordance with the requirements of Policies D1 and A1 of the Camden Local Plan 2017.

18 Cycle parking

Prior to first occupation of each part of the development, detailed plans of secure and covered bicycle parking, including of non-standard cycle parking, shall be provided in accordance with the details hereby approved. A total of 420 long stay cycle parking spaces and 21 short stay cycle parking spaces must be provided prior to the full occupation of the development, along with the end of journey facilities.

The facilities as implemented shall be permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of Policy T1 of the Camden Local Plan 2017.

19 Details, Materials and Samples

Prior to commencement of above ground works on any building, or in the case of extensions to the existing 330 Gray's Inn Road building prior to the commencement of the approved extensions, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills and external doors, gates and canopies
- aa) Notwithstanding the approved drawings, the route from Swinton Street should not be gated. Details including sections at 1:10 should be provided for the gates to the Gray's Inn Road route
- b) Plan, elevation and section drawings, of all ground floor facades at a scale of 1:10;
- c) Typical plan, elevation and section drawings of balustrading to terraces and balconies;
- d) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and sample panels at a minimum of 1mx1m of those materials (to be provided on site);
- e) Details of all plant equipment;
- f) Typical elevation (minimum 2m x 2m in size) including a glazed opening showing reveal and header detail and elevation brickwork showing the colour, texture, face-bond and pointing;
- g) Details of the reuse of the former 'New Patients Entrance' on Wicklow Street within the site;
- h) Detailed sections of typical walls at 1:20

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works for the relevant building. All other external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

This condition can be discharged on a building/phase by building/phase basis.

Reason: In order to safeguard the special architectural and historic interest of the proposed retained buildings and to safeguard the character and appearance of the wider area in accordance with the requirements of Policies D1, D2 and D3 of the Camden Local Plan 2017.

20 Retention Strategy

Prior to any demolition works, details of a strategy to retain commemorative items within the wider site, including stone plaques and the new patient entrance on Wicklow Street, along with details of reinstating such features within the site and details of measures to commemorate the buildings that are to be demolished, should be submitted to and approved in writing by the Local Planning Authority. The strategy should be implemented prior to first occupation of the site and be retained in perpetuity.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

21 Sound Insulation - Hotel to Reduce Impacts on UCL Ear Institute

Prior to commencement of above ground works, details shall be submitted to and approved in writing by the Council, of a scheme for protecting the adjacent UCL Ear Institute from both structure borne and airborne noise and vibration from the proposed hotel use. All works which form part of the scheme shall be completed before any part of the Hotel is occupied and remain in perpetuity.

Reason: To ensure that the continued operation of the UCL Ear Institute is not prejudiced by the operation of the proposed development, in accordance with the requirements of policies D1, A1 and A4 of the London Borough of Camden Local Plan 2017.

22 Tree Planting

Before the relevant part of the development commences full details of the tree planting shall be submitted to and approved in writing by the local planning authority.

Such details shall include:

- a schedule detailing species, sizes and locations of trees (and tree pits where applicable), taking into account the standards set out in BS8545:2014
- details of any proposed earthworks including grading, mounding and other changes in ground levels.
- a tree management plan including a scheme of maintenance and details of irrigation methods and measures

Any trees which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of amenity in the scheme in accordance with the requirements of Policies D1 and A1 of the Camden Local Plan 2017.

23 Protection of trees

The demolition and construction of the development shall be carried out in accordance with the approved details, which demonstrate how trees would be retained on-site and on neighbouring sites during construction work. All works shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction" and the details of appropriate working processes in the vicinity of trees, and the approved auditable system of site monitoring. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of Policies D1 and A3 of the Camden Local Plan 2017.

24 Nesting birds

No vegetation and built structures potentially suitable as a bird habitat shall be removed except outside of the bird nesting season (Feb-August inclusive). Where this is not possible, an ecologist shall be engaged to assess any vegetation and built structures for active signs of nesting and in the event a nest is found an appropriate exclusion zone should be implemented around it until the young have fledged.

Reason: In order to safeguard protected and priority species, in accordance with the requirements of Policy A3 of the Camden Local Plan 2017.

25 External fixtures

No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the Council.

Reason: In order to safeguard the special architectural and historic interest of the retained buildings and to safeguard the character and appearance of the wider area in accordance with the requirements of Policies D1 and D2 of the Camden Local Plan 2017.

26 Accessible Units

The fully accessible apartments shown on the plan numbers hereby approved, shall be designed and constructed in accordance with Building Regulations Part M4 (3). All other units must meet Building Regulations part M4 (2).

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy C6 of the London Borough of Camden Local Plan 2017.

27 Balcony Screens/Privacy Measures

Prior to the occupation of the development, full details of screening, obscure glazing and other measures to reduce instances of overlooking and loss of privacy to neighbouring occupiers (including screening of the office building elevation facing the residential development and the two residential buildings) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details thereby approved and permanently maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

28 Office Terrace Restrictions

Prior to the first use of the approved roof terraces on the office/employment use building, full details of a management plan shall be submitted to and approved in writing by the local planning authority. The terraces shall be used for employment uses (Class E (g)) only, with the terraces closest to residential occupiers expected to not be used outside the hours of 08:00 and 20:00 Monday-Friday. No music shall be played on the roof terraces in such a way as to be audible within any adjoining premises or on the adjoining highway. Full details of how each terrace would be managed and its hours and types of use must be submitted, with the management plan strictly followed by all occupiers in perpetuity.

Reason: In order to prevent unreasonable overlooking and disturbance of neighbouring premises in accordance with the requirements of Policies D1 and A1 of the Camden Local Plan 2017.

29 Hotel Terrace Restrictions

Prior to the first use of the approved roof terrace on the 9th floor of the hotel building, full details of a management plan shall be submitted to and approved in writing by the local planning authority. No music shall be played on the roof terrace in such a way as to be audible within any adjoining premises or on the adjoining highway. Full details of how the terrace would be managed and its hours and types of use must be submitted, with the management plan strictly followed by all occupiers in perpetuity. The roof terrace on the 7th floor shall be for maintenance purposes only.

Reason: To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise from activities or people at or leaving the site in compliance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

30 Restaurant/Café Hours of Operation

The retail/restaurant (Class E ((a) and (b)) uses hereby permitted shall not be carried out outside the following times: 07:00hrs to 23:30hrs Monday to Thursday and 07:00hrs to 00:00hrs Friday and Saturday and 08:00hrs to 23:00hrs on Sundays and Bank Holidays. The commercial use of the Wicklow public courtyard should not be used outside of 08:00hrs to 22:00hrs 7 days a week.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC1 of the Camden Local Plan 2017.

31 Gym Hours of Operation

Should a gymnasium (Class E (d)) be provided the use hereby permitted shall not be carried out outside the following times: 06:00hrs to 23:30hrs Monday to Thursday and 06:00hrs to 00:00hrs Friday and Saturday and 08:00hrs to 23:00hrs on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 and TC1 of the Camden Local Plan 2017.

32 Water Consumption

The development hereby approved shall achieve a maximum water use of 105litres/person/day (includes 5 litres for external use). The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2 (Adapting to climate change), CC3 of the London Borough of Camden Local Plan 2017.

33 Contamination

Prior to the commencement of work for each section of the development or stage in the development as may be agreed in writing by the Local Planning Authority (LPA) a scheme including the following components to address the risk associated with site contamination shall be submitted to and approved in writing by the LPA.

- a. A site investigation scheme based on the contaminated land assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- b. The results of the investigation and detailed risk assessment referred to in (a) and, based on these, in the event that remediation measures are identified necessary, a remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- c. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying and requirements for the longer monitoring of pollution linkages, maintenance and arrangements for contingency action.

Any investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11/now LCRM).

If additional significant contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the LPA.

For the avoidance of doubt, this condition can be discharged on a section by section basis.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

34 Small scale ground gas and vapour condition - Post Development:

Once the residential buildings are occupied, representative continuous radon gas monitoring should be undertaken for a minimum period of 3 months in the basement. The resulting verification report (VR) should be submitted to, and approved in writing by, the local planning authority. The condition will not be discharged until the approved Verification Report (VR) is submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the risks to the future users of the site can be carried out safely without unacceptable risks in accordance with policies G1, D1, A1, A5 and DM1 of the London Borough of Camden Local Plan 2017.

35 Whole Life-Cycle Carbon Assessment

Prior to the occupation of any phase/building:

- a) the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. The post-construction assessment should be submitted to Planning Authority along with any supporting evidence as per the guidance.
- b) Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.
- c) The Whole Life Carbon should not exceed 908 kg CO₂e/M² GIA overall for Modules A-C (excluding B6 & B7 including sequestered carbon) and should at least meet the GLA WLC benchmarks for each of the modules as defined in the GLA Whole Life Carbon Assessment guidance.

Reason: In order to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards in accordance with policies CC1 (Climate change mitigation) and CC2 (adapting to climate change) of the London Borough of Camden Local Plan and Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan.

36 Greywater Harvesting

Prior to commencement of development other than site clearance & preparation, a feasibility assessment for greywater recycling for the hotel should be submitted to the local planning authority and approved in writing. If considered feasible, details should be submitted to the local authority and approved in writing. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan.

37 Biodiversity Enhancements

Prior to commencement of the above ground works, details of a package of biodiversity enhancements (an ecological enhancement strategy), shall be submitted to and approved in writing by the Council as local planning authority. Where possible enhancements are built into the fabric of the build rather than retro fitted onto buildings/trees. The Enhancements should seek to include:

- Insect hotels
- Bio diverse and Bio solar roofs
- Night-scented native plants
- Green walls
- Blue roof
- Water conservation items
- Living roof

The works shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, CC4, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

38 Green roofs

Prior to commencement of above-ground development, full details in respect of the green roof in the area in the Sustainability Statement including at least 838m² of intensive green roof, 105m² of extensive green roof and 199m² of green wall shall be submitted to and approved by the local planning authority. Details of the green roof provided shall include: species, planting density, substrate and a section at scale 1:20 showing that adequate depth (over 150mm for storage required) is available in terms of the construction and long term viability of the green roof, as well as details of the maintenance programme for green roof. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

This condition can be discharged on a building/phase by building/phase basis.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies A3, CC2 and CC3 of the London Borough of Camden Local Plan policies.

39 Photovoltaic panels

Prior to commencement of above ground works, drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells and associated equipment to be installed on the building shall have been submitted to and approved by the local planning authority in writing.

The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall be provided. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

This condition can be discharged on a building/phase by building/phase basis.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policies CC1 and CC2 of the Camden Local Plan 2017.

40 Minimising risk of flooding and SuDS: Construction in accordance with details

The sustainable drainage system as approved by way of the Flood Risk Assessment and Drainage Strategy November 2020 and Addendum February 2021 and associated drawings, shall be installed as part of the development to accommodate all storms up to and including a 1:100 year storm with a 40% provision for climate change, such that flooding does not occur in any part of a building or in any utility plant susceptible to water and to achieve 2 l/s. The system shall include rainwater harvesting (18m³) and an attenuation tank (627m³ plus void ratio) as stated in the approved drawings and shall thereafter retained and maintained in accordance with the approved maintenance plan. Supporting evidence should be provided which includes the following:

- a) A Flood Risk Emergency Plan.
- b) Demonstrates groundwater profiles to confirm that the increased levels of the basement will not impact upon groundwater flows.
- c) Analysis of the local flood risk mechanisms in relation to the building, showing that proposed mitigation or resilience such as a 300mm raised threshold or flood doors at potential ingress points at ground and basement levels would be sufficient.
- d) Appropriate flood mitigation and resilience plans, together with detailed pump arrangements to account for the risk of flooding at the lower basement level.
- e) A waterproofing strategy for the basement, including detailed drawings showing proposed flood risk mitigation
- f) Demonstrates where flood gates may be incorporated into the design at the loading bay on Wicklow Street and at the residential reception.

- g) Details shall include a lifetime maintenance plan, and systems shall thereafter be retained and maintained in accordance with the approved details.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan Policies.

41 SuDS: Evidence of installation

Prior to occupation, evidence that the system has been implemented in accordance with the approved details as part of the development shall be submitted to the Local Planning Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan.

42 Construction machinery

All non-Road mobile Machinery (any mobile machine, item of transportable industrial equipment, or vehicle - with or without bodywork) of net power between 37kW and 560kW used on the site for the entirety of the demolition and construction phase of the development hereby approved shall be required to meet Stage IIIA of EU Directive 97/68/EC. The site shall be registered on the NRMM register for the demolition and construction phase of the development.

Reason: To safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of Policies A1, A4 and CC4 of the Camden Local Plan 2017.

43 Rainwater harvesting

Prior to commencement of development other than site clearance & preparation, details of rainwater recycling proposals including the use of an active rainwater harvesting system integrated as part of the main attenuation tank should be submitted to the local planning authority and approved in writing. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC2 and CC3 of the London Borough of Camden Local Plan.

44 Bird and Bat Boxes

Prior to commencement of the superstructure of each building, a plan showing details of bird and bat box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority.

The boxes shall be installed in accordance with the approved plans prior to the occupation of the relevant building and thereafter retained.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of Policy A3 of the Camden Local Plan 2017.

45 Air Quality

Prior to commencement, a revised air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

The development shall be at least "Air Quality Neutral" and an air quality neutral assessment for both buildings and transport shall be included in the report.

The assessment shall assess the current baseline situation in the vicinity of the proposed development. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

If required a scheme for air pollution design solutions or mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. This shall include mitigation for when air quality neutral transport and building assessments do not meet the benchmarks or if mitigation is not adequate then an air quality neutral offset payment may be agreed.

The approved design or mitigation scheme shall be constructed and maintained in accordance with the approved details.

Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy SI 1.

46 Construction related impacts - Monitoring

Air quality monitoring should be implemented on site. No development shall take place until-

- a) prior to installing monitors, full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they will be installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance;
- b) a confirmation email should be sent to airquality@camden.gov.uk no later than one day after the monitors have been installed with photographic evidence in line with the approved details.

c) prior to commencement, a baseline monitoring report including evidence that the monitors have been in place and recording valid air quality data for at least 3 months prior to the proposed implementation date shall be submitted to the Local Planning Authority and approved in writing.

The monitors shall be retained and maintained on site in the locations agreed with the local planning authority for the duration of the development works, monthly summary reports and automatic notification of any exceedances provided in accordance with the details thus approved. Any changes to the monitoring arrangements must be submitted to the Local Planning Authority and approved in writing.

Reason: To safeguard the amenity of adjoining premises and the area generally in accordance with the requirements of policies A1 and CC4 of the London Borough of Camden Local Plan Policies.

47 Lighting strategy

Prior to commencement of any above ground works, a lighting strategy for all areas of external artificial lighting shall be submitted to and approved in writing by the local planning authority. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Obtrusive Light'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Such strategy shall be developed with input from a specialist lighting engineer accredited by the Institute of Lighting Engineers and shall incorporate (inter alia) consideration of the impact of the lighting design on the needs of wildlife (including bats), contributing to reducing crime, residential properties, maintainability, whole life cost and energy use and impact on the adjacent Sites of Important Nature Conservation.

The details shall include the following:

- a. lighting to the routes and circulation areas in the public realm
 - b. external elevations of buildings including entrances and any architectural lighting
 - c. lighting within all publicly accessible areas of the ground floors of each building
 - d. incorporation of measures to take account of the foraging and roosting habitat for bats
- by referencing Bat Conservation Guidelines

The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.

This condition can be discharged on a building/phase by building/phase basis.

Reason: To maintain a high quality of amenity and a safe environment, in accordance with Policies D1 and A3 of the Camden Local Plan 2017.

48 Diesel or Oil Back-up Generators

Prior to commencement of above ground works, details of the proposed Emergency Diesel/oil Generator Plant, and associated abatement technologies including make, model and emission details including justification for size and details of consideration of alternative technologies shall have been submitted to and approved by the Local Planning Authority in writing. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and details of emission certificates by an accredited MCERTS organisation shall be provided following installation and thereafter on an annual basis to verify compliance with regulations made by the Secretary of State.

Reason: To safeguard the amenity of occupants, adjoining premises and the area generally in accordance with the requirements of policies A1 and CC4 of the London Borough of Camden Local Plan

49 Additional Air Quality Mitigation - Swinton Street Residential Building

Prior to commencement of any above ground works on the Swinton Street residential building, a revised air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed residential development on Swinton Street shall be submitted to and

approved by the Local Planning Authority. The assessment shall assess the current baseline situation in the vicinity of the proposed development. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations. If required a scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. This shall include mitigation including non-openable windows for any residential areas

where the air quality is more than 5% over the WHO Standard, Particulate Matter filtration, and a requirement on the RP to advise all residents about air quality issues where housing is in a location which has poor air quality.

The approved mitigation scheme shall be constructed and maintained in accordance with the approved details.

Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy SI 1.

50 Archaeology

No demolition shall take place until a written scheme of historic building investigation (WSI), with an appropriate programme of historic building recording and analysis (Level 4 archaeological recording of the site), has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority, with the recorded details to be deposited in the local Historical Environment Record (HER) and the National Monuments Record (NMR).

Reason: To protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate, in compliance with policy D2 of the London Borough of Camden Local Plan.

51 Network Rail - Tunnels

Prior to the commencement of any development works within 15m (measured horizontally, from the outside face of the tunnel extrados), details shall be submitted to the local planning authority (and in consultation with Network Rail's Engineer) demonstrating that the proposals would have no detrimental effect upon the tunnel. The details must include:

- The type and method of construction of foundations
- Any increase/decrease of loading on the tunnel both temporary and permanent.

Any proposal must not interfere with Network Rail's operational railway and not jeopardise the structural integrity of the tunnel. The above details should be submitted to the Council and only approved in conjunction with Network Rail.

The developer is to submit a monitoring regime with the Impact Assessment for Network Rail's acceptance, identifying the frequency and duration of monitoring to record any movement/deformation of the tunnel structure.

An Action Plan also needs to be developed, identifying what needs to be done if/when movement levels exceed pre-defined trigger values agreed with Network Rail.

Reason: To protect Network Rail's assets and infrastructure, in accordance with policies A1 and T1 of the London Borough of Camden Local Plan.

52 Network Rail - Method Statements

Prior to the commencement of any development works within 15m (measured horizontally, from the outside face of the tunnel extrados), method statements (including full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence) must be submitted to the local planning authority (in consultation with Network Rail's Asset Protection Project Manager) for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan.

All excavations/earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in the method statement.

Reason: To protect Network Rail's assets and infrastructure, in accordance with policies A1 and T1 of the London Borough of Camden Local Plan.

53 External Amenity Space Details for Swinton Street Flats

Notwithstanding the approved drawings, full details of the private external amenity space for the Swinton Street flats - A_00_01; A_00_02; A_00_03; A_00_04; A_00_05; A_00_06 and A_00_07 – shall be submitted to and approved by the local planning authority prior to above ground works of that block. The flats must meet or exceed the London Plan requirements (a minimum of 5m² of private outdoor space to be provided for 1-2 person dwellings with an extra 1m² should be provided for each additional occupant) in size. The approved details must be provided prior to occupation of the development and remain in perpetuity.

Reason: To ensure that the amenity of occupiers of the development site in accordance with the requirements of policies D1 and A1 of the London Borough of Camden Local Plan 2017.

54 Mechanical Ventilation

Prior to commencement of the superstructure, full details of the mechanical ventilation system including air inlet locations and a scheme of maintenance shall be submitted to and approved by the local planning authority in writing.

Air inlet locations should be located away from busy roads and any other emission sources and as close to roof level as possible, to protect internal air quality.

All such measures shall be put in place prior to first occupation of the development and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of occupiers in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy 7.14.

55 Circular Economy

Prior to the occupation of each phase of development, a post construction monitoring report and spreadsheet should be completed in line with the GLA's Circular Economy Statement Guidance. The post-construction monitoring report shall be submitted to the GLA, currently via email at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the phase of development.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials

56 Bat survey

If more than 12 months elapse between the date of the approved bat survey (March 2019) and commencement of development, an updated bat survey shall be submitted to and approved in writing by the local planning authority.

Such survey to be carried out by a suitably qualified ecologist and accompanied by a report confirming the results and implications of the assessment, including any revised mitigation measures.

All mitigation measures as approved shall be implemented in full in accordance with the agreed time scales.

Reason: In order to protect wildlife habitats and biodiversity, in accordance with the requirements of Policy A3 of the Camden Local Plan 2017.

57 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 58 The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment BIA Report prepared by WPS, Ref 70057187/BIA, revP05 Dated Feb 2022 and Flood Risk Assessment and Drainage Strategy by WSP, ref. 70057187-RP-FRA-002 dated January 2023 as audited on 17/05/2023 hereby approved, and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2(if in CA) and A5 of the London Borough of Camden Local Plan 2017.

