

1 Vince Street, London, EC1V 9HB

in the London Borough of Hackney

planning application no. 2015/3377

Strategic planning application stage 1 referral Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.
The proposal Demolition of existing public house (Use Class A4) and erection of a 10 storey mixed use development comprising retail (Use Class A1/A3) at basement and ground floor levels with 17 residential units above, each with external amenity space.
The applicant The applicant is Max Barney (EC2) Ltd and the architect is Kyson .
Strategic issues The principle of the mixed-use redevelopment of this site is supported. However, there are a number of outstanding strategic planning concerns relating to social infrastructure, affordable housing, urban design, inclusive design, climate change and transport .
Recommendation That Hackney Council be advised that, whilst the principle of the proposal is supported, the application does not comply with the London Plan, for the reasons set out in paragraph 43 of this report; but that the possible remedies also set out in this paragraph could address these deficiencies.

Context

1 On 19 October 2015 the Mayor of London received documents from Hackney Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under the following Categories of the Schedule to the 2008 Order:

- Category 1C: "Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London".

3 Once Hackney Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The application site comprises a two storey public house, bound to the east by Vince Street and to the south by Old Street, with a site area of 0.02 hectares. To the east is Shoreditch Fire Station, to the north is a housing estate and to the west is a low rise retail parade. The south side of Old Street generally comprises a mixture of larger commercial buildings.

6 Old Street Station (London Underground and National Rail) is approximately 60 metres away and Shoreditch High Street (London Overground) is 800 metres away. The site is served by 17 bus services, the nearest stop being immediately adjacent on Old Street. The site has a public transport accessibility level of 6b, on a scale where 1 is the lowest and 6 is the highest. In addition, the site is located within 150 metres of the Cycle Superhighway 1 route, currently under construction. The site is served by the Mayor's Cycle Hire Scheme, with five docking stations within 500 metres of the site. The nearest section of the Transport for London Road Network (TLRN) is Old Street.

7 The site is within the City Fringe Opportunity Area and Central Activities Zone. The South Shoreditch Conservation Area boundary falls to the east beyond the fire station.

Details of the proposal

8 The proposal is for a mixed use development as described above. In summary, it would comprise the demolition of the existing public house and the construction of a 10 storey building with 213 sq.m. of Use Class A1/A3 space and 17 flats.

9 The proposed residential mix would comprise 6 x 1 bed, 6 x 2 bed and 5 x 3 bed flats, each having private balconies. Cycle storage for the retail would be located at ground floor level, with the residential in the basement, along with plant and bin storage.

Case history

10 There is no relevant GLA case history, but it is noted that Hackney Council have previously approved an 8 storey building comprising 402 sq.m. of office space and 136 sq.m. of retail on the site. This was granted in August 2014.

Strategic planning issues and relevant policies and guidance

11 The relevant issues and corresponding policies are as follows:

- Mix of uses *London Plan; Social Infrastructure SPD; City Fringe Opportunity Area Planning Framework; draft Central Activities Zone SPG*
- Housing *London Plan; Housing SPG; draft Interim Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context, SPG*
- Affordable housing *London Plan; draft Interim Housing SPG; Housing Strategy;*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context, SPG; draft Interim Housing SPG;*

- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG*
- Climate change *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*
- Transport *London Plan; the Mayor's Transport Strategy; Land for Industry and Transport SPG*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG*

12 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Hackney Core Strategy (December 2010) and Development Management Policies (July 2015), as well as the London Plan (Consolidated with Alterations since 2011). The draft Minor Alterations to the London Plan (2015) and the National Planning Policy Framework and Technical Guide to the National Planning Policy Framework, are also relevant material considerations. In addition, the City Fringe Opportunity Area Planning Framework is material to the consideration of this application.

Principle of mixed use development

13 The proposal for residential development over ground floor non-residential floorspace in this location does not raise any strategic concerns. However, the proposal would result in the loss of a public house without a similar replacement use, or alternative social infrastructure provision. It is noted that Hackney Development Management Policy DM5, adopted since the previous approval on the site, seeks to protect social and community facilities, including public houses. In accordance with this policy, either a replacement facility should be provided as part of the redevelopment scheme or the applicant should demonstrate that the community facility is no longer required and that there is no demand for alternative community uses on the site. Furthermore, the City Fringe Opportunity Area Planning Framework recognises the community asset value of public houses and their contribution to the evening economy. The application contains limited justification for the loss of a public house and the applicant is requested to either amend the proposal to include a replacement public house or alternative community facility if appropriate, or alternatively provide a full justification for its loss in order to ensure that the proposal complies with London Plan Policy 3.16.

Housing

Proposed residential mix

14 The application proposes 17 residential units in total, with the mix set out in Table 2, below. This raises no strategic concerns, but the Council should confirm that the proposed housing mix meets local requirements.

unit type	number	% of total scheme
1 bed	6	35
2 bed	6	35
3 bed	5	30
total	17	100.0

Table 2: proposed unit mix

Affordable housing

15 London Plan Policy 3.12 requires councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. The proposal does not include any on site affordable housing. The applicant has submitted a financial viability report in support of its proposals, which is being independently assessed by the Council. The application documents state that there would be a surplus of £360,000, but instead proposes that this be paid as a financial contribution towards off site provision. It is not possible at this stage to determine whether the application provides the maximum reasonable amount of affordable housing in accordance with London Plan Policy 3.12. The Council should confirm that this surplus is the maximum reasonable contribution and that it is content to accept off site provision in this case.