Informatives:

- 1 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.
- 2 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.
- 3 You are advised that the Transport Strategy Team should be consulted regarding the construction of the crossover on the public highway and any other work to, under, or over, the public highway, including vaults and thresholds. tel: 020-7974 5543 for further advice and information.
- 4 In good time, prior to the start of construction (or if appropriate, demolition) on site, the contractor shall discuss and agree with the Council's Engineering Service Network Management team (tel: 020-7974 2410) detailed arrangements for the transportation of goods and materials to and from the site. The Council

will prosecute those responsible for any breaches of the provisions of the Highways and Litter Acts which occur as a result of construction on the site.

- 5 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 6 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 7 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 8 This site is within an area of archaeological significance/archaeological potential where development is likely to result in the destruction of ancient remains. Your attention is drawn to the British Archaeologists and Developers Liaison Group Code of Practice agreed by the British Property Federation and the Standing Conference of Archaeological Unit Managers. The Council recognises and endorses this Code and will expect the developer and approved archaeological organisations to abide by its provisions.
- 9 This letter in no way prejudices the rights of the owner(s) of the tree(s) in question, to whom a copy of this letter has been sent, whose consent should be obtained prior to the implementation of any works.
- 10 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 11 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the

Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 12 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 13 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk).
- 14 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 15 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 16 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 17 The preliminary risk assessment is required in accordance with CLR11 model procedures for management of contaminated land and must include an appropriate scheme of investigation with a schedule of work detailing the proposed sampling and analysis strategy. You are advised that the London Borough of Camden offer an Enhanced Environmental Information Review available from the Contaminated Land Officer (who has access to the Council's historical land use data) on 020 7974 4444, or by email,

<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-contaminated-land-officer.en>, and that this information can form the basis of a preliminary risk assessment. Further information is also available on the Council's Contaminated Land web pages at <http://www.camden.gov.uk/ccm/navigation/environment/pollution/contaminated-land/>, or from the Environment Agency at www.environment-agency.gov.uk.

- 18 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.
- 19 Thames Water requests for the proposal to incorporate protection to the properties by installing, for example, a non-return valve or other suitable device to avoid the risk of backflow waste at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 20 With regard to surface water drainage Thames Water advises that it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that you ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Should you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 21 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 22 Active bird nests are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended) which states that it is an offence to disturb, damage or destroy the nest of any wild bird while that nest be in use or being built. Active nests are highly likely to be present within the site during peak nesting season, considered by Natural England as between 1 March and 31 July. It should be noted that active nests are afforded legal protection at all times and can be encountered throughout a nesting season which may extend between mid-February and October depending on bird species and weather conditions. Nesting habitats which includes trees, shrubs, climbing plants, grounds flora, buildings and other structures may be cleared at any time of year where survey

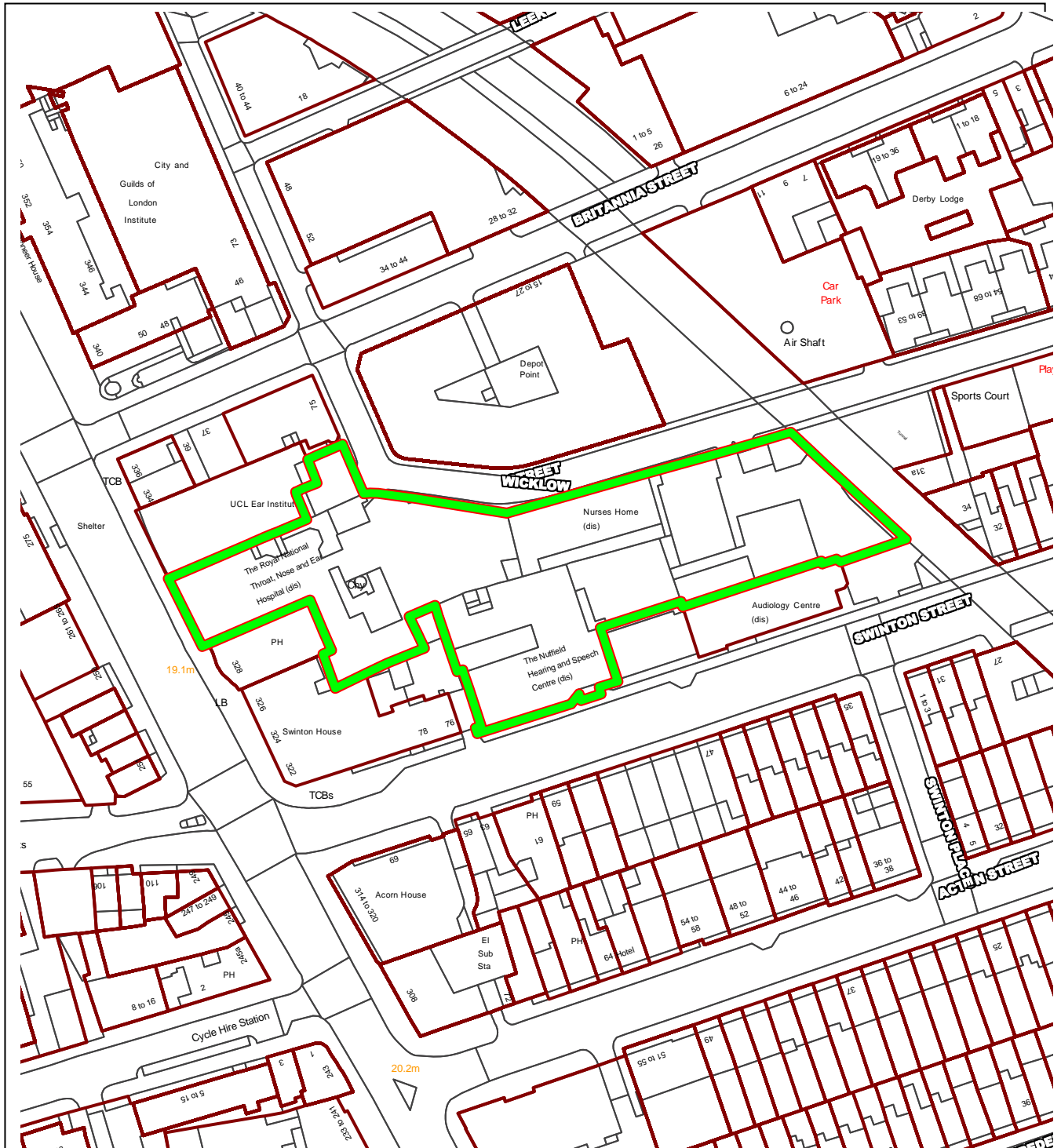
(undertaken by a suitably experienced person) can establish active nests are absent. For further information contact Natural England on 0845 600 3078.

- 23 Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation (Natural Habitats) Regulations 1994 which protect bats from intentional or deliberate actions which may kill, injure capture a bat and from actions that intentionally or recklessly damage, destroy or obstruct access to a bat roost (whether bats are present or not) or disturb a bat when occupying a roost. Actions such as demolition and renovation works to a building, and tree felling or significant tree surgery are likely to result in a breach of the above legislation if bats or bat roosts are present. For further information contact Natural England on 0845 600 3078.
- 24 In relation to living roofs it is recommended for the proposed substrate to be sourced from site (for example: soil and crushed brick) for sustainability reasons and to provide better conditions for local species.
- 25 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 26 Due to the age of the buildings to be demolished, an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by and appropriate mitigation scheme to control risks to future occupiers would need to be undertaken. The scheme should be written by a suitably qualified person before commencement. The scheme should demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation should be independently verified prior to occupation.
- 27 You are reminded that the short-term accommodation hereby consented (the hotel Use Class C1) cannot be used for longer than a 90 days by a visitor at any one time. Any breach of this would not comply with the planning consent and would become a planning enforcement matter.
- 28 The communal external residential space and play space must be available to all tenures within the new development, with no segregation between the various blocks or types of tenants. This will be ensured as part of the landscaping details that are to be discharged.
- 29 Construction related impacts - Mitigation

Mitigation measures to control construction-related air quality impacts should be secured within the Construction Management Plan as per the standard CMP Pro-Forma. The applicant will be required to complete the checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.

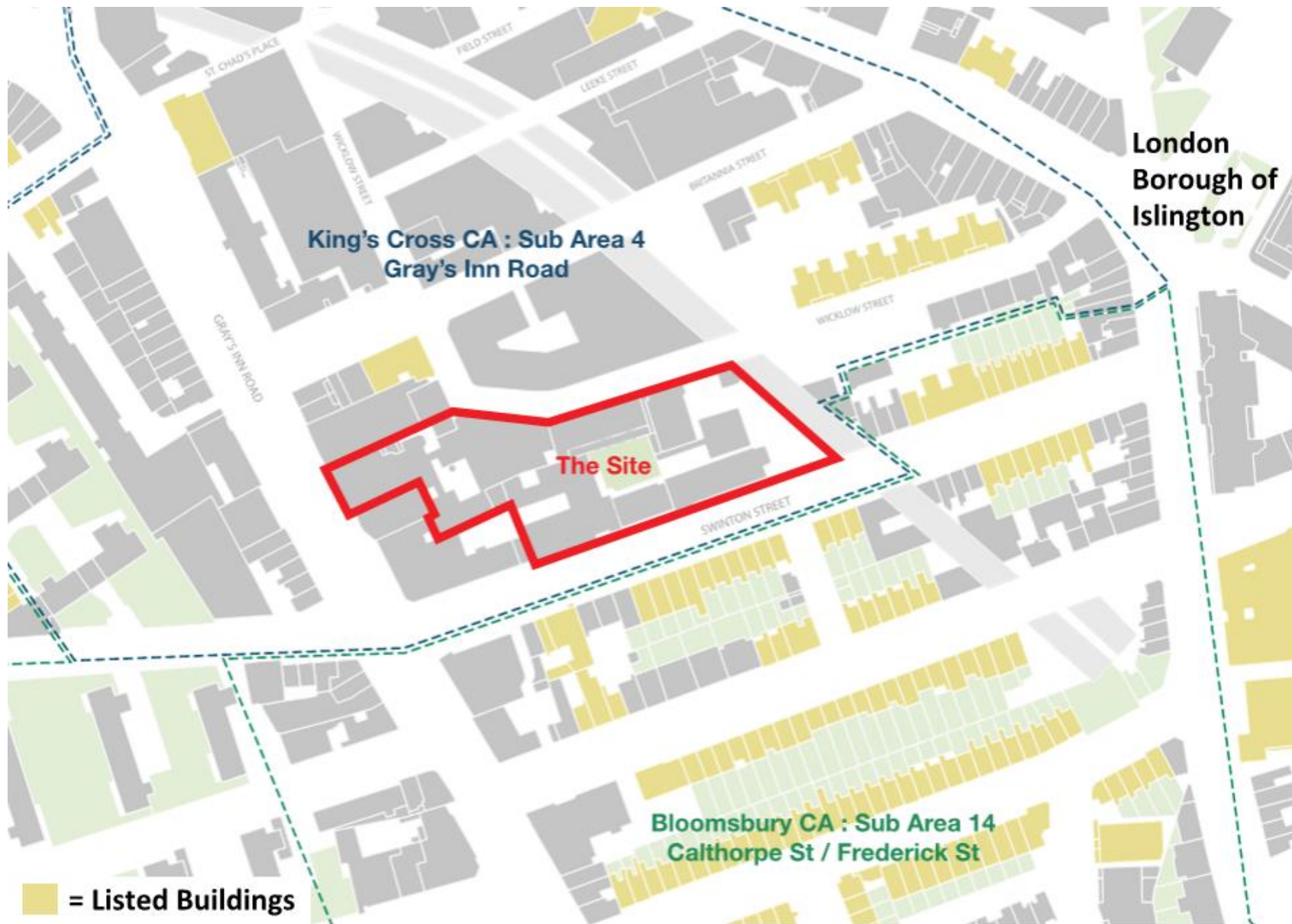
- 30 The UCL Ear Institute's operations fall within Class E(g)(ii) "Research and development of products or processes" and it is noted that this use allows for an element of ancillary teaching space on site.

Location plan 2023/0904/P



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Above: From Britannia Street - Grade II Listed Church School of St Jude' and (name building



Above: Gray's Inn Road looking South towards the Site



Above: Gray's Inn Road looking North towards the Site



Above: Swinton Street looking West towards the Site



Above: Swinton Street looking towards the Site



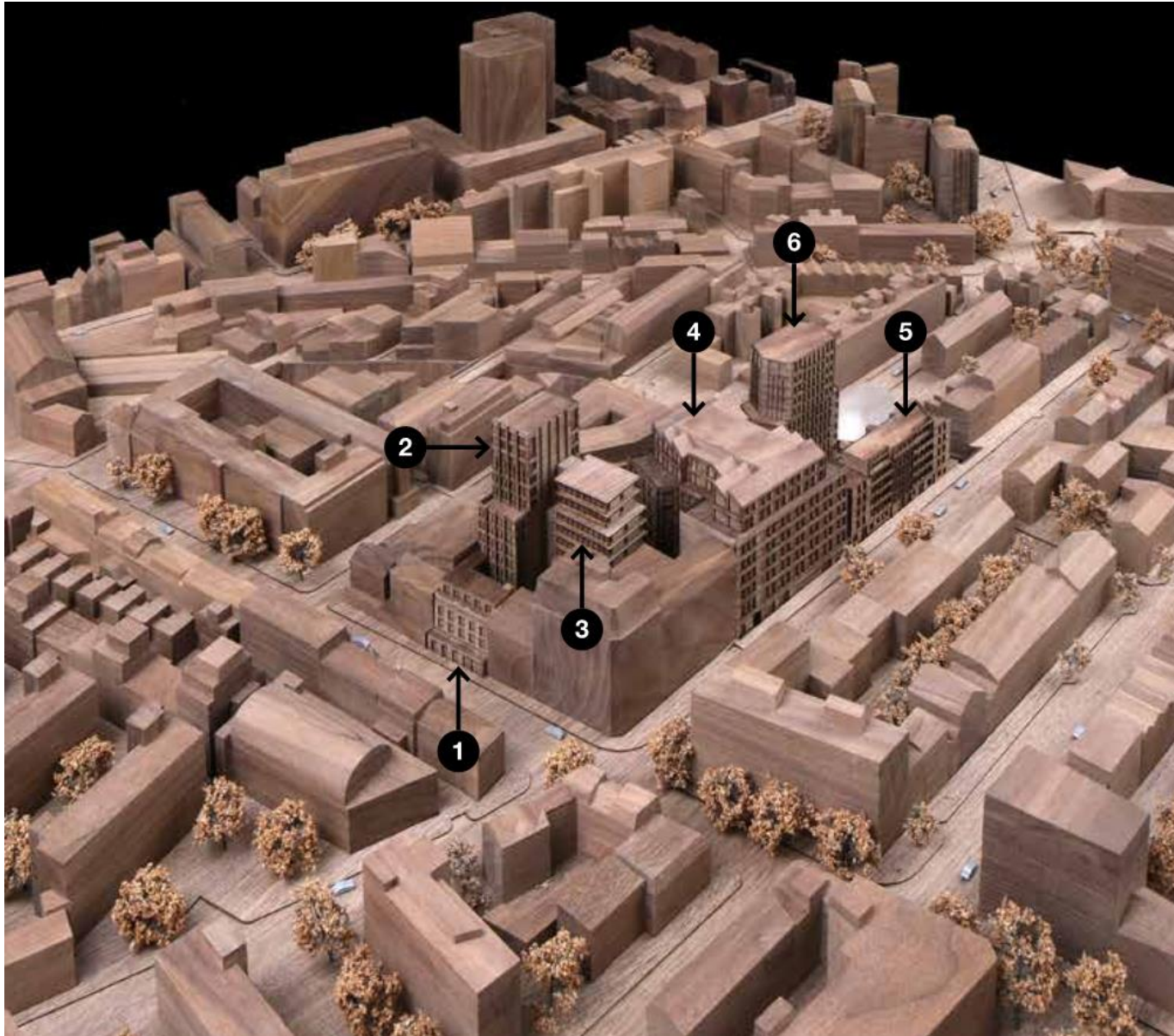
Above: Wicklow Street looking West towards the Site (the listed Derby Lodge on the right)

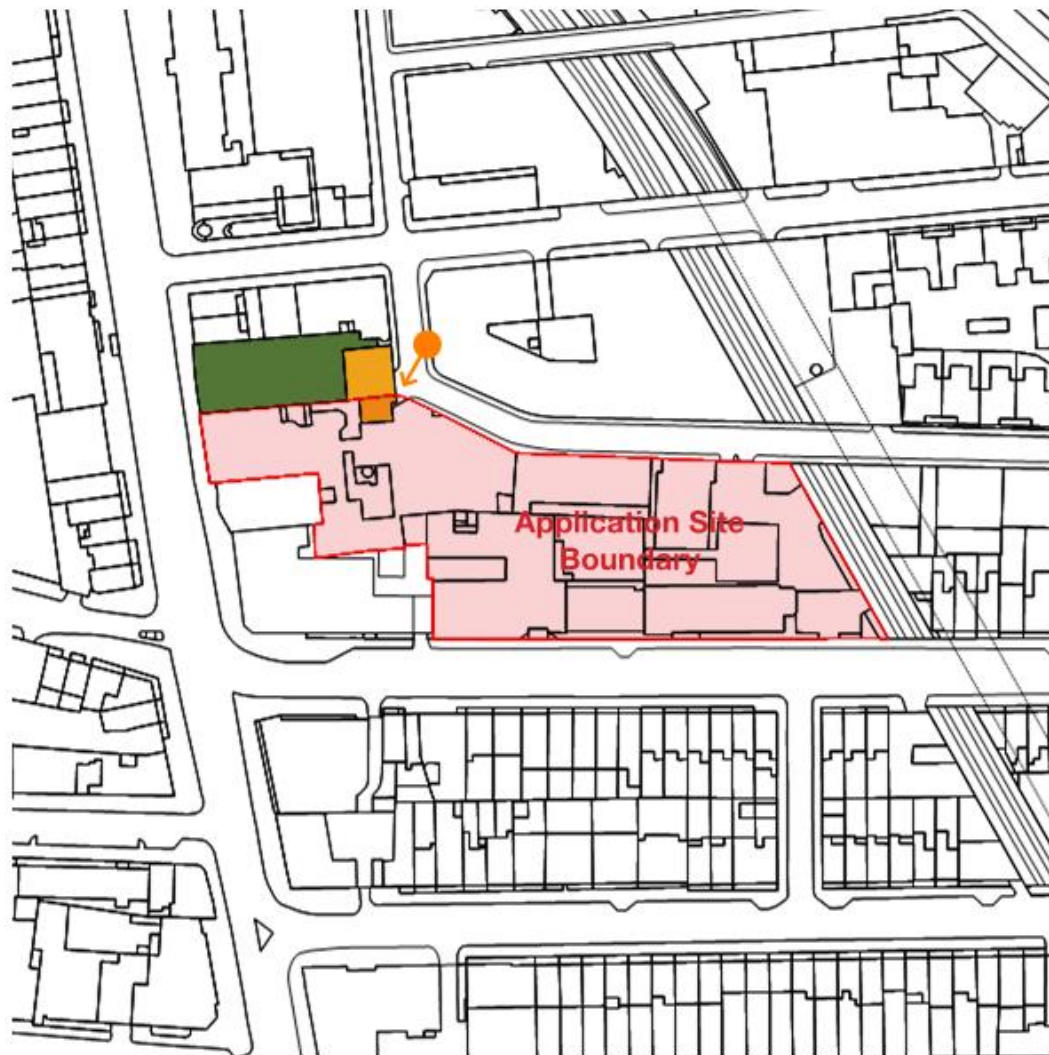


Above: Wicklow Street looking East towards the Site



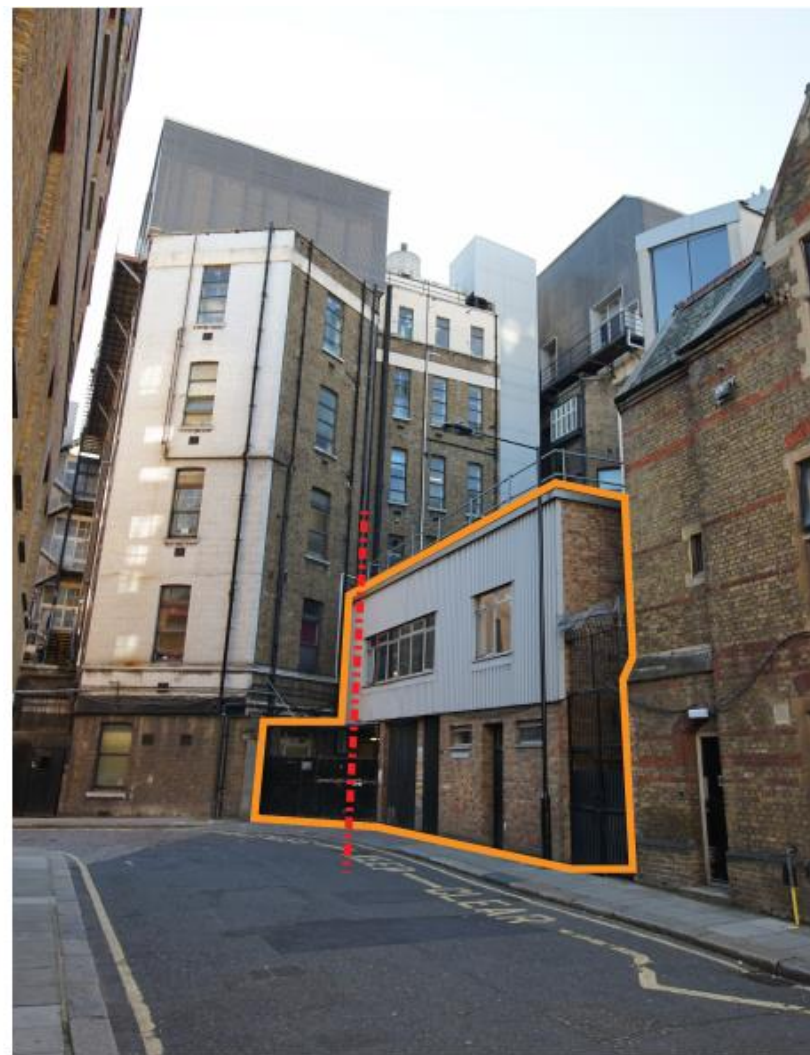




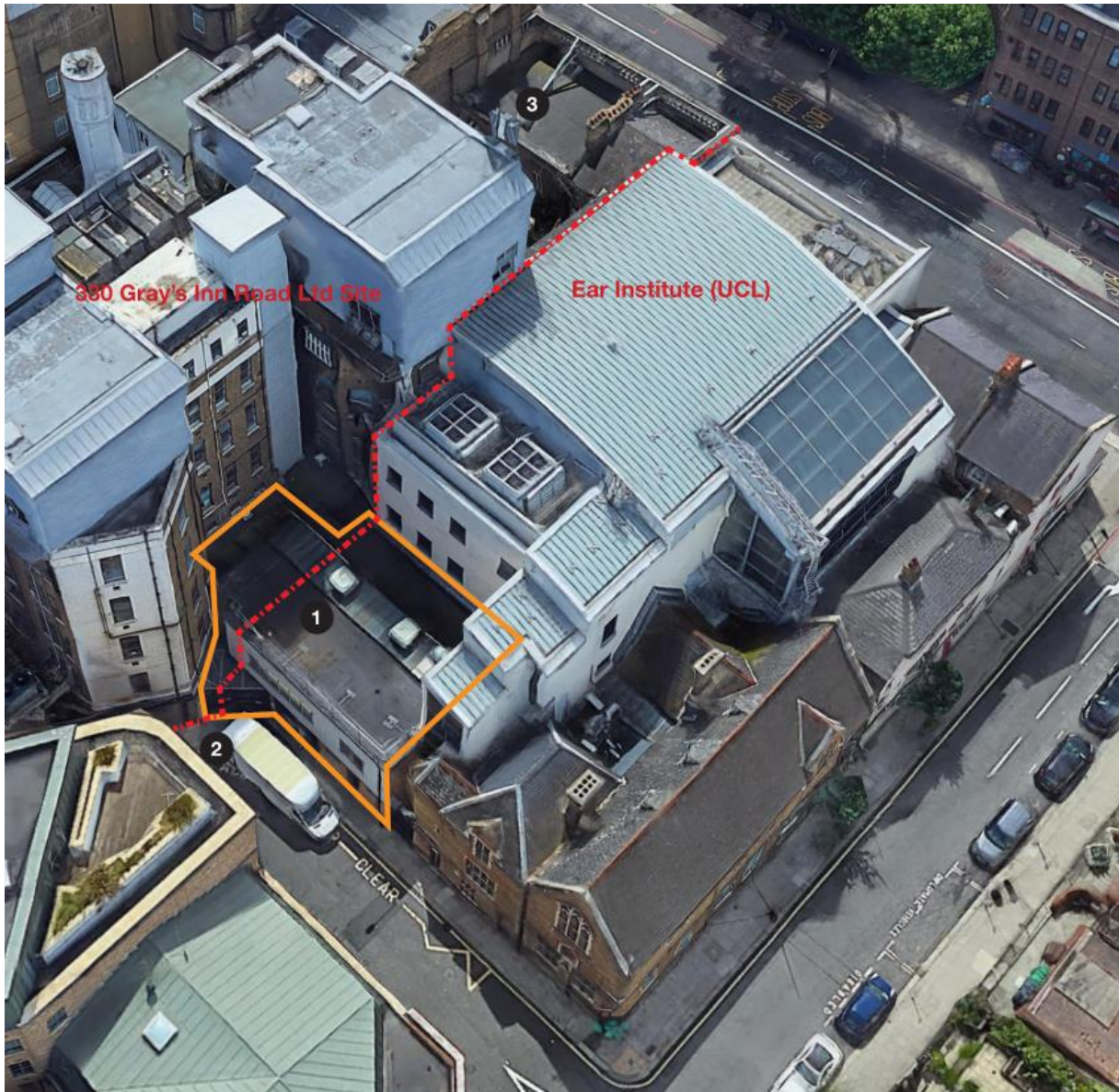


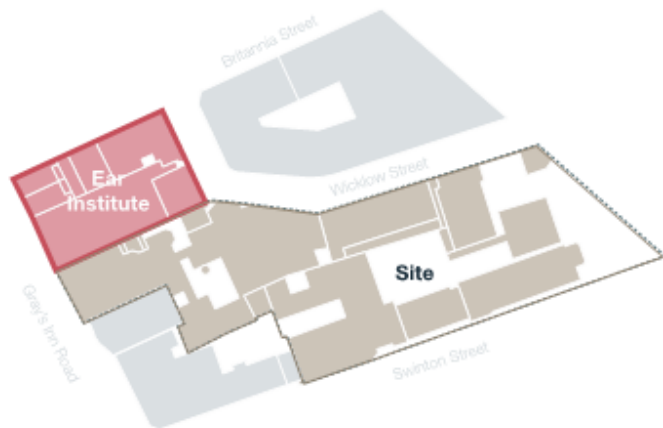
Site Plan View

- 2 storey building currently occupied by UCL straddling onto 330 Gray's Inn Road Ltd ownership
- Ear Institute (UCL)

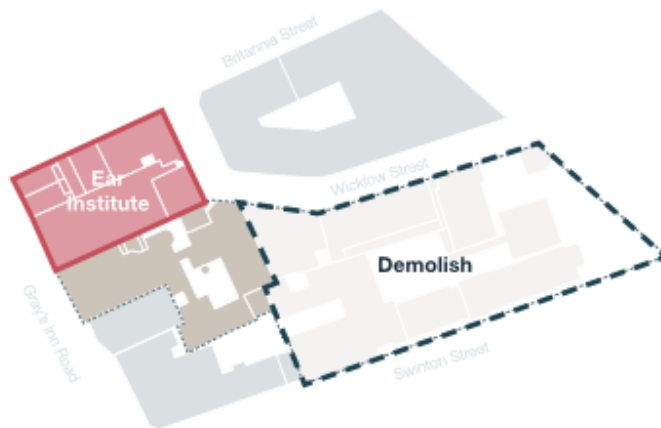


View from Wicklow Street

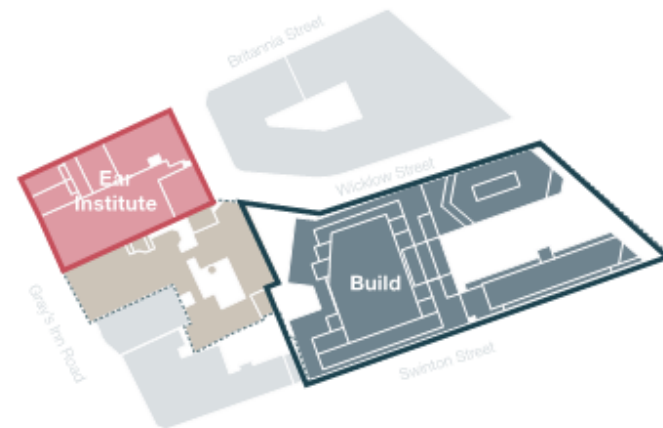




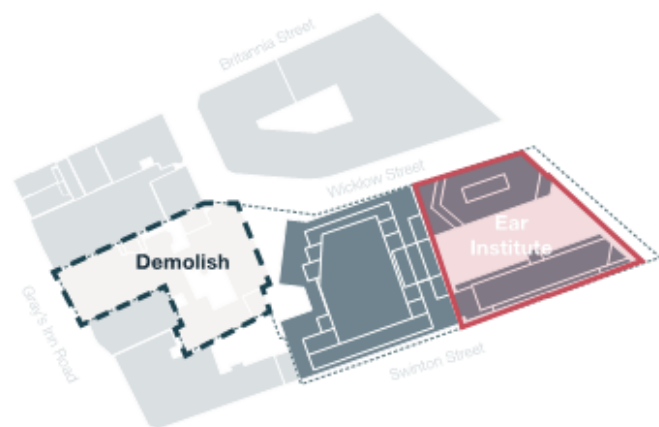
① Current Arrangement



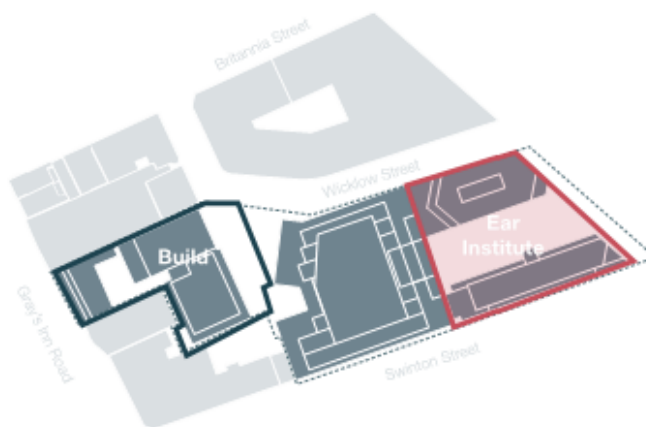
② Demolish Eastern Part of Site



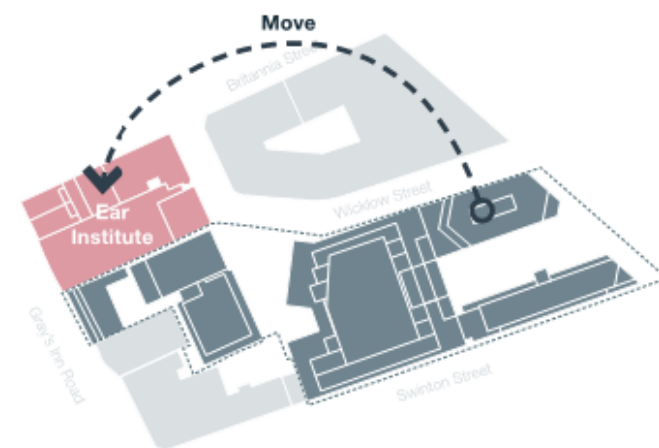
③ Construct Office and Residential Buildings