Density

16 London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, design principles set out in the London Plan and public transport capacity. London Plan Table 3.2 provides the density matrix in support of this policy. The site is regarded as having a 'central' setting with a high public transport accessibility level. The London Plan indicative residential density for this site is 650-1,100 habitable rooms per hectare.

17 The proposed development would have a density of 2,833 habitable rooms per hectare and this has been calculated based on the net residential site area. The density would be significantly above the indicative ranges, although given the highly accessible and central nature of the site, a high density scheme would not necessarily be a concern. It is noted that the Mayor's supplementary planning guidance 'Housing' makes it clear that high density proposals need to be of the highest design quality, amenity and contribute to local place making. These matters are addressed in the following sections.

Housing quality

18 London Plan Policy 3.5 promotes quality in new housing provision, with further guidance provided by the Mayor's Housing SPG. All of the units meet the Mayor's minimum space standards for internal space and amenity space, which is welcomed. All the units are triple aspect, floor to ceiling heights would exceed 2.5 metres and the scheme achieves an efficient core to unit ratio, with only two units on each floor. The quality of the residential units is therefore generally high, although the internal corridor widths are significantly below the 1.5 metres required by the Mayor's Housing SPG. The applicant should therefore revise the layout to ensure adequate corridor widths.

Children's play space provision

19 London Plan Policy 3.6 seeks to ensure that development proposals include suitable provision for play and recreation. Further detail is provided in the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation', including a benchmark of 10 sq.m. of usable space to be provided per child, with under-5 child playspace provided on-site. However, the child yield of the development would be well below the threshold set out in the SPG for on-site provision, so the scheme would not be expected to provide any play space.

Urban design

20 Good design is central to all objectives of the London Plan, and given the density of the development, its design needs to be of an outstanding quality. The proposed scheme would be an improvement compared to the approved building, and whilst the scheme is strongly commended, there remain outstanding concerns that need to be addressed.

Layout and public realm

21 The ground floor layout provides good levels of active frontage and definition along the pavement edge. The chamfered south east corner feature would provide a welcome contribution to the public realm in this area and would signify the entrance to the ground floor space. GLA officers are however concerned about the siting of the residential entrance at the rear of the building. The street to the rear is essentially a service access to the adjacent parade backing onto garages and the proposed layout would be contrary to the objective of the Mayor's Housing SPG to ensure that all entrances should be visible and clearly identified. The applicant should consider how the layout can be amended to move the residential entrance to the front or east elevations, without substantial impact on the amount of active frontage. The ground floor residential lobby also appears to be very small and the applicant should demonstrate that this area can satisfactorily accommodate the necessary features, such as post boxes for all flats. The applicant should investigate enlarging or enhancing this lobby.

Residential quality

22 As mentioned above, the residential quality of the scheme is generally of a high standard, with terraces and balconies positioned to face away from the busy Old Street. The Council should ensure that appropriate noise insulation measures for the internal spaces are secured by condition. However, as mentioned above, internal corridors are narrow. The applicant is requested to address this by revisiting the internal layout on each floor, given the high density nature of the scheme.

Form, massing, building height and heritage

23 The form and massing of the development does not raise any strategic concerns, given the local context. The height of the development does not raise any strategic concerns in terms of impact on strategic views and is unlikely to affect local microclimate. The Council should ensure that the scale of the development does not significantly affect views into or out of the nearby Conservation Area or any listed buildings in the area.

Architecture and materials

24 The architectural approach is strongly supported, with a strong, ordered structure, deep reveals and extensive glazing. The use of high quality materials would be appropriate to the location. The varied building line at ground and upper floor levels, along with the cut-away top floor would further break down the mass of the building and this is supported. The detailing and build quality will however be critical to achieving the highest possible standard of architecture and the Council is encouraged to secure key details to ensure this is achieved and built through, as well as securing the retention of the architects during detailed design phases.

Inclusive design

25 In accordance with London Plan Policy 3.8, all of the residential units should meet Lifetime Homes standards, and more than 10% of the units will be designed to be fully adaptable and adjustable to wheelchair users. The application includes limited information and the applicant is requested to clarify how Lifetime Homes standards have been addressed and confirm which units would be wheelchair accessible. The applicant should also agree with the Council where blue badge spaces can be positioned on street. As set out in the Mayor's Housing Standards Policy Transition Statement, the Council should secure compliance with building regulations M4 (2) and M4 (3) by condition.

Climate change – adaption

26 The proposal includes a number of measures in response to strategic policies regarding climate change adaptation, which are welcomed. Measures proposed include sustainable drainage measures, use of low energy lighting, high levels of insulation, low water use sanitary-ware and fittings and green roofs.

Climate change - mitigation

Energy efficiency

27 The applicant has broadly followed the London Plan energy hierarchy to reduce carbon dioxide emissions, and a range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and mechanical ventilation with heat recovery.

28 The demand for cooling will be minimised through solar control glazing and internal blinds. It was noted that the Part L compliance checklists provided suggest a medium risk of overheating for some of the dwellings. Further passive measures should be considered in line with Policy 5.9 to avoid the risk of overheating now and in future climate. The applicant is proposing that the penthouse apartments