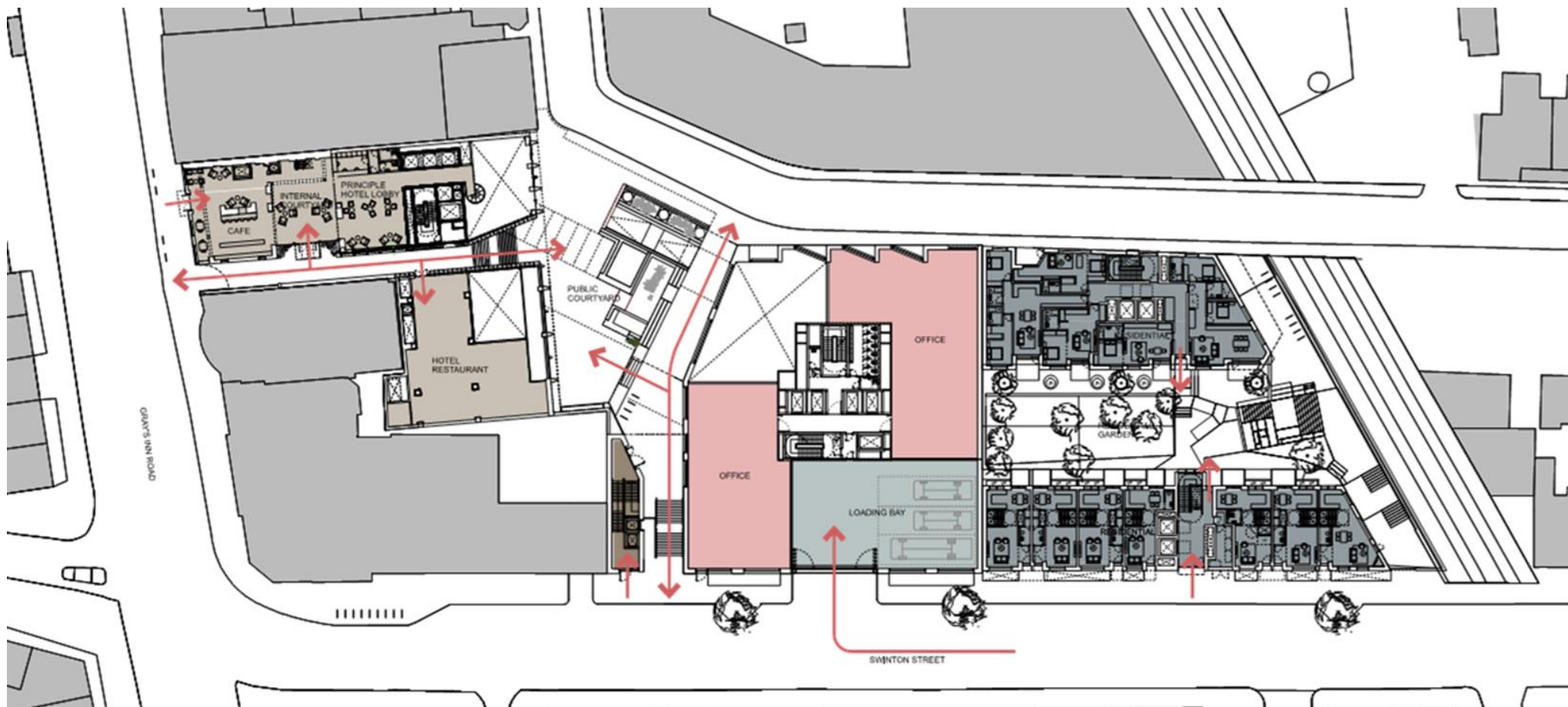
⑤ Demolish Western Part of Site

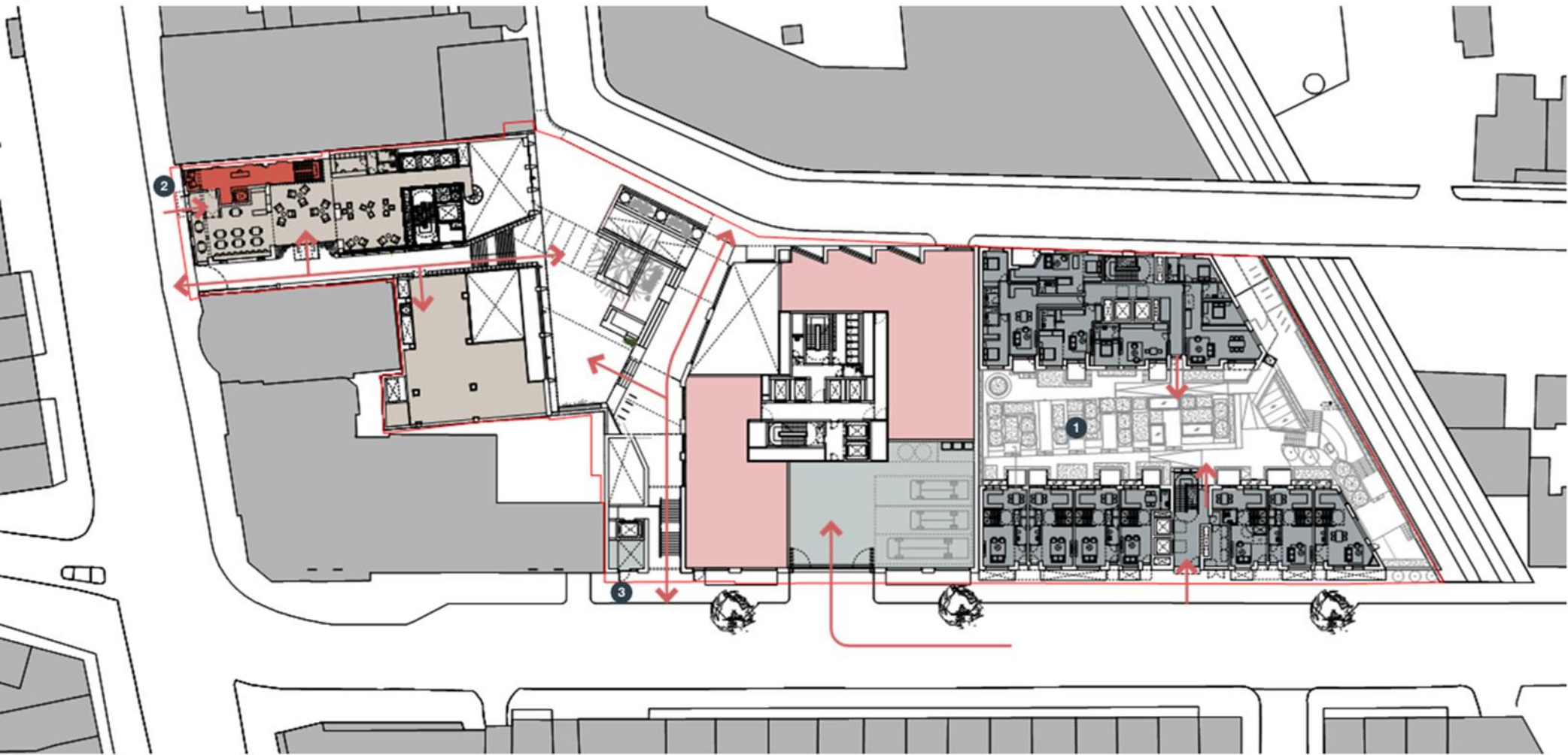


⑥ Construct Hotel Building



⑦ Relocate Ear Institute to Original Premises

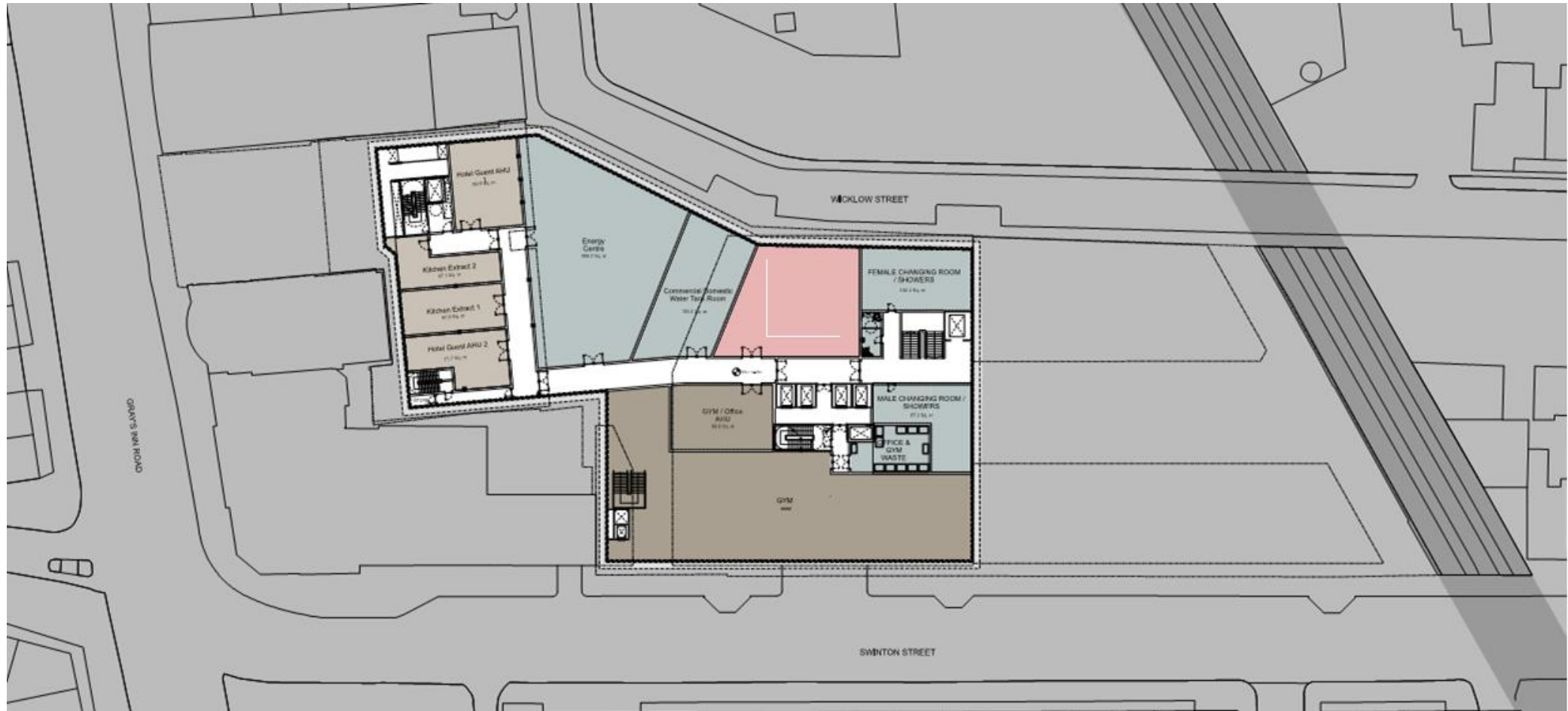


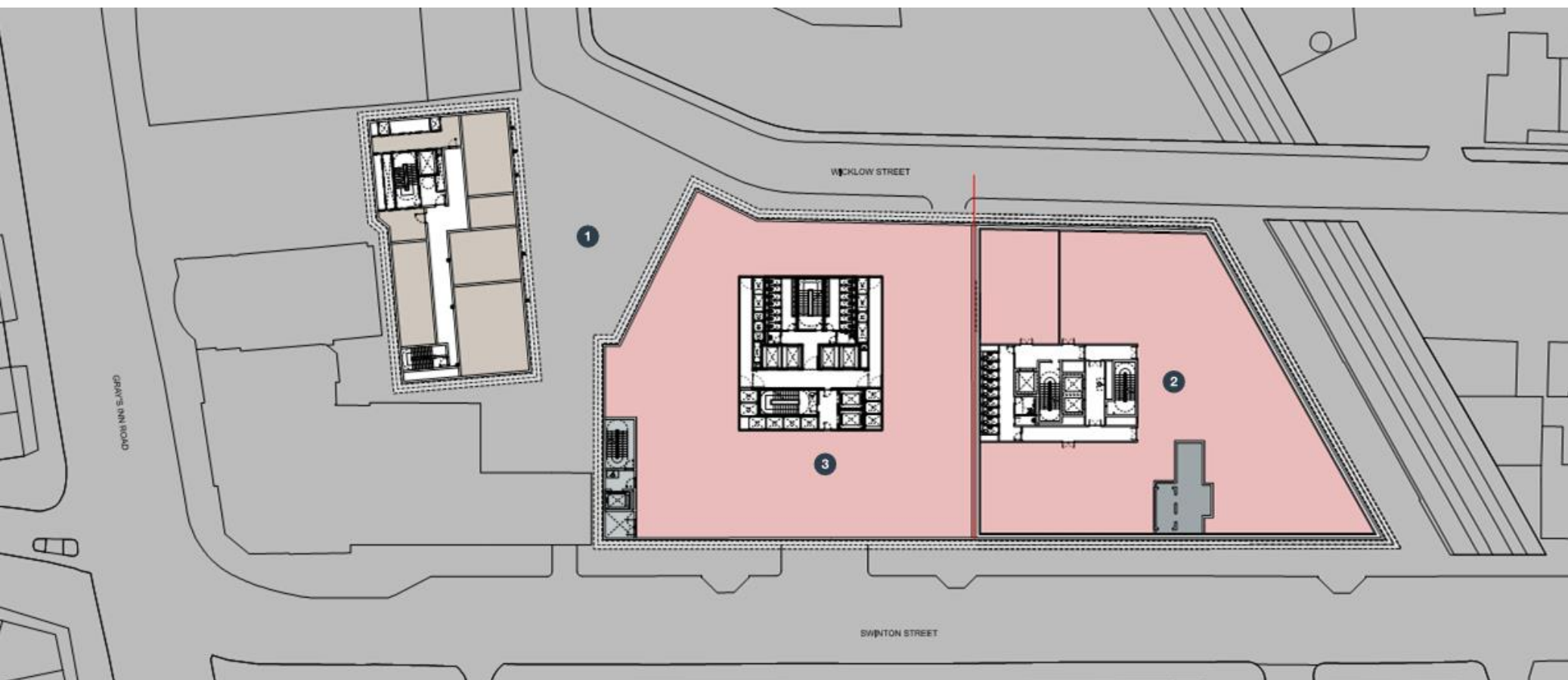


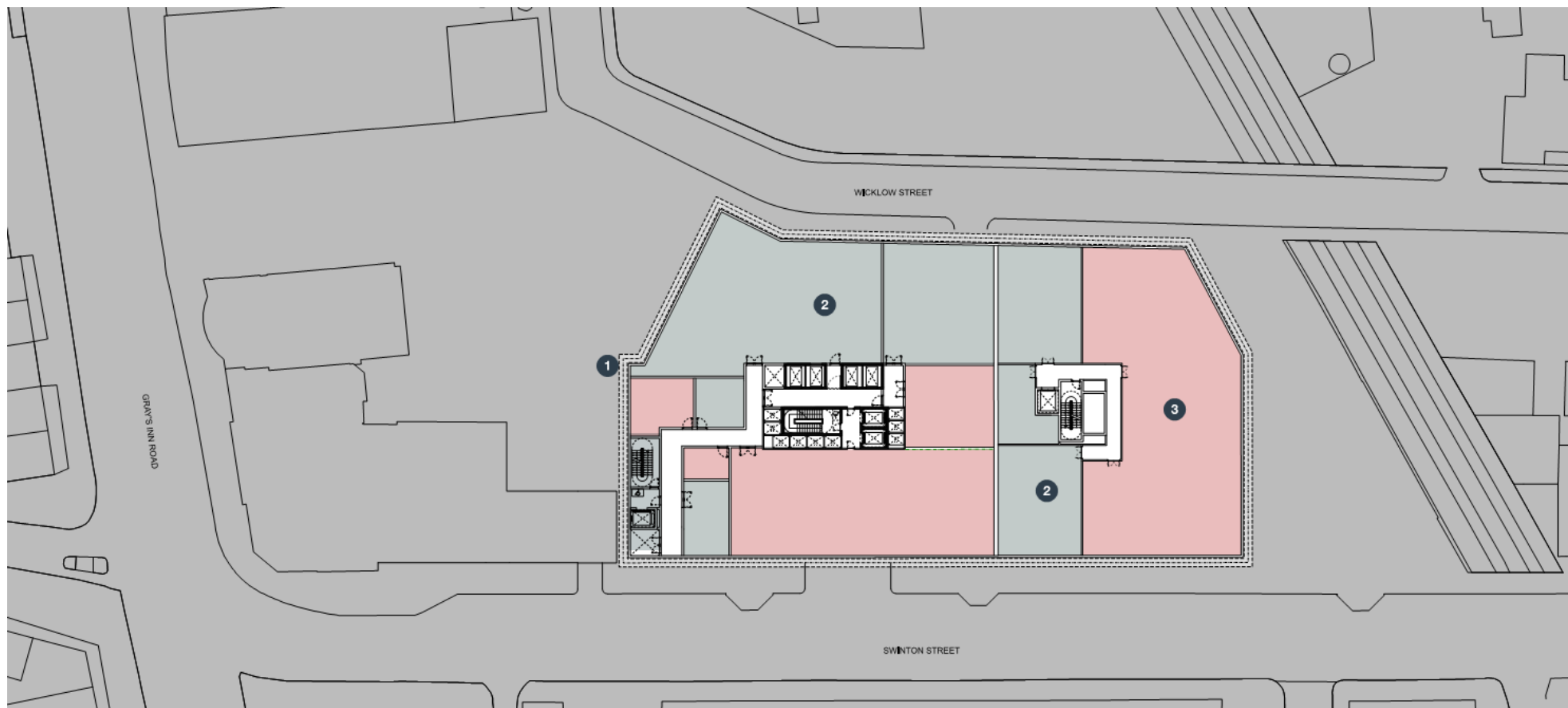


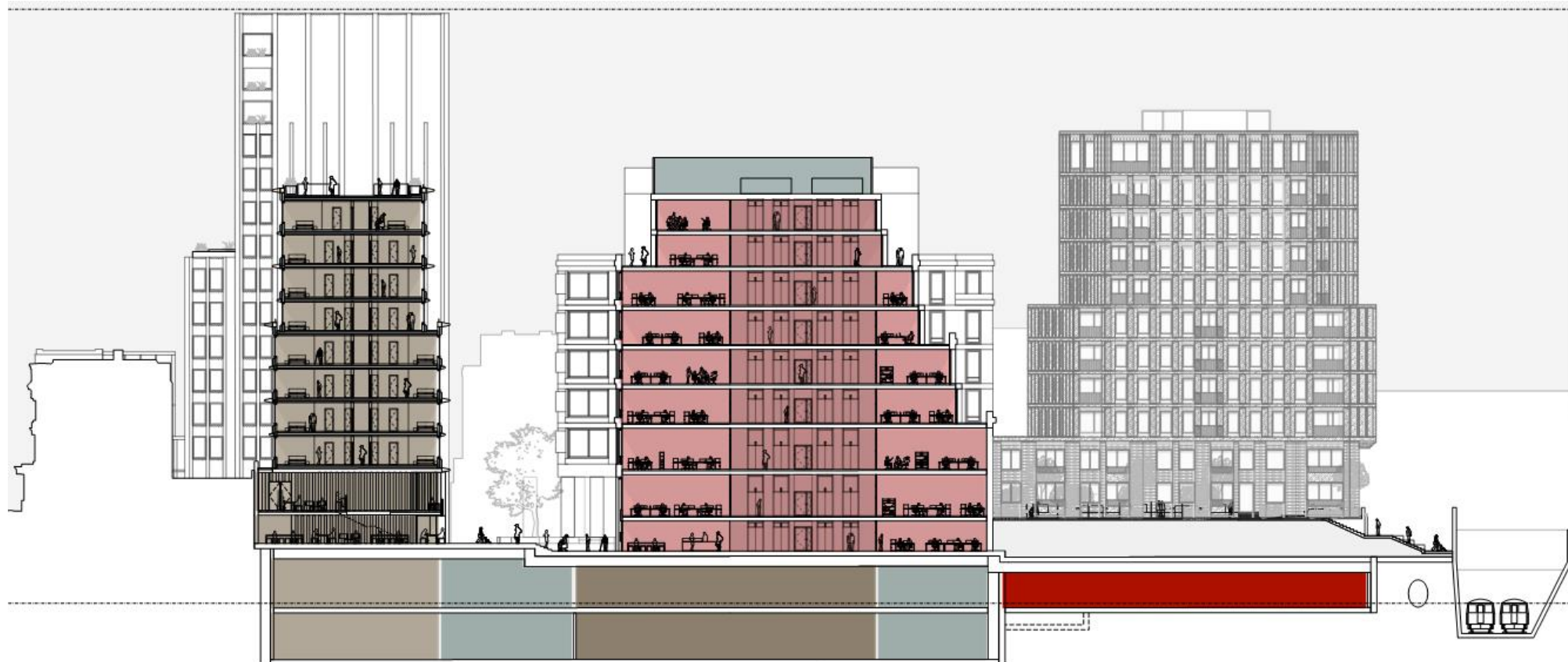


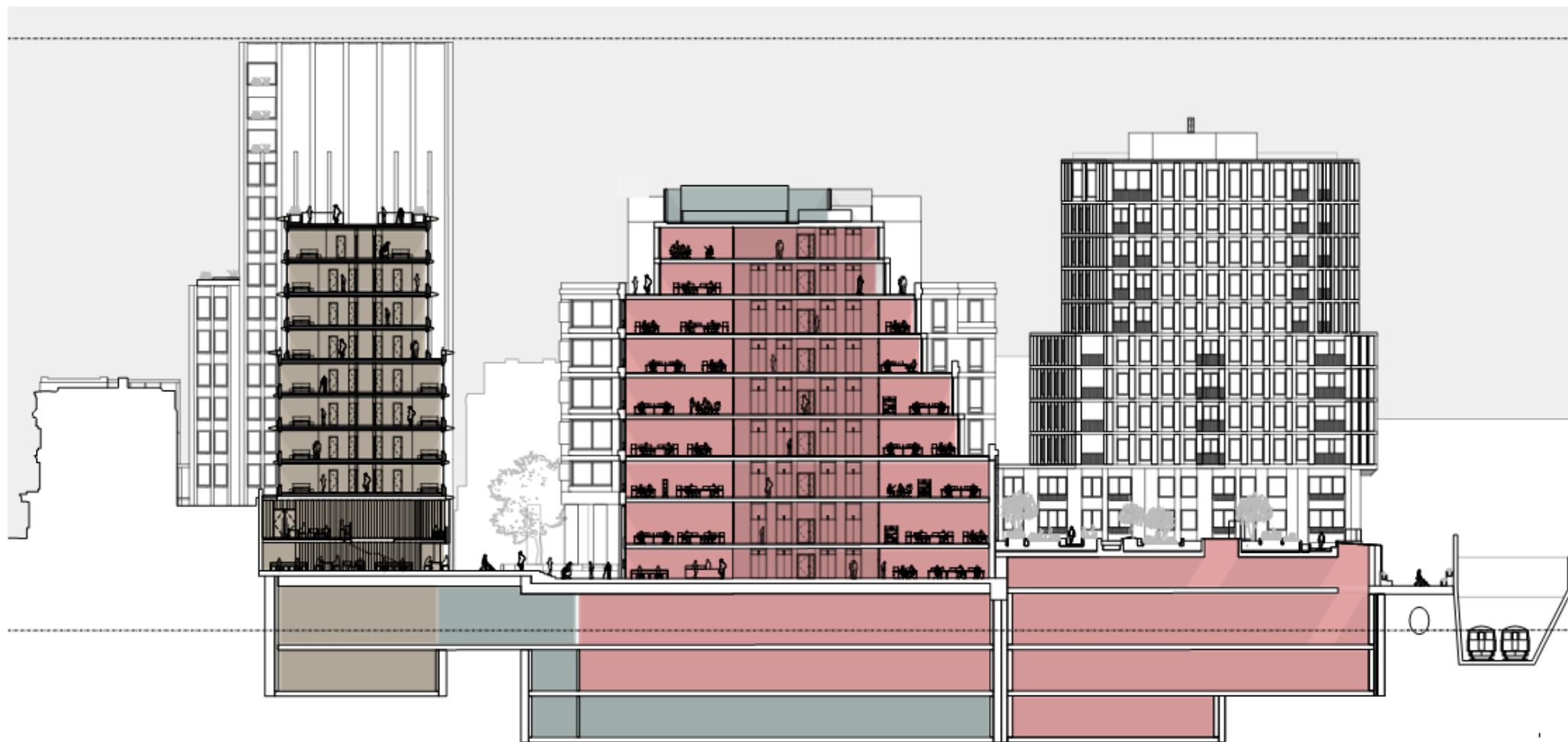






















camden.gov.uk Consented CGIs – from residential courtyard looking at office building



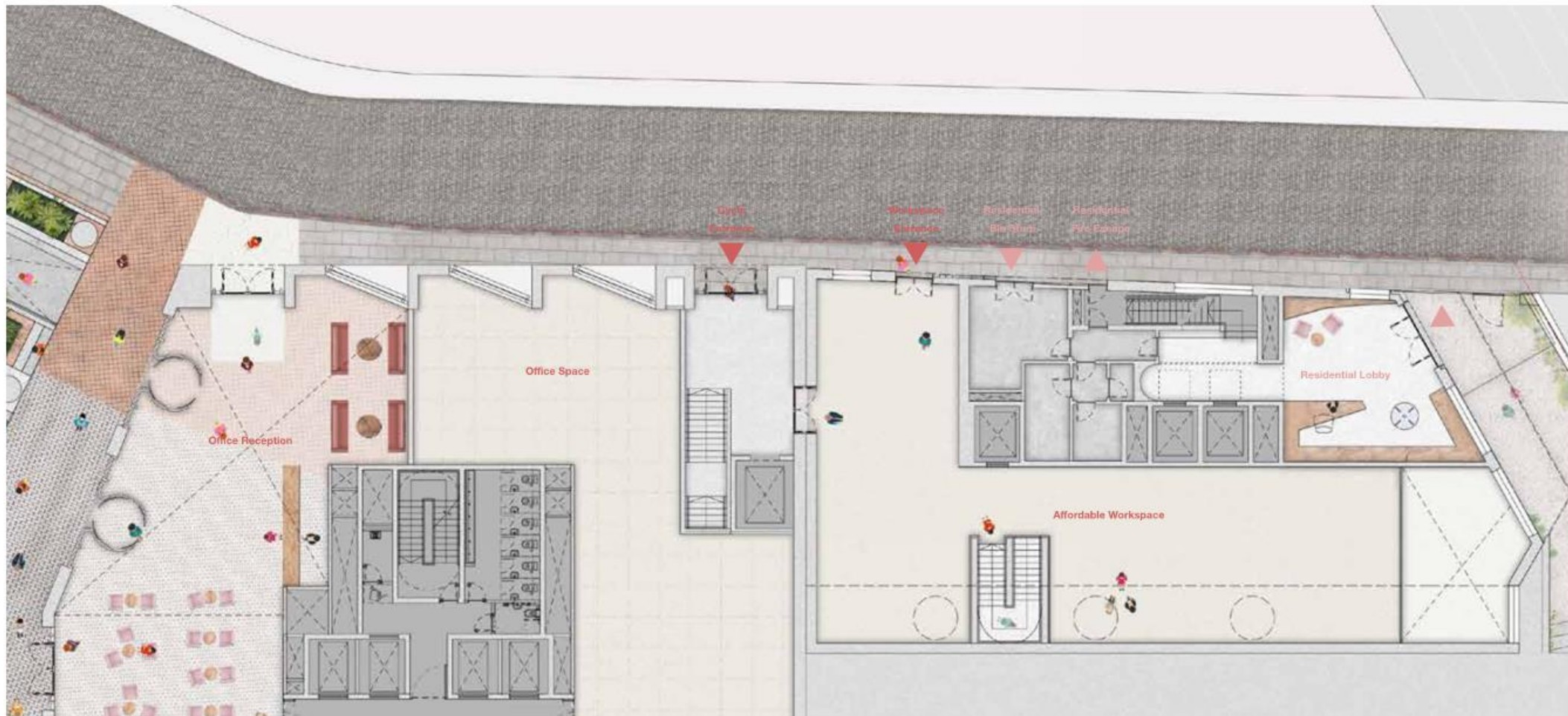


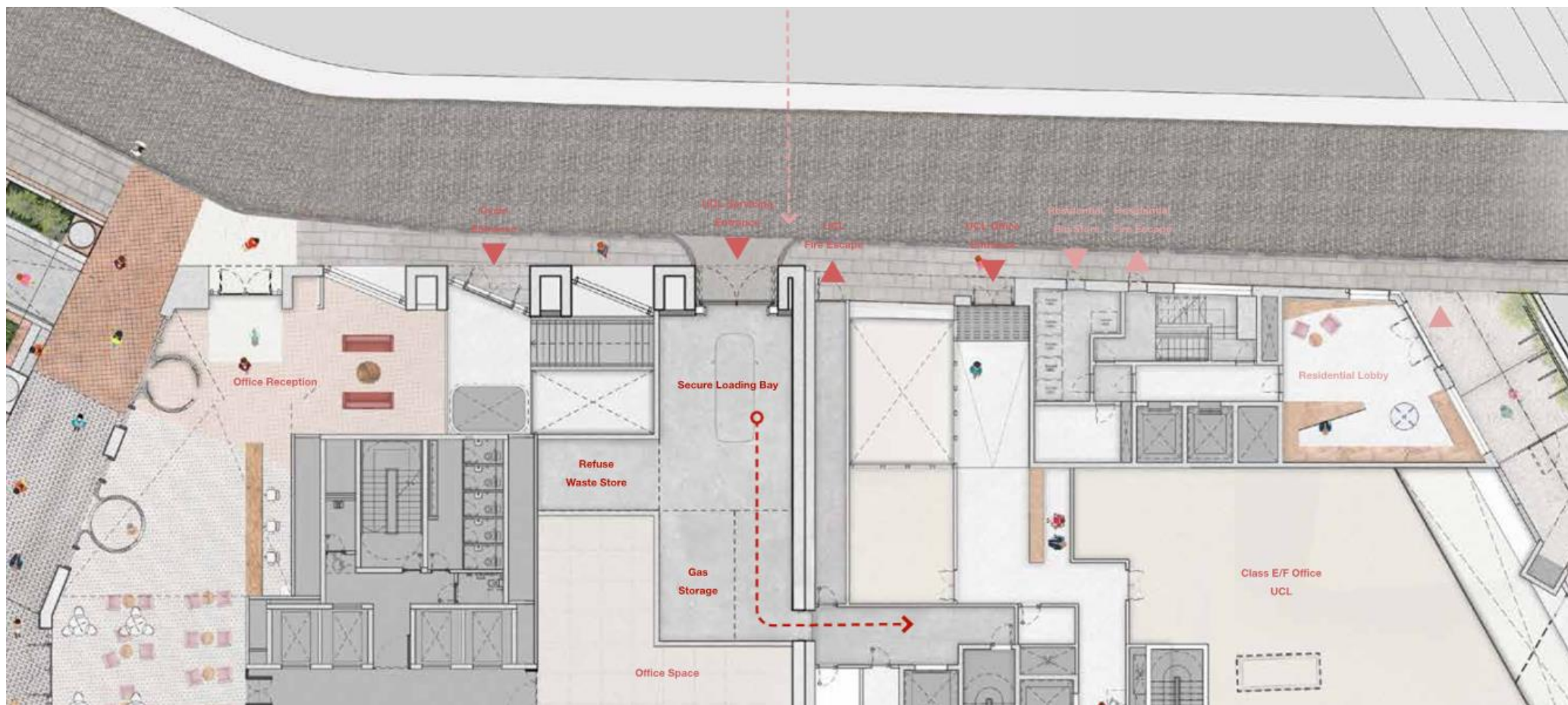


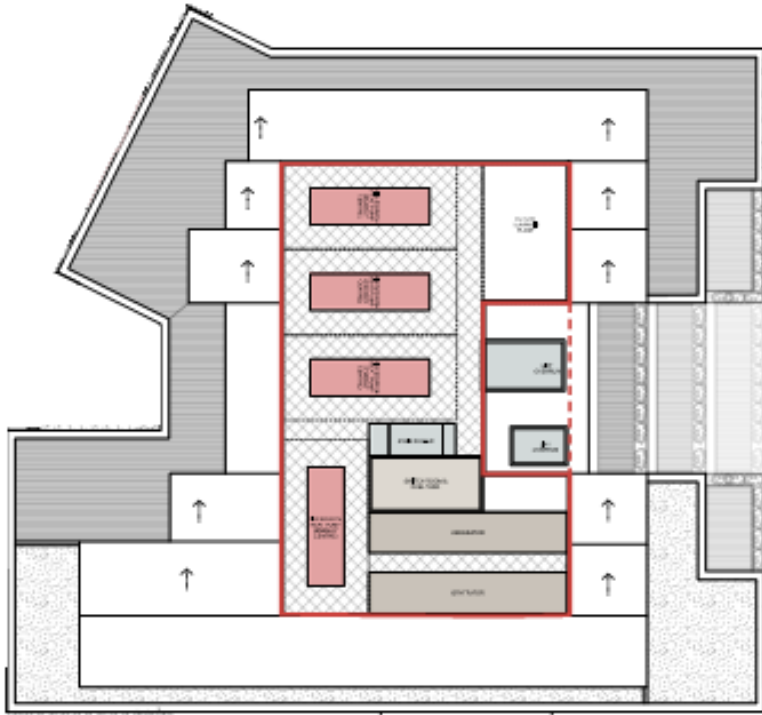
camden.gov.uk Consented CGIs – from residential
courtyard looking at office building











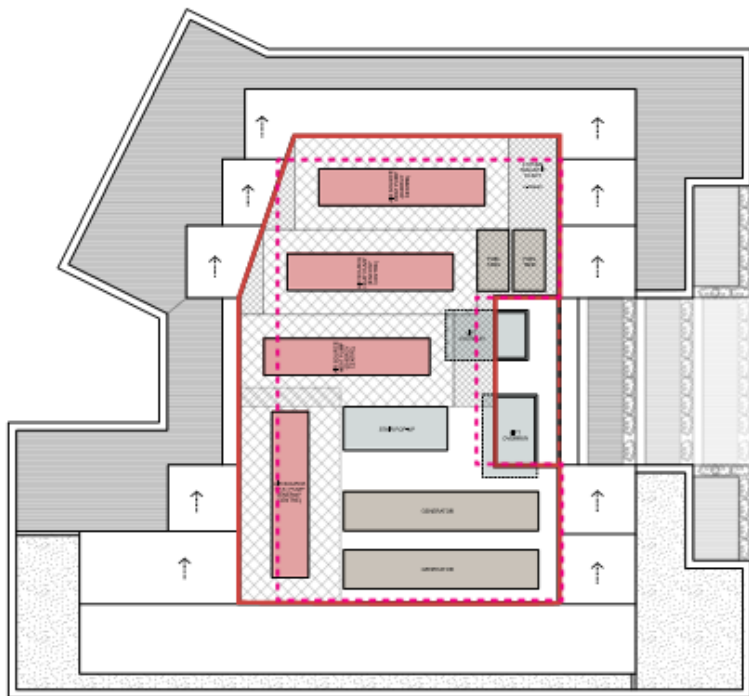
Consented Scheme



Consented Scheme
Long Section



Consented Scheme
Short Section



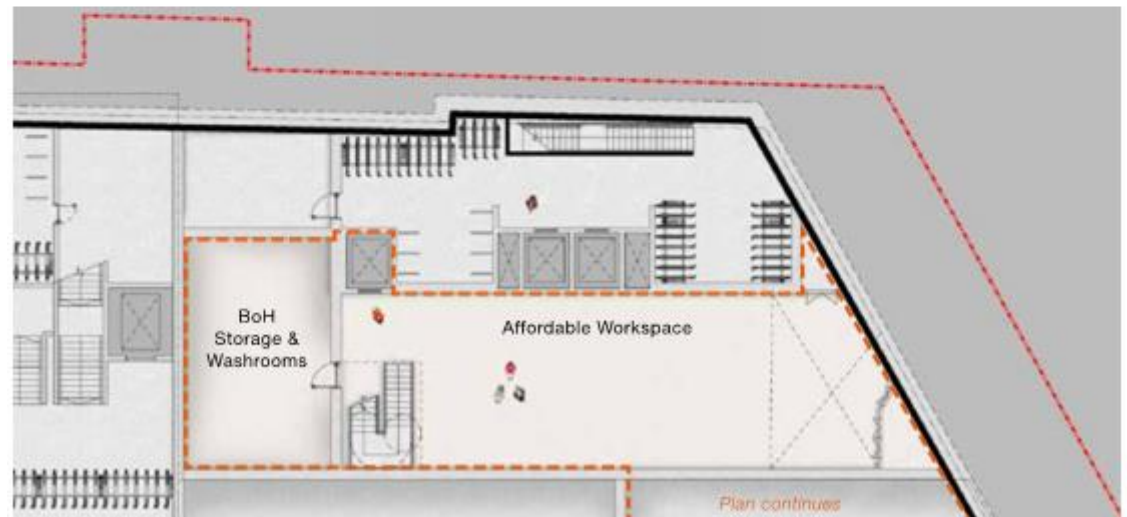
Consented Scheme
Long Section



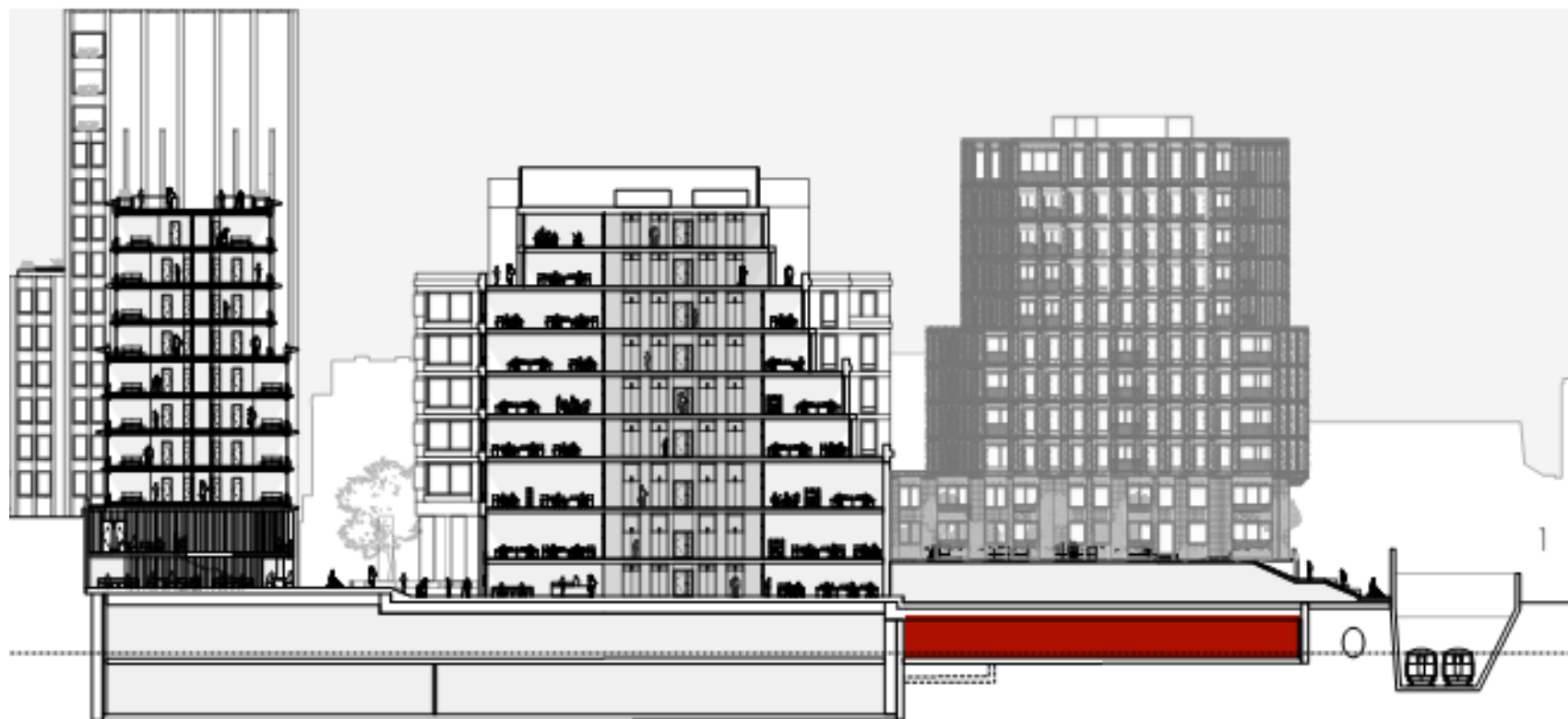
Consented Scheme
Short Section



Ground floor with Residential lobby and affordable workspace



Lower ground floor affordable workspace





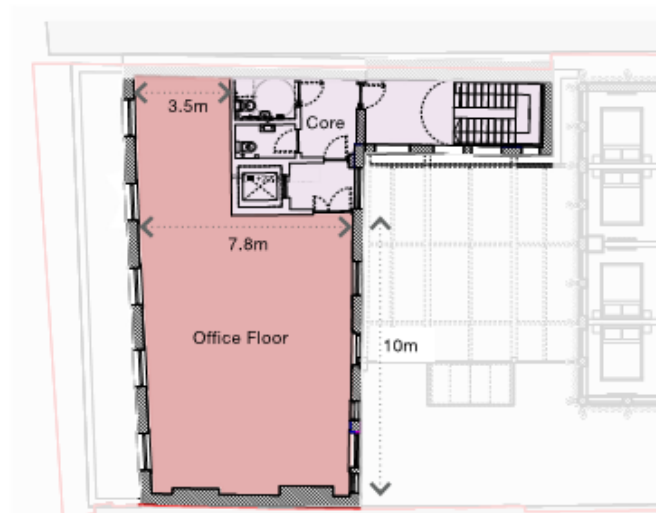




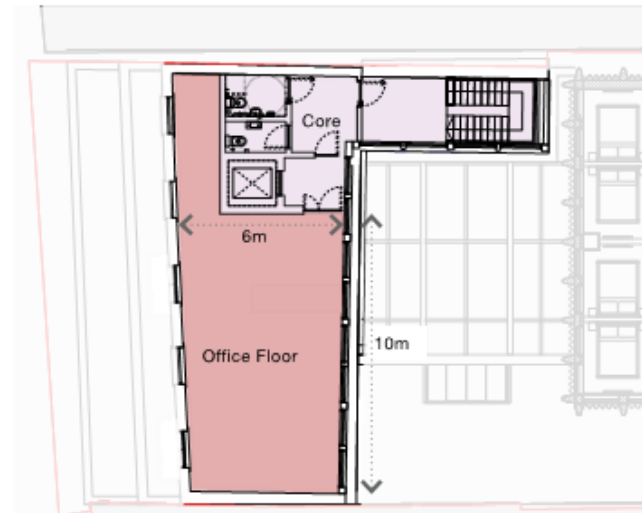
Consented - Gray's Inn Road & Swinton Street Ground Floor



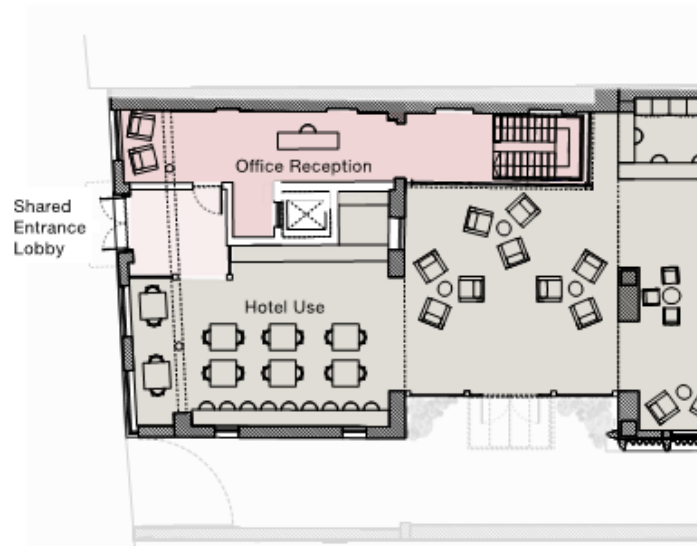
Proposed - Gray's Inn Road & Swinton Street Ground Floor



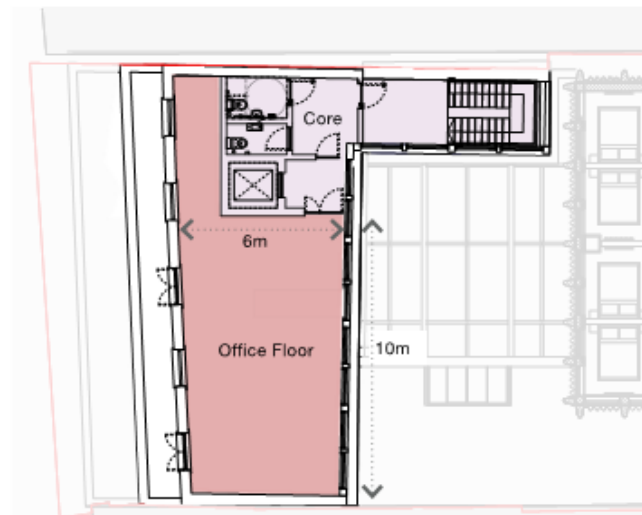
Typical Level 01 & 02



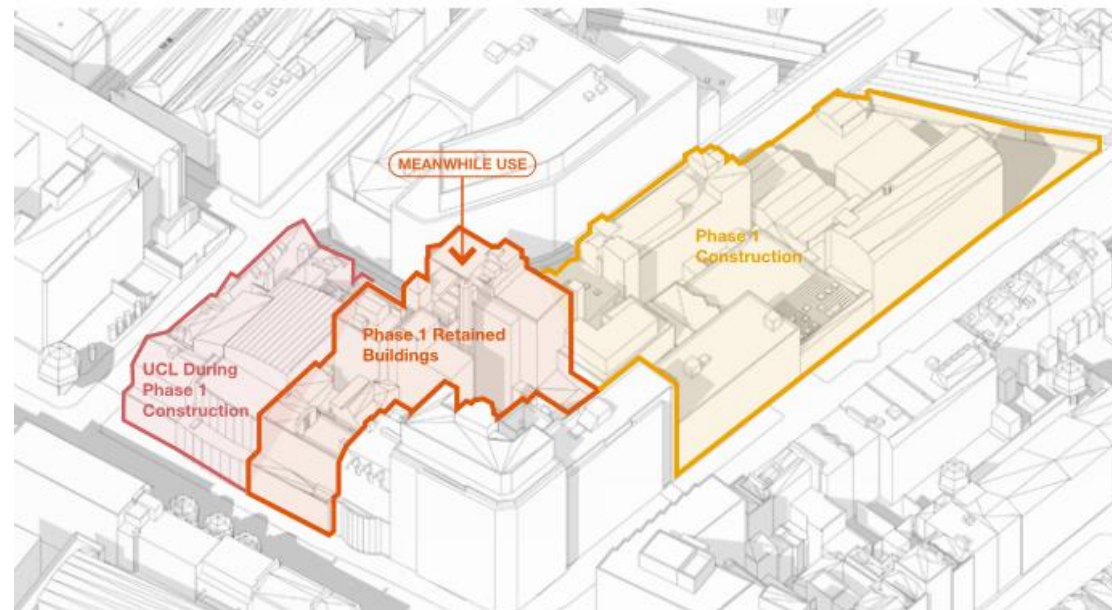
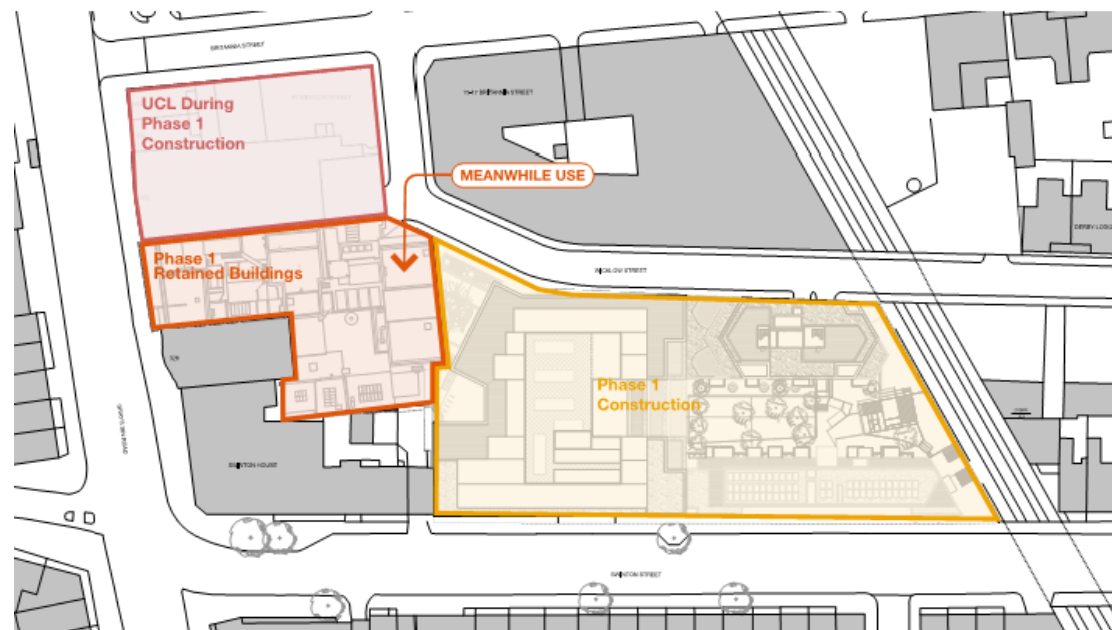
Level 04



Gray's Inn Road Entrance & Reception



Level 03





Wicklow Street Ground Floor



Second Floor Plan



Gray's Inn Road & Swinton Street Ground Floor



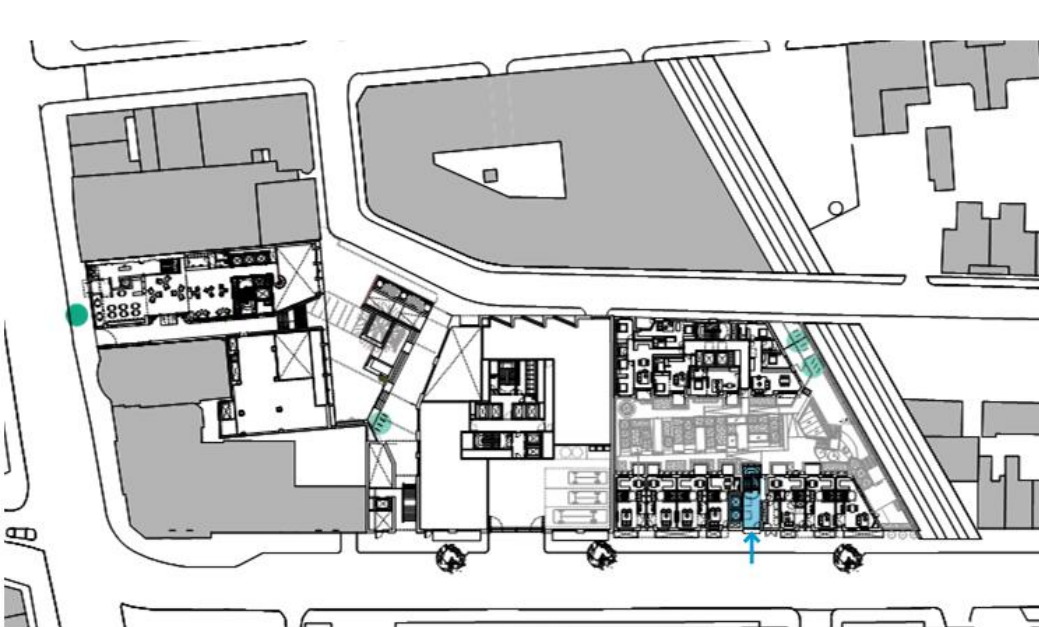
Third Floor Plan








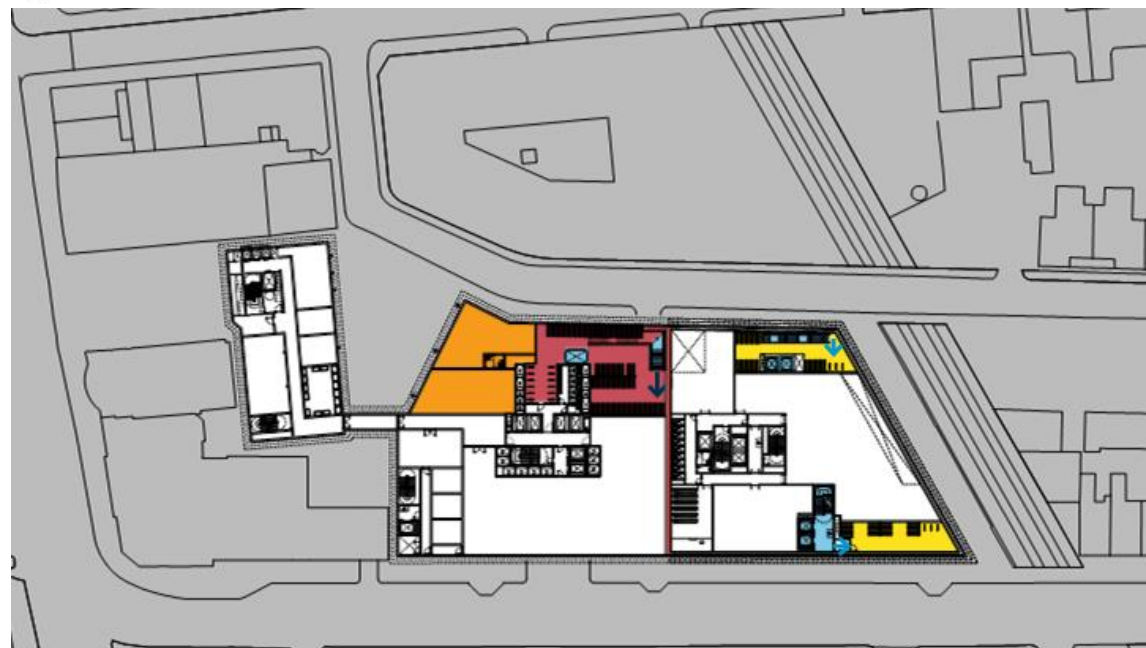
First Floor Plan



Fourth Floor Plan



-  Route to cycle stores from street level
-  Short-stay cycle parking at street level
-  Office / Hotel cycle parking
-  Office / Hotel changing facilities
-  Residential cycle parking



Royal National Throat, Nose and Ear Hospital, Camden, WC1X 8DA

Independent Viability Review

Prepared on behalf of the London
Borough of Camden

May 2023

Planning Reference: 2023/0904/P



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1.0 Introduction

- 1.1 BPS Chartered Surveyors have been instructed by the London Borough of Camden ('the Council') to undertake a review of a Financial Viability Assessment (FVA) prepared by Gerald Eve ('GE') on behalf of Groveworld Ltd ('the Applicant') in connection with a planning application for the redevelopment of the above site.
- 1.2 The site fronts onto Grays Inn Road and extends back eastward encased by Wicklow Street to the north and Swinton Street to the south. It is immediately bounded to the east by a London underground underpass and the UCL Ear Institute to the north. The Water Rats Public House and the Point A Hotel London adjoins the site on the south western boundary.
- 1.3 The site measures approximately 1.32 acres (0.53 ha) in size and currently comprises a mixture of hospital buildings which vary in height and in age which reflects the organic development of the hospital over time, noting the original building dates back to 1877. We understand the original façade will be reincorporated into the hotel part of the proposed development and the hospital use is being relocated. We understand from GE the buildings are typically D1 medical in terms of layout and range in condition from poor to very good, but typically are in reasonable, albeit dated condition.
- 1.4 The site was granted consent in July 2022 for a scheme comprising of 100,537 sq.ft. NIA flexible lab space, 182 room hotel, 72 residential units (28 are affordable), and a gym 12,370 sq.ft. BPS reviewed the pre-application, full application, and are now instructed to review the latest S.73 application. GE were the original viability advisor to the applicant.
- 1.5 The applicant is now seeking to amend the scheme to include 114,640 sq.ft NIA of office accommodation (flexible-lab enabled), 2,937 sq. ft. NIA of permanent affordable workspace, 10,374 sq.ft. of temporary affordable workspace, 182 room hotel, 72 residential units within two blocks 54,885 sq. ft. (including 28 affordable units) and 24,546 sq. ft. NIA of laboratory space.
- 1.6 The current proposals are for:

"Variation of Condition 2 (Approved Plans), 18 (Cycle Secure & Covered Parking), 31 (Gym House of Operation), 41 (SuDS), and 54 (External Amenity Space Details for Swinton Street Flats) of planning permission ref 2020/5593/P dated 20/07/22 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 and/or provision of education 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.”

- 1.7 The basis of our review is Financial Viability Assessment 330 Grays Inn Road, London prepared by Gerald Eve, dated February 2023, which concludes that the scheme currently shows a deficit of -£42.1M and therefore no additional affordable housing payments can viably be offered, noting there is a policy requirement for an additional £6M payment in lieu.
- 1.8 We have downloaded documents available on Camden’s planning website.
- 1.9 We have assessed the cost and value inputs within the financial appraisal in order to determine whether the scheme can viably make any affordable housing contributions.
- 1.10 A Land Registry search shows that the applicant does currently own the property. The site is held under Land Registry title no. LN50128 and is owned freehold Title Absolute by 330 Grays Inn Road Limited, with a price paid of £55,000,000 (January 2019).
- 1.11 The advice set out in this report is provided in the context of negotiating planning obligations and therefore in accordance with PS1 of the RICS Valuation – Global Standards 2020, the provisions of VPS1–5 are not of mandatory application. Accordingly, this report should not be relied upon as a Red Book Valuation. The Valuation Date for this Viability Review is the date of this report, as stated on the title page. This Viability Review has been undertaken in accordance with the Terms & Conditions provided to the Council and with any associated Letters of Engagement and should only be viewed by those parties that have been authorised to do so by the Council.
- 1.12 This Viability Review adheres to the RICS Professional Statement on Financial Viability in Planning (published May 2019). In accordance with this Statement, we refer you to our standard terms and conditions which incorporate details of our Quality Standards Control & Statement on Limitation of Liability/ Publication.

2.0 Summary Table

Input	Gerald Eve	BPS	Comments
Income			
Private Sales Values	£38,977,500 (£1,272 psf)	£41,876,678 (£1,367psf)	Disagreed – Savills have understated the private values.
Affordable LAR / Intermediate Rent	£100 / £240psf	£100 / £240psf	Some ambiguity – Previously adopted input, but valuation should be shown and justified.
Hotel	£80,000,000	£80,000,000	Agreed – Broadly reasonable.
Offices	£67.50 - £82.50 @ 4.5% – 4.75% yield	£67.50 - £120psf (max)	Some ambiguity – Unclear what accommodation is being provided as lab space and the specification to which the landlord works are being undertaken.
Ground Rents	£nil	£nil	Agreed
Expenditure			
Benchmark Land Value	£19,400,000	£19,400,000	Agreed – Based on previous application and still valid.
Build Costs	£179,454,449	£179,454,449	Agreed – Our QS has accepted the costs.
Contingency	5%	5%	Agreed – Our QS has accepted the costs
Professional Fees	12%	12%	Agreed – Our QS has accepted the costs
Private Marketing, Agent and Legal Fees	2.5%	2.5%	Agreed – Industry standard
Commercial Marketing, Agent and Legal Fees	1.5%	1.5%	Agreed – Industry standard
CIL	£6,291,458	£6,291,458	Some ambiguity - We require confirmation from the Council on this input.
S106	£2,918,277	£2,918,277	Some ambiguity - We require confirmation from the Council on this input.
Finance	8.5%	8%	Disagreed – Too high/unproven.
Profit (Blended)	15.2%	15.2%	Agreed – Based on previous application and still valid.
Development Timeframes			
Pre-construction Period	8.3 months	8.3 months	Agreed
Construction Period	73 months	73 months	Agreed
Sales Period	60% off-plan, 3-4 units a month	60% off-plan, 3-4 units a month	Agreed
Viability Position	-£42.1M No further affordable	-£32M Inconclusive	Disagreed – Inconclusive at this stage.

	housing contributions can be provided		
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3.0 Conclusions And Recommendations

- 3.1 We have reviewed the Financial Viability Assessment prepared by Gerald Eve on behalf of the applicant which concludes that the proposed scheme is in deficit by -£42.1M. On this basis the scheme cannot provide any further affordable housing contributions i.e. the £6M affordable in lieu payment in Gerald Eve's view. We acknowledge that the applicant has maintained their 50% by habitable room affordable housing contribution.
- 3.2 This is a s.73 application (non-material amendment) to a previous full application which was granted consent back in 2022, BPS and GE were the original viability advisors, advising the council and the applicant respectively. It is recommended that all of the previous reports are read in conjunction with the latest.

Benchmark Land Value

- 3.3 GE have maintained the previously agreed benchmark land value of £19.4M. This has already been interrogated in full and is considered valid today.

Development Value

- 3.4 The scheme includes a 184 room hotel, 72 residential units (28 are affordable), 24,546 sq.ft. of lab space, 114,640 sq.ft. of office/flexible lab accommodation, 10,374 sq.ft. temporary affordable workspace, and 2,937 sq.ft. of permanent affordable workspace.
- 3.5 On the private sales values we remain in disagreement with Savills, whom have rehashed their previous assessment and not offered any new, better evidence to justify their sales value. We would point them to our previous assessment which justifies our higher valuation, which we don't seek to repeat here.
- 3.6 Savills have on the hotel provided some new evidence to justify their value which we are broadly in agreement with.
- 3.7 On the offices, C&W have ignored the lab market which this site is situated in a prime location for. We have included our lab evidence which is indicated rents of c.£110 for Kings Cross. We fully appreciate that to achieve these rents substantial amounts of landlord fit out costs are required. We have asked our QS if they could provide any clarity on the level of fit out being indicated by way of the cost assumptions, but they do not have sufficient information. Clarity is sought from the applicant on this matter.

Ground rents

- 3.8 Ground rents are no longer chargeable and have been excluded from the assessment.

Affordable Housing

- 3.9 GE have adopted the previously agreed amounts of £100psf LAR and £240psf Intermediate Rent.

Development Costs

- 3.10 Our Cost Consultant, Neil Powling has reviewed the Cost Plan for the proposed scheme prepared by the applicant and concludes that:

“...Our benchmarking results in an construction cost of £186,175,820 that compares to the Applicant’s £179,454,449. We therefore consider the Applicant’s costs to be reasonable.”

- 3.11 We have reviewed the other cost outlined within the FVA and consider them to be reasonable, other than the finance rate which we consider to be too high. Should the applicant submit evidence justifying their finance rate we are willing to update our valuation accordingly.

Recommendations

- 3.12 We have identified a deficit of -£59M, this is provisional however as indicated by the sensitivity analysis below, higher lab rents could result in the scheme producing a surplus.

Table of Profit Amount and Profit on GDV%

Rent: Rate /ft ²				
0.00 /ft ²	+10.00 /ft ²	+20.00 /ft ²	+30.00 /ft ²	+40.00 /ft ²
-£58,989,189	-£37,073,612	-£15,274,475	£6,497,080	£27,873,473
-17.799%	-10.321%	-3.947%	1.566%	6.298%

4.0 Principles Of Viability Assessment

- 4.1 Development appraisals work to derive a residual value. This approach can be represented by the formula below:

$$\text{Gross Development Value} - \text{Development Costs (including Developer's Profit)} \\ = \text{Residual Value}$$

- 4.2 The residual value is then compared to a benchmark land value. Existing Use Value (EUV) and Alternative Use Value (AUV) are standard recognised approaches for establishing a land value as they help highlight the apparent differences between the values of the site without the benefit of the consent sought.
- 4.3 The rationale for comparing the scheme residual value with an appropriate benchmark is to identify whether it can generate sufficient money to pay a realistic price for the land whilst providing a normal level of profit for the developer. In the event that the scheme shows a deficit when compared to the benchmark figure the scheme is said to be in deficit and as such would be unlikely to proceed.
- 4.4 Development appraisals can also be constructed to include a fixed land value and fixed profit targets. If an appropriate benchmark is included as a fixed land value within a development appraisal this allows for interest to be more accurately calculated on the Benchmark Land Value, rather than on the output residual value. By including fixed profit targets as a cost within the appraisal, programmed to the end of development so as not to attract interest payments, the output represents a 'super' profit. This is the profit above target levels generated by the scheme which represents the surplus available towards planning obligations
- 4.5 This Viability Review report adheres to the RICS Professional Statement on Financial Viability in Planning: Conduct and Reporting (published May 2019). In accordance with this Statement, Section 8 below incorporates details of our Quality Standards Control & Statement on Limitation of Liability/ Publication. This report has been prepared according to the Professional Statement's requirement for objectivity and impartiality, without interference and with reference to all appropriate available sources of information. Where information has not been obtainable, we have stated this expressly in the body of the report.

5.0 Benchmark Land Value

Viability Benchmarking

5.1 Planning Policy Guidance, published May 2019, states:

Benchmark land value should:

- *be based on existing use value*
- *allow for a premium to landowners (including equity resulting from those building their own homes)*
- *reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and*

Viability assessments should be undertaken using benchmark land values derived in accordance with this guidance. Existing use value should be informed by market evidence of current uses, costs and values. Market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value. These may be a divergence between benchmark land values and market evidence; and plan makers should be aware that this could be due to different assumptions and methodologies used by individual developers, site promoters and landowners.

The evidence should be based on developments which are fully compliant with emerging or up to date plan policies, including affordable housing requirements at the relevant levels set out in the plan. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

[...] Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the price paid for land (or the price expected to be paid through an option agreement).

5.2 The NPPF recognises the need to provide both land owners and developers with a competitive return. In relation to land owners this is to encourage land owners to release land for development. This is set out in PPG as follows:

To define land value for any viability assessment, a benchmark land value should be established on the basis of existing use value (EUV) of the land, plus a premium for the

landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The Premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements. Landowners and site purchasers should consider policy requirements when agreeing land transactions. This approach is often called 'existing use value plus' (EUV+).

- 5.3 The RICS Guidance Note 'Assessing viability in planning under the National Planning Policy Framework 2019 for England', published March 2021, supports the NPPG's definition of Benchmark Land Value.

- 5.4 NPPG further defines EUV as follows:

Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development).

- 5.5 The Mayor of London's Affordable Housing and Viability SPG published August 2017 states a clear preference for using EUV as a basis for benchmarking development as this clearly defines the uplift in value generated by the consent sought. This is evidenced through the following extract:

The Mayor considers that the 'Existing Use Value plus' (EUV) approach is usually the most appropriate approach for planning purposes. It can be used to address the need to ensure that development is sustainable in terms of the NPPF and Development Plan requirements, and in most circumstances the Mayor will expect this approach to be used.

- 5.6 Guidance indicates that the sale of any premium should reflect the circumstances of the land owner. We are of the view that where sites represent an ongoing liability to a land owner and the only means of either ending this liability or maximising site value is through securing a planning consent this should be a relevant factor when considering whether a premium is applicable. This view is corroborated in the Mayor of London's Affordable Housing and Viability SPG which states:

Premiums above EUV should be justified, reflecting the circumstances of the site. For a site which does not meet the requirements of the landowner or creates ongoing liabilities/ costs, a

lower premium of no premium would be expected compared with a site occupied by profit-making businesses that require relocation. The premium could be 10 per cent to 30 per cent, but this must reflect site specific circumstances and will vary.

- 5.7 While EUV is the primary approach to defining BLV, in some circumstances an Alternative Use Value approach can be adopted. This is the value of the land for a use other than its existing use. NPPG outlines:

If applying alternative uses when establishing benchmark land value these should be limited to those uses which would fully comply with up to date development plan policies, including any policy requirements for contributions towards affordable housing at the relevant levels set out in the plan.

[...] Plan makers can set out in which circumstances alternative uses can be used. This might include if there is evidence that the alternative use would fully comply with up to date development plan policies, if it can be demonstrated that the alternative use could be implemented on the site in question, if it can be demonstrated there is market demand for that use, and if there is an explanation as to why the alternative use has not been pursued.

- 5.8 The RICS Guidance Note 'Assessing viability in planning under the National Planning Policy Framework 2019 for England', published March 2021, supports the definition of AUV from NPPG and reiterates that any AUV must reflect relevant policy requirements.
- 5.9 When adopting an AUV approach, the premium to the landowner is implicit and therefore an additional landowner premium should not be added as this would be double counting.
- 5.10 NPPG and RICS guidance are clear that if refurbishment or redevelopment is necessary to realise an existing use value then this falls under the AUV provision of NPPG and no landowner premium should be added.

The Proposed Benchmark

- 5.11 The benchmark proposed by Gerald Eve is £19,400,000 which is based on the site in its existing use, assuming refurbishment and therefore a technical AUV. This was previously agreed with BPS as part of the full application which was granted consent.

Our Assessment of Benchmark Land Value

- 5.12 Having previously undertaken a substantial scrutiny exercise of Gerald Eve's benchmark, we are fully satisfied the applicant has demonstrated a robust benchmark which remains valid today.

6.0 Development Values

- 6.1 The residential element of the proposed scheme, as sought by the planning application, is for 72 residential units, 28 of which are affordable (approximately 50% by habitable room).

Private Residential Values

- 6.2 44 units are proposed to be for private sale and the values have been assumed as follows by Savills on behalf of the applicant:

Unit type	Avg NSA (sq ft)	Avg Value	Avg Value £psf	No of units
Studio	467	£650,000	£1,392	16
One bedroom	610	£764,545	£1,254	11
Two bedroom	933	£1,114,500	£1,195	15
Three bedroom	1,232	£1,725,000	£1,400	2
Total	696	£885,852	£1,272	44

- 6.3 BPS and the applicant team failed to come to an agreement at the previous assessment and continue to disagree on an appropriate private sales value.
- 6.4 Savills in their latest submission have not provided any more recent, or better, nor more relevant achieved evidence since their previous submission in 2022. On this basis we would refer Savills back to our previous in-depth commentary of the subject scheme, comparables and justification our private sales rate of £1,367psf which we maintain is valid in today's market.

Ground Rents

- 3.15 The Leasehold Reform (Ground Rent) Act 2022 was granted Royal Ascent on the 8th February 2022, with the relevant Act now in full force. The reforms put an end to ground rents for new, qualifying long residential leasehold properties in England and Wales. Now the act is in force, any ground rent demanded as part of a new residential long lease cannot be for any more than a peppercorn (no financial value). Now the act is in full force, we acknowledge that in light of an effective ban on future ground rents that they should no longer be included as a future revenue stream for planning & viability purposes. We understand the act covers single 'dwellings' and will therefore capture student and retirement accommodation providing they are occupied or intended to be occupied as single dwellings.
- 3.16 We therefore consider the omission of capitalised ground rents as being a reasonable assumption. We have therefore removed the ground rents from our appraisal.

Affordable Residential Values

- 6.5 The proposed scheme includes 28 affordable housing units, 15 which are London Affordable Rent and 13 Intermediate Rent. The affordable housing units equate to approximately 50% by habitable room.
- 6.6 GE have adopted £100psf for LAR and £240psf for Intermediate Rent which is based upon the previous assumed amounts, with no further comments provided.
- 6.7 We have maintained these values for the purpose of the assessment, but for clarity GE should provide an updated valuation with a full printed cash flow to justify their valuation.

Commercial Valuation

- 6.8 The proposed scheme comprises of the following commercial areas:
- 2,937 sq. ft. NIA of affordable workspace (retained building) £30psf @5.25% yield;
 - 10,374 sq.ft. NIA Affordable Workspace – Ward Building – Nil value;
 - 24,545 sq.ft. NIA Ear Institute £67.50 - £72.50 psf @4.65%-4.75% yield;
 - 114,621 sq.ft. NIA of Offices £67.50 - £82.50 psf @ 4.5 – 4.75% yield;
 - 50,732, 182 room hotel.

Offices/labs

- 6.9 GE have relied upon a Cushman & Wakefield ('C&W') report which the applicant has commissioned to justify the office values at the subject scheme. The report provides a comprehensive view of the local office market, includes 3 no. rental comparables and 3 no. investment comparables to justify the values adopted.
- 6.10 C&W have informed GE's valuation with office rents at the subject site ranging from £67.50psf - £82.50psf. Overall we consider Cushman's assessment to be fair in valuing generic office accommodation at the subject site.
- 6.11 We do however question why lab space / life science accommodation has not been considered by either GE or C&W given the applicant is bringing forward lab enabled space and lab space for the ear institute (presumably this will revert to market lab accommodation upon their exit). The site is situated in the knowledge quarter with the Francis Crick Institute being 650 metres north west of the subject site, it is keenly positioned to service lab space demand.
- 6.12 We have identified the following life science transactions across London's Knowledge Quarter, wider London Transactions and from the Golden Triangle locations:

245 Hammersmith Road, London, W6 8PW

- 6.13 Part 3rd floor let to Resolution Therapeutics, 6,271 sq. ft. £90psf £564,390 per annum, 7 year lease, FRI, unknown lease incentives, deal date 30/12/2022. BNP landlord's agent, landlord L&G/MEC.
- 6.14 3rd floor remaining accommodation let to Orchard Therapeutics, 17,382 sq. ft. £54psf £938,628 per annum, 10 years, FRI, unknown lease incentives, deal date 01/12/2022. BNP landlord's agent, landlord L&G/MEC.
- 6.15 9th Floor let to Achilles Therapeutics, 24,604 sq. ft. £59.50psf, £1,463,938. 10 years, FRI, unknown lease incentives, deal date 01/02/2020. BNP landlord's agent, landlord L&G.

Rolling Stock Yard, 188 York Way, N7 9AS

- 6.16 Life Science REIT acquired the building for £77M from Newmark, Argo and Investec (JV partners) in March 2020. Nine storey building in King's Cross Knowledge Quarter, 53,900 sq. ft. of high quality and laboratory space constructed to high sustainability standards.
- 6.17 Life science REIT let 2nd floor to Syncona at £110psf, 7,322 sq. ft., up from £65psf. Lease is for 5 years with a tenant break at year 3. Landlord had undertaken £2m / £158psf of refurb works prior to the letting. Works included creating a combination of office space and plug and play laboratories. Lab space is highly flexible, with mobile benching and the ability to sub-divide into smaller rooms. Other features include, changing lobby, meeting rooms, breakout areas. Communal areas of the building are include "Co-lab" space with lounge, seating area and a high-end coffee machine with mezzanine seating areas.
- 6.18 We note the 1st floor remaining lab accommodation is on the market with Montagu Evans at £120psf (5,942 sq.ft.).
- 6.19 Newmark (previous landlord) let floors 7-8 to Xero at £69.50psf, 10,650 sq.ft. Grade A office space, full access raised floors, suspended ceiling, LED lighting, floor to ceiling height of 2.75m, four-pipe fan coil air conditioning. Building amenities include reception, café, work lobby, 10th floor communal terrace, lift, CCTV, 6x lifts. Open plan offices, no landlord fit out.
- 6.20 The difference between standard grade A office accommodation and lab fitted space in the same building at a substantial premium is indicated between the two different transactions.

5-10 Brandon Road, Kings Cross, N7 9AA

- 6.21 Gerald Eve are marketing 113,000 sq. ft of life science / lab accommodation within Kings Cross. Quoting rent is £110 psf. This is London's first purpose built combined GMP manufacturing, office space, and laboratory building. Landlord is Kadans Life Science whom are offering fitted lab accommodation "Fully Lab Enabled", or "Cat A Laboratories & Offices"

Tribeca, 2-6 St Pancras Way, NW1 0TB

- 6.22 Reef Group have let 37,127 sq.ft. of new build lab accommodation (shell & core only) at £65psf to London BioScience Centre Innovation Centre.

4000 John Smith Drive, Oxford Business Park South, Oxford, OX4 2GX

- 6.23 Arlington has let 16,390 sq.ft. of new build lab accommodation at £63psf to Omass Therapeutics in December 2022. 10 year lease.
- 6.24 Investment evidence of life science transactions is set out below:

Oxford Biomedica HQ, Oxford, OX4 6LT

- 6.25 Kadans Life Science has acquired Oxford Biomedica HQ for £60M, 5.4% yield. This is a sale and leaseback deal (lowest relevance in hierarchy of evidence).

194, 196 and 198 Cambridge Science Park, CB4 0AB

- 6.26 Cadillac Fairview / Stanhope PLC JV have acquired a trio of science parks from Legal & General PLC for £85M at 4% yield (Q4 2022 deal).

1, 2 and 26 Cambridge Science Park, CB4 0FW

- 6.27 Brockton Everlast Inc Limited have acquired a trio of science parks from Tuspark Holdings for £180M at 4.7% yield (Q4 2022 deal).
- 6.28 We are not aware of any more relevant London life science investment deals. Oxford and Cambridge are in the golden triangle for life science (Oxford, Cambridge, and London are the Golden Triangle locations) hence the relevance despite geographic distance.
- 6.29 Our QS had advised that it is unclear the level of fit out being assumed by the applicant based on the cost information provided by the applicant team, clarity is sought so that we can establish the appropriate rental level. Fitted lab space in Kings Cross is achieving c.£110psf, we note from Savills' latest report "Spotlight Life Science, Trends and Outlook 2023":

“The rental premium for fitted lab space when compared to conventional office space is, on average, 70% higher across Cambridge, Oxford, and London” Steven Lang, Director, Commercial Research.

- 6.30 At this stage we are unable to conclude the “office” values for the report and look to the applicant to prove the case for appropriate lab values.
- 6.31 Affordable Values were previously agreed at £30psf @ 5.25% yield which is in line with what was previously agreed. We are not sure why the Ward Building has a nil value.

Hotel Valuation

- 6.32 The hotel comprises of 182 rooms. Savills have provided an update valuation and have calculated an overall value of £80,000,000 or £439,560 a key, an improvement on the previously agreed valuation of £78,580,000.
- 6.33 As part of the previous exercise BPS commissioned Melvin Gold who is a hotel expert to undertake a critique of Savills’ revenue assumptions, with Savills and Gerald Eve deciding to adopt Mr Gold’s figures for the purpose of the exercise. BPS disagreed with Savills’ yield assumptions, with Gerald Eve submitting a substantial rebuttal which proposed a reasonable compromise solution based on detailed, balanced and reasonable comments and evidence which we adopted.
- 6.34 We understand since our 2022 review the back of house areas for the hotel have been reduced in the latest application, with the room numbers staying the same. Savills have increased their valuation based on improved operational trading conditions. We do not propose undertaking another comprehensive scrutiny exercise of the revenues given the room numbers remain unchanged from last year.
- 6.35 Savills have provided some updated evidence from the previous submission (2022 deals), with information provided including date, address, number of rooms, price a key, but no yield data has been provided. There is no further commentary on relevance of each transaction, comparison to the subject scheme, or on how Savills have formed their view on yield.
- 6.36 Notwithstanding the lack of analysis from Savills, or justification of the yield, we are content with the price a key is broadly reasonable for the hotel valuation assuming purchaser’s costs have been taken off (as per our previous valuation); we have therefore adopted Savills increased valuation as a net value.

7.0 Development Costs

Construction Costs

- 7.1 Our Cost Consultant, Neil Powling, has analysed the build cost plan for the proposed scheme prepared by the applicant and concludes that:

“The Scheme Cost Plan/ Financial Overview is provided at Appendix 6. This overview comprises a single page summary; we suggest a full elemental cost plan should be provided to support the current application.

The allowance for contingencies in the appraisal is 5% which we consider reasonable. Allowances in the cost plan of 2.5% for Main Contractor D&B risk and 5.25% Residual risk allowance have both been excluded from the construction cost in the appraisal.

In the absence of a detailed elemental cost plan we have relied on elemental benchmarking information from our January 2021 report to adjust current BCIS average build cost data. The results and a comparison to the Applicants construction cost of £179,454,499 are provided in the table at 3.11 below.

Our benchmarking results in an construction cost of £186,175,820 that compares to the Applicant’s £179,454,449. We therefore consider the Applicant’s costs to be reasonable.”

- 7.2 Mr Powling’s full cost report can be found at Appendix 1.

Additional Costs

- 7.3 GE have applied the following additional cost assumptions:

- Professional fees of 12%
- Letting agent & legals 15% (% of annual market rent)
- Commercial disposal fees 1.5%
- Residential agents, legals, marketing 2.5%

- 7.4 Generally, we accept that these percentages are realistic and in line with market norms.

- 7.5 CIL/S106 charges have been assumed at £6,291,458 for CIL, £2,918,277 for S106. We have not verified this amount.

- 7.6 Finance has been included at 8.5% assuming that the scheme is 100% debt financed. We consider this finance allowance to be too high and unproven. We’ve adopted 8% which is line with our understanding.

Profit

- 7.7 The developer profit target adopted by GE is 15.2% on GDV. This is the previously agreed profit and is considered appropriate today.

Development Timeframes

- 7.8 GE have advised an 8.3 month pre-construction period, 73 months construction period. Savills have advised 60% off-plan sales, with 3-4 units a month thereafter.
- 7.9 We have adopted these timescales for the purposes of our appraisal.

8.0 Author Sign Off

- 8.1 This report is provided for the stated purpose and for the sole use of the named clients. This report may not, without written consent, be used or relied upon by any third party.
- 8.2 The author(s) of this report confirm that there are no conflicts of interest and measures have been put in place to prevent the risk of the potential for a conflict of interest. In accordance with the RICS Professional Statement *Financial Viability in Planning: Conduct and Reporting* September 2019, this report has been prepared objectively, impartially, and with reference to all appropriate sources of information.
- 8.3 The following persons have been involved in the production of this report:



Tom Mason
RICS Registered Valuer
RICS Membership no. 6715622
For and on behalf of
BPS Chartered Surveyors



Andrew Jones
RICS Registered Valuer
RICS Membership no. 0085834
For and on behalf of
BPS Chartered Surveyors

May 2023

Appendix 1: Build Cost Report

Project: 330 Grays Inn Road, Camden
2023/0904/P

Independent Review of Assessment of Economic Viability

Interim Draft Report Appendix A Cost Report

1 SUMMARY

- 1.1 The Scheme Cost Plan/ Financial Overview is provided at Appendix 6. This overview comprises a single page summary; we suggest a full elemental cost plan should be provided to support the current application.
- 1.2 The allowance for contingencies in the appraisal is 5% which we consider reasonable. Allowances in the cost plan of 2.5% for Main Contractor D&B risk and 5.25% Residual risk allowance have both been excluded from the construction cost in the appraisal.
- 1.3 In the absence of a detailed elemental cost plan we have relied on elemental benchmarking information from our January 2021 report to adjust current BCIS average build cost data. The results and a comparison to the Applicants construction cost of £179,454,499 are provided in the table at 3.11 below.
- 1.4 Our benchmarking results in an construction cost of £186,175,820 that compares to the Applicant's £179,454,449. We therefore consider the Applicant's costs to be reasonable.

2 METHODOLOGY

- 2.1 The objective of the review of the construction cost element of the assessment of economic viability is to benchmark the Applicant's costs against RICS Building Cost Information Service (BCIS) average costs. We use BCIS costs for benchmarking because it is a national and independent database. Many companies prefer to benchmark against their own data which they often treat as confidential. Whilst this is understandable as an internal exercise, in our view it is insufficiently robust as a tool for assessing viability compared to benchmarking against BCIS. A key characteristic of benchmarking is to measure performance against external data. Whilst a company may prefer to use their own internal database, the danger is that it measures the company's own projects against others of its projects with no external test. Any inherent discrepancies will not be identified without some independent scrutiny.
- 2.2 BCIS average costs are provided at mean, median and upper quartile rates (as well as lowest, lower quartile and highest rates). We generally use mean or occasionally upper quartile for benchmarking. The outcome of the benchmarking is little affected, as BCIS levels are used as a starting point to assess the level of cost and specification enhancement in the scheme on an element-by-element basis. BCIS also provide a location factor compared to a UK mean of 100; our benchmarking exercise adjusts for the location of the scheme. BCIS Average cost information is available on a default basis which includes all historic data with a weighting for the most recent, or for a selected maximum period ranging from 5 to

40 years. We generally consider both default and maximum 5-year average prices; the latter are more likely to reflect current regulations, specification, technology and market requirements.

- 2.3 BCIS average prices are available on an overall £ per sqm and for new build work on an elemental £ per sqm basis. Rehabilitation/conversion data is available on an overall £ per sqm and on a group element basis i.e., substructure, superstructure, finishings, fittings and services - but is not available on an elemental basis. A comparison of the applicants elemental costing compared to BCIS elemental benchmark costs provides a useful insight into any differences in cost. For example: planning and site location requirements may result in a higher-than-normal cost of external wall and window elements.
- 2.4 If the application scheme is for the conversion, rehabilitation or refurbishment of an existing building, greater difficulty results in checking that the costs are reasonable, and the benchmarking exercise must be undertaken with caution. The elemental split is not available from the BCIS database for rehabilitation work; the new build split may be used instead as a check for some, but certainly not all, elements. Works to existing buildings vary greatly from one building project to the next. Verification of costs is helped greatly if the cost plan is itemised in reasonable detail thus describing the content and extent of works proposed.
- 2.5 BCIS costs are available on a quarterly basis - the most recent quarters use forecast figures; the older quarters are firm. If any estimates require adjustment on a time basis, we use the BCIS all-in Tender Price Index (TPI).
- 2.6 BCIS average costs are available for different categories of buildings such as flats, houses, offices, shops, hotels, schools etc. The Applicant's cost plan should ideally keep the estimates for different categories separate to assist more accurate benchmarking. However, if the Applicant's cost plan does not distinguish different categories, we may calculate a blended BCIS average rate for benchmarking based on the different constituent areas of the overall GIA.
- 2.7 To undertake the benchmarking, we require a cost plan prepared by the applicant; for preference in reasonable detail. Ideally the cost plan should be prepared in BCIS elements. We usually have to undertake some degree of analysis and rearrangement before the applicant's elemental costs can be compared to BCIS elemental benchmark figures. If a further level of detail is available showing the build-up to the elemental totals it facilitates the review of specification and cost allowances in determining adjustments to benchmark levels. An example might be fittings that show an allowance for kitchen fittings, bedroom wardrobes etc that is in excess of a normal BCIS benchmark allowance.
- 2.8 To assist in reviewing the estimate we require drawings and (if available) specifications. Also, any other reports that may have a bearing on the costs. These are often listed as having being used in the preparation of the estimate. If not provided we frequently download additional material from the documents made available from the planning website.
- 2.9 BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs include OHP but not preliminaries. Nor do average prices per sqm or elemental costs include for external services and external works costs. Demolitions and site preparation are excluded from all BCIS costs. We consider the Applicants detailed cost plan to determine what, if any, abnormal and other costs can properly be considered as reasonable. We prepare an adjusted

benchmark figure allowing for any costs which we consider can reasonably be taken into account before reaching a conclusion on the applicant's cost estimate.

- 2.10 We undertake this adjusted benchmarking by determining the appropriate location adjusted BCIS average rate as a starting point for the adjustment of abnormal and enhanced costs. We review the elemental analysis of the cost plan on an element-by-element basis and compare the Applicants total to the BCIS element total. If there is a difference, and the information is available, we review the more detailed build-up of information considering the specification and rates to determine if the additional cost appears justified. If it is, then the calculation may be the difference between the cost plan elemental £/m² and the equivalent BCIS rate. We may also make a partial adjustment if in our opinion this is appropriate. The BCIS elemental rates are inclusive of OHP but exclude preliminaries. If the Applicant's costings add preliminaries and OHP at the end of the estimate (as most typically do) we add these to the adjustment amounts to provide a comparable figure to the Applicant's cost estimate. The results of the elemental analysis and BCIS benchmarking are generally issued as a PDF but upon request can be provided as an Excel spreadsheet.

- 2.11 We have considered the duration of the construction period by reference to the average duration calculation resulting from use of the BCIS Duration Calculator, and if we consider appropriate have drawn attention to any significant divergence between the Applicant's duration and the BCIS calculation. The duration is expected to be the result of a programme in appropriate detail for the stage of the project that should be prepared by a specialist in the field. We consider our experience of construction and duration sufficient for benchmarking comparisons using BCIS, but do not possess the appropriate qualifications and experience for undertaking a more detailed examination of the construction duration.

3 GENERAL REVIEW

- 3.1 We have been provided with and relied upon the Financial Viability Assessment issued February 2023 by Gerald Eve on behalf of 330 Grays Inn Road Ltd together with the Scheme Cost Plan/ Financial Overview at Appendix 6. This overview comprises a single page summary; we suggest a full elemental cost plan should be provided to support the current application.
- 3.2 We have also downloaded a number of files from the planning web site.
- 3.3 The base date of the cost plan is assumed to be 1Q2023. Our benchmarking uses current BCIS data which is on a current tender firm price basis. The BCIS all-in Tender Price Index (TPI) for 1Q2023 is 379 (Provisional) and for 2Q2023 382 (Forecast).
- 3.4 The cost plan includes an allowance of 15.5% for preliminaries. The allowance for overheads and profit (OHP) is 5%. We consider both of these allowances reasonable.
- 3.5 The allowance for contingencies in the appraisal is 5% which we consider reasonable. Allowances in the cost plan of 2.5% for Main Contractor D&B risk and 5.25% Residual risk allowance have both been excluded from the construction cost in the appraisal. All the % figures are based on a calculation of a conventional arrangement of the sums in the analysis.

- 3.6 Residential sales have been included in the Appraisal at average figures of £1,272/ft² (Net Sales Area).
- 3.7 We have downloaded current BCIS data for benchmarking purposes including a Location Factor for Camden of 132 that has been applied in our benchmarking calculations.
- 3.8 We have adopted the same GIA of 35,717m² used in the Applicant's cost plan; we assume this to be the GIA calculated in accordance with the RICS Code of Measurement 6th Edition 2007.
- 3.9 The buildings are a mixed development of flats, offices and hotel. There are three basements and overall 15 storeys above. BCIS average cost data is given in steps: 1-2 storey, 3-5 storey, 6 storey or above. We have benchmarked accordingly.
- 3.10 In the absence of a detailed elemental cost plan we have relied on elemental benchmarking information from our January 2021 report to adjust current BCIS average build cost data. The results and a comparison to the Applicants construction cost of £179,454,499 are provided in the table at 3.11 below.

	Applicant					BPS Current April 2023	
						BCIS	
	GIA m ²	£	£	£/m ²	£/ft ²	£/m ²	£
Utilities & demolition		4,960,000	4,593,606				4,593,606
Basement & substructures		43,620,000	40,434,672				40,434,672
Hotel	8,328	54,940,000	50,928,274	6,115	568	6,764	56,327,272
Retained hosp/ Aff B1	554	380,000	348,806	630	58	978	541,878
Offices	8,197	31,370,000	29,076,387	3,547	330	3,676	30,133,502
Lab enabled	4,351						
Lab enabled/ gymn	2,890	18,380,000	17,036,961	2,353	219	2,300	16,654,300
Resi block A - Affordable	3,183						
Resi block B - Private	4,269	35,970,000	33,343,748	4,474	416	4,513	33,631,906
Ear Institute	3,945	3,980,000	3,691,995	936	87	978	3,858,683
	35,717	193,600,000	179,454,449				186,175,820

- 3.12 Our benchmarking results in an construction cost of £186,175,820 that compares to the Applicant's £179,454,449. We therefore consider the Applicant's costs to be reasonable.
- 3.13 The areas and costs included in the appraisal are consistent with the areas and costs in the cost plan.

BPS Chartered Surveyors
Date: 24th April 2023

Appendix 2: Argus Appraisal

330 Grays Inn Road, Camden
BPS Review, S.73 application

Development Appraisal
BPS Surveyors
11 May 2023

APPRAISAL SUMMARY

BPS SURVEYORS

330 Grays Inn Road, Camden
BPS Review, S.73 application

Appraisal Summary for Merged Phases 1 2

Currency in £

REVENUE

Sales Valuation	Units	ft²	Sales Rate ft²	Unit Price	Gross Sales
Residential Block A (LAR)	15	15,661	100.00	104,407	1,566,100
Residential Block A (IR)	13	8,590	240.00	158,585	2,061,600
Residential Block B (Private)	44	30,634	1,367.00	951,743	41,876,678
Totals	72	54,885			45,504,378

Rental Area Summary

	Units	ft²	Rent Rate ft²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Affordable workspace (retained building)	1	2,937	30.00	88,110	88,110	88,110
GF - Wicklow - Office	1	6,138	72.50	445,005	445,005	445,005
4th Floor - Office	1	13,744	77.50	1,065,160	1,065,160	1,065,160
5th Floor - Office	1	13,167	77.50	1,020,443	1,020,443	1,020,443
6th Floor - Office	1	6,978	80.00	558,240	558,240	558,240
7th Floor - Office	1	6,978	82.50	575,685	575,685	575,685
LG - B2 Office	1	13,383	67.50	903,353	903,353	903,353
LG - B1 Office	1	6,198	67.50	418,365	418,365	418,365
GF - Swinton - Office	1	6,429	72.50	466,103	466,103	466,103
1st Floor - Office	1	13,940	72.50	1,010,650	1,010,650	1,010,650
2nd Floor - Office	1	13,564	75.00	1,017,300	1,017,300	1,017,300
3rd Floor - Office	1	14,120	75.00	1,059,000	1,059,000	1,059,000
Affordable Workspace - Ward Building	1	10,374		0	0	
LG - B2 - Ear Institute	1	11,624	67.50	784,620	784,620	784,620
LG - B1 - Ear Institute	1	9,071	67.50	612,293	612,293	612,293
GF - Wicklow - Ear Institute	1	3,850	72.50	279,125	279,125	279,125
Hotel GDV	1	50,732		0	0	
Totals	17	203,227			10,303,450	10,303,450

Investment Valuation

Affordable workspace (retained building)

Market Rent	88,110	YP @	5.2500%	19.0476	
(9mths Rent Free)		PV 9mths @	5.2500%	0.9624	1,615,100

GF - Wicklow - Office

Market Rent	445,005	YP @	4.7500%	21.0526	
(1yr Rent Free)		PV 1yr @	4.7500%	0.9547	8,943,701

4th Floor - Office

Market Rent	1,065,160	YP @	4.7500%	21.0526	
(1yr Rent Free)		PV 1yr @	4.7500%	0.9547	21,407,562

5th Floor - Office

Market Rent	1,020,443	YP @	4.7500%	21.0526	
(1yr Rent Free)		PV 1yr @	4.7500%	0.9547	20,508,831

6th Floor - Office

Market Rent	558,240	YP @	4.5000%	22.2222	
(2yrs Rent Free)		PV 2yrs @	4.5000%	0.9157	11,359,935

7th Floor - Office

Market Rent	575,685	YP @	4.5000%	22.2222	
(2yrs Rent Free)		PV 2yrs @	4.5000%	0.9157	11,714,933

LG - B2 Office

Market Rent	903,353	YP @	4.7500%	21.0526	
(1yr Rent Free)		PV 1yr @	4.7500%	0.9547	18,155,558

LG - B1 Office

Market Rent	418,365	YP @	4.7500%	21.0526	
(1yr Rent Free)		PV 1yr @	4.7500%	0.9547	8,408,290

GF - Swinton - Office

Market Rent	466,103	YP @	4.7500%	21.0526	
(1yr Rent Free)		PV 1yr @	4.7500%	0.9547	9,367,718

APPRAISAL SUMMARY

BPS SURVEYORS

330 Grays Inn Road, Camden BPS Review, S.73 application

1st Floor - Office					
Market Rent	1,010,650	YP @	4.5000%	22.2222	
(1yr 6mths Rent Free)		PV 1yr 6mths @	4.5000%	0.9361	21,023,927
2nd Floor - Office					
Market Rent	1,017,300	YP @	4.5000%	22.2222	
(1yr 6mths Rent Free)		PV 1yr 6mths @	4.5000%	0.9361	21,162,262
3rd Floor - Office					
Market Rent	1,059,000	YP @	4.5000%	22.2222	
(1yr 6mths Rent Free)		PV 1yr 6mths @	4.5000%	0.9361	22,029,722
LG - B2 - Ear Institute					
Market Rent	784,620	YP @	4.6500%	21.5054	
(3yrs 9mths Rent Free)		PV 3yrs 9mths @	4.6500%	0.8433	14,229,325
LG - B1 - Ear Institute					
Market Rent	612,293	YP @	4.6500%	21.5054	
(3yrs 9mths Rent Free)		PV 3yrs 9mths @	4.6500%	0.8433	11,104,113
GF - Wicklow - Ear Institute					
Market Rent	279,125	YP @	4.7500%	21.0526	
(4yrs Rent Free)		PV 4yrs @	4.7500%	0.8306	4,880,777
Hotel GDV					
Manual Value					80,000,000
Total Investment Valuation					285,911,753

GROSS DEVELOPMENT VALUE **331,416,131**

Purchaser's Costs (14,001,999)
Effective Purchaser's Costs Rate 4.90% (14,001,999)

NET DEVELOPMENT VALUE **317,414,132**

NET REALISATION **317,414,132**

OUTLAY

ACQUISITION COSTS

BMLV	19,400,000			
BMLV		19,400,000		
			19,400,000	
Stamp Duty	5.00%	970,000		
Agent Fee	1.00%	194,000		
Legal Fee	0.50%	97,000		
			1,261,000	

CONSTRUCTION COSTS

Construction	ft²	Build Rate ft²	Cost
Affordable workspace (retained building)	6,537	456.63	2,984,990
GF - Wicklow - Office	29,525	456.63	13,482,001
4th Floor - Office	16,609	456.63	7,584,168
5th Floor - Office	16,030	456.63	7,319,779
6th Floor - Office	9,960	456.63	4,548,035
7th Floor - Office	9,884	456.63	4,513,331
LG - B2 Office	17,601	456.63	8,037,145
LG - B1 Office	7,985	456.63	3,646,191
GF - Swinton - Office	11,599	456.63	5,296,451
1st Floor - Office	17,429	456.63	7,958,604
2nd Floor - Office	17,060	456.63	7,790,108
3rd Floor - Office	16,985	456.63	7,755,861
Affordable Workspace - Ward Building	13,832	456.63	6,316,106
LG - B2 - Ear Institute	22,842	456.63	10,430,342
LG - B1 - Ear Institute	11,505	456.63	5,253,528
GF - Wicklow - Ear Institute	7,882	456.63	3,599,158
Hotel GDV	88,177	456.63	40,264,264
Residential Block A (LAR)	19,124	456.63	8,732,592
Residential Block A (IR)	10,582	456.63	4,832,059

APPRAISAL SUMMARY**BPS SURVEYORS****330 Grays Inn Road, Camden
BPS Review, S.73 application**

Residential Block B (Private)	41,848	456.65	19,109,889	
Totals	392,996 ft²		179,454,600	
Contingency		5.00%	8,972,730	
CIL			6,291,458	
				194,718,788
Other Construction				
UCL payment			2,800,000	
Office void (manual cost)			2,034,420	
				4,834,420
Section 106 Costs				
Section 106 Costs			2,918,277	
				2,918,277
PROFESSIONAL FEES				
Professional fees		12.00%	21,534,552	
				21,534,552
MARKETING & LETTING				
Letting Agent Fee		10.00%	1,030,345	
Letting Legal Fee		5.00%	515,173	
				1,545,518
DISPOSAL FEES				
Commercial disposal (all-in)		1.50%	4,078,646	
Residential disposal (all-in)		2.50%	1,137,609	
				5,216,256
MISCELLANEOUS FEES				
Developer's profit (blended)		15.20%	36,086,948	
Developer's profit (blended)		15.20%	12,160,000	
				48,246,948
FINANCE				
Debit Rate 8.000%, Credit Rate 0.000% (Nominal)				
Total Finance Cost				49,666,200
TOTAL COSTS				349,341,959
PROFIT				(31,927,827)
Performance Measures				
Profit on Cost%		-9.14%		
Profit on GDV%		-9.63%		
Profit on NDV%		-10.06%		
Development Yield% (on Rent)		2.95%		
Equivalent Yield% (Nominal)		4.63%		
Equivalent Yield% (True)		4.77%		
IRR% (without Interest)		3.27%		
Rent Cover		-3 yrs -1 mths		
Profit Erosion (finance rate 8.000)		N/A		

330 Grays Inn Road, Camden
BPS Review, S.73 application

Table of Profit Amount and Profit on GDV%

Rent: Rate /ft²				
0.00 /ft²	+10.00 /ft²	+20.00 /ft²	+30.00 /ft²	+40.00 /ft²
(£31,927,827)	(£3,501,937)	£24,218,947	£51,290,738	£75,105,996
-9.634%	-0.975%	6.258%	12.365%	16.969%

Sensitivity Analysis : Assumptions for Calculation

Rent: Rate /ft²

Original Values are varied in Fixed Steps of £10.00

Heading	Phase	Rate	No. of Steps
GF - Wicklow - Office	1	£72.50	5 Up only
4th Floor - Office	1	£77.50	5 Up only
5th Floor - Office	1	£77.50	5 Up only
6th Floor - Office	1	£80.00	5 Up only
7th Floor - Office	1	£82.50	5 Up only
LG - B2 Office	1	£67.50	5 Up only
LG - B1 Office	1	£67.50	5 Up only
GF - Swinton - Office	1	£72.50	5 Up only
1st Floor - Office	1	£72.50	5 Up only
2nd Floor - Office	1	£75.00	5 Up only
3rd Floor - Office	1	£75.00	5 Up only
LG - B2 - Ear Institute	1	£67.50	5 Up only
LG - B1 - Ear Institute	1	£67.50	5 Up only
GF - Wicklow - Ear Institute	1	£72.50	5 Up only

Royal National Throat, Nose and Ear Hospital, Camden, WC1X 8DA

Independent Viability Review

Prepared on behalf of the London
Borough of Camden

July 2023

Planning Reference: 2023/0904/P



215a High Street, Dorking RH4 1RU
www.bps-surveyors.co.uk

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1.0 Introduction

- 1.1 BPS Chartered Surveyors have been instructed by the London Borough of Camden ('the Council') to undertake a review of a Financial Viability Assessment (FVA) prepared by Gerald Eve ('GE') on behalf of Groveworld Ltd ('the Applicant') in connection with a planning application for the redevelopment of the above site.
- 1.2 This is an addendum to the report we issued in May 2023 which should be read in conjunction with this document. The purpose of this addendum is to respond to Gerald Eve's rebuttal dated 2nd June 2023.
- 1.3 As a brief recap, the site was granted consent in July 2022 for a scheme comprising of 100,537 sq.ft. NIA flexible lab space, 182 room hotel, 72 residential units (28 are affordable), and a gym 12,370 sq.ft.
- 1.4 The applicant is now seeking to amend the scheme to include 114,640 sq.ft NIA of office accommodation (flexible-lab enabled), 2,937 sq. ft. NIA of permanent affordable workspace, 10,374 sq.ft. of temporary affordable workspace, 182 room hotel, 72 residential units within two blocks 54,885 sq. ft. (including 28 affordable units) and 24,546 sq. ft. NIA of laboratory space.
- 1.5 The current proposals are for:

"Variation of Condition 2 (Approved Plans), 18 (Cycle Secure & Covered Parking), 31 (Gym House of Operation), 41 (SuDS), and 54 (External Amenity Space Details for Swinton Street Flats) of planning permission ref 2020/5593/P dated 20/07/22 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 and/or provision of education 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.”

- 1.6 GE have concluded in their latest addendum that the scheme produces a residual profit of c.£5.8M, against a profit target of £50M and is therefore technically unviable.
- 1.7 The areas of disagreement as per the previous report are: build costs, affordable values, lab/office rents, private sales values, and finance rate (all of which we discuss in turn in this report).
- 1.8 The advice set out in this report is provided in the context of negotiating planning obligations and therefore in accordance with PS1 of the RICS Valuation – Global Standards 2020, the provisions of VPS1–5 are not of mandatory application. Accordingly, this report should not be relied upon as a Red Book Valuation. The Valuation Date for this Viability Review is the date of this report, as stated on the title page. This Viability Review has been undertaken in accordance with the Terms & Conditions provided to the Council and with any associated Letters of Engagement and should only be viewed by those parties that have been authorised to do so by the Council.
- 1.9 This Viability Review adheres to the RICS Professional Statement on Financial Viability in Planning (published May 2019). In accordance with this Statement, we refer you to our standard terms and conditions which incorporate details of our Quality Standards Control & Statement on Limitation of Liability/ Publication.

2.0 Summary Table

Our revised respective positions are now as follows:

Input	Gerald Eve	BPS	Comments
Income			
Private Sales Values	£39,627,500 (£1,294 psf)	£39,627,500 (£1,294 psf)	Agreed – We accept the Savills compromise position.
Affordable LAR / Intermediate Rent	£151 / £242psf	£151 / £242psf	Agreed – GE have submitted a full detailed valuation and have improved the affordable values. We accept they are full and reasonable.
Hotel	£80,000,000	£80,000,000	Agreed – Reasonable assumption.
Offices	£67.50 - £82.50 @ 4.5% – 4.75% yield	£67.50 - £82.50 @ 4.5% – 4.75% yield	Agreed – Reasonable assumption.
Ground Rents	£nil	£nil	Agreed
Expenditure			
Benchmark Land Value	£19,400,000	£19,400,000	Agreed – Based on previous application and still valid.
Build Costs	£179,454,449	£179,454,449	Agreed – Our QS has accepted the costs.
Contingency	5%	5%	Agreed – Our QS has accepted the costs
Professional Fees	12%	12%	Agreed – Our QS has accepted the costs
Private Marketing, Agent and Legal Fees	2.5%	2.5%	Agreed – Industry standard
Commercial Marketing, Agent and Legal Fees	1.5%	1.5%	Agreed – Industry standard
CIL	£6.29M	£9.9M	Some ambiguity - We have been advised of higher estimates by the council than what was originally envisaged.
S106	£2.9M	£8.2M	Some ambiguity - We have been advised of higher estimates by the council than what was originally envisaged.
Finance	8%	8%	Agreed – GE have accepted our position.
Profit (Blended)	15.2%	15.2%	Agreed – Based on previous application and still valid.
Development Timeframes			
Pre-construction Period	8.3 months	8.3 months	Agreed
Construction Period	73 months	73 months	Agreed

Sales Period	60% off-plan, 3-4 units a month	60% off-plan, 3-4 units a month	Agreed
Viability Position	-£44.3M No further affordable housing contributions can be provided	-£44.3M Agreed	Agreed – We agreed with GE’s conclusions and appraisal.

3.0 Conclusions And Recommendations

- 3.1 We have reviewed the Financial Viability Assessment prepared by Gerald Eve on behalf of the applicant which concludes that the proposed scheme is in deficit by -£42.1M. On this basis, in Gerald Eve's view the scheme cannot provide any further affordable housing contributions over and above the £6M affordable in lieu payment. We acknowledge that the applicant has maintained their 50% by habitable room affordable housing contribution.
- 3.2 This is a s.73 application (non-material amendment) to a previous full application which was granted consent back in 2022, BPS and GE were the original viability advisors, advising the council and the applicant respectively. It is recommended that all the previous reports are read in conjunction with the latest.

Benchmark Land Value

- 3.3 GE have maintained the previously agreed benchmark land value of £19.4M. This has already been interrogated in full and is considered valid today.

Development Value

- 3.4 The scheme includes a 184 room hotel, 72 residential units (28 are affordable), 24,546 sq.ft. of lab space, 114,640 sq.ft. of office/flexible lab accommodation, 10,374 sq.ft. temporary affordable workspace, and 2,937 sq.ft. of permanent affordable workspace.
- 3.5 On the private sales values we note Savills have revised their pricing upward slightly and we accept their position as a compromise agreement.
- 3.6 Savills have provided some new evidence on the hotel to justify their value which we are broadly in agreement with.
- 3.7 On the offices, we consider that the valuation has been priced fairly. In respect of the potential for fitted lab accommodation, both parties acknowledge that there is potential for higher rents to be achieved but these will come at a substantial landlord cost; all things being equal we are content the costs represent lab enabled space and the appropriate rents as of today's date. Any gains from subsequent conversion to lab space would be captured at review.

Ground rents

- 3.8 Ground rents are no longer chargeable and have been excluded from the assessment.

Affordable Housing

- 3.9 GE have revised the affordable values to £151psf and £241psf which is considered agreed and concluded.

Development Costs

- 3.10 Our Cost Consultant, Neil Powling has reviewed the Cost Plan for the proposed scheme prepared by the applicant and concludes that:

“...Our benchmarking results in a construction cost of £186,175,820 that compares to the Applicant’s £179,454,449. We therefore consider the Applicant’s costs to be reasonable.”

- 3.11 We have reviewed the other costs outlined within the FVA and consider them to be reasonable, noting the applicant team have accepted our 8% finance rate.
- 3.12 We note a higher CIL/S106 amount has been advised by the council.

Recommendations

- 3.13 We agree with GE’s conclusions the scheme is unviable as of today’s date and any future improvements in viability will be picked up in the review mechanism (if applicable). We are recommending that viability reviews are included as part of the S106 for the avoidance of doubt.
- 3.14 We note that the c.£6M of additional affordable housing contributions are considered unviable by Gerald Eve, which we agree with given the outcome of our assessment. This helps explain the substantial difference envisaged between the council and Gerald Eve.

4.0 Principles Of Viability Assessment

- 4.1 Development appraisals work to derive a residual value. This approach can be represented by the formula below:

$$\text{Gross Development Value} - \text{Development Costs (including Developer's Profit)} \\ = \text{Residual Value}$$

- 4.2 The residual value is then compared to a benchmark land value. Existing Use Value (EUV) and Alternative Use Value (AUV) are standard recognised approaches for establishing a land value as they help highlight the apparent differences between the values of the site without the benefit of the consent sought.
- 4.3 The rationale for comparing the scheme residual value with an appropriate benchmark is to identify whether it can generate sufficient money to pay a realistic price for the land whilst providing a normal level of profit for the developer. In the event that the scheme shows a deficit when compared to the benchmark figure the scheme is said to be in deficit and as such would be unlikely to proceed.
- 4.4 Development appraisals can also be constructed to include a fixed land value and fixed profit targets. If an appropriate benchmark is included as a fixed land value within a development appraisal this allows for interest to be more accurately calculated on the Benchmark Land Value, rather than on the output residual value. By including fixed profit targets as a cost within the appraisal, programmed to the end of development so as not to attract interest payments, the output represents a 'super' profit. This is the profit above target levels generated by the scheme which represents the surplus available towards planning obligations
- 4.5 This Viability Review report adheres to the RICS Professional Statement on Financial Viability in Planning: Conduct and Reporting (published May 2019). In accordance with this Statement, Section 8 below incorporates details of our Quality Standards Control & Statement on Limitation of Liability/ Publication. This report has been prepared according to the Professional Statement's requirement for objectivity and impartiality, without interference and with reference to all appropriate available sources of information. Where information has not been obtainable, we have stated this expressly in the body of the report.

5.0 Viability Inputs

- 5.1 We discuss the remaining inputs which are disputed in turn below.

Private Residential Values

- 5.2 Savills have submitted a rebuttal which seeks to review BPS' previous comments on private sales values together with an updated view on the market. We note Savills have revised their position from £1,272 psf to £1,294 psf. We have considered Savills' latest rebuttal and consider it to be a reasonable compromise position.
- 5.3 We would point out with current elevated interest rates and negative market sentiment we are unable to robustly defend a higher sales rate at present. Moreover, there is no better new build achieved evidence identified in the locality since our previous review.

Office accommodation/lab rents

- 5.4 It was not initially clear from the FVA accompanying the S73 application the scale of fit out costs being assumed. We now accept that fitted lab specification has not been assumed, but rather Cat A office accommodation which is lab enabled (has the potential to be later converted into fitted laboratory accommodation).
- 5.5 Both parties have agreed that whilst it is possible to achieve slightly higher rents for fitted lab accommodation in Kings Cross, this however comes at a substantially higher cost to the landlord who must fit out the accommodation on behalf of the occupier; we acknowledge that the fitouts are highly bespoke and highly specialised and are therefore difficult to quantify in terms of cost at this stage not knowing who the exact end occupiers will be.
- 5.6 We are content that the applicant team have fairly priced the cost of delivering Cat A standard office accommodation and applied the appropriate valuation assumptions as of today's date. If there are any net gains from fitted lab accommodation i.e. rents higher than the costs required, in the future this will be picked up in the review mechanism.

Finance Rate

- 5.7 The applicant team have accepted our finance cost of 8%, this is considered concluded.

Build Costs

- 5.8 Our cost consultant Neil Powling has reviewed the applicant's full cost plan and concluded:

“...Our benchmarking results in a construction cost of £186,175,820 that compares to the Applicant’s £179,454,449. We therefore consider the Applicant’s costs to be reasonable.”

- 3.17 We have reviewed the other costs outlined within the FVA and consider them to be reasonable, noting the applicant team have accepted our 8% finance rate.

Affordable Rents

- 5.9 GE have now provided a full schedule to support their valuation, noting they have increased the values to £151psf and £241psf for the affordable and intermediate rent units respectively. GE have now fully justified their valuation and we have accepted it as being full and reasonable.

CIL/S106

- 5.10 We understand from the council that higher CIL/S106 amounts are being sought from what was originally envisaged. We have been advised £9.9M for CIL and £8.2M for S106. We note that c.£6M of this is for additional affordable housing payments sought in line with the policy, albeit we agree with Gerald Eve that these payments are unviable and cannot be sustained.

Argus Appraisal

- 5.11 We are content with adopting GE’s appraisal given the advisors are now in agreement.

Conclusion

- 5.12 In conclusion we agree with GE that the scheme is in technical financial viability deficit as of today and is arguably deliverable based on the sensitivity analysis produced by GE.

6.0 Author Sign Off

- 6.1 This report is provided for the stated purpose and for the sole use of the named clients. This report may not, without written consent, be used or relied upon by any third party.
- 6.2 The author(s) of this report confirm that there are no conflicts of interest and measures have been put in place to prevent the risk of the potential for a conflict of interest. In accordance with the RICS Professional Statement *Financial Viability in Planning: Conduct and Reporting* September 2019, this report has been prepared objectively, impartially, and with reference to all appropriate sources of information.
- 6.3 The following persons have been involved in the production of this report:



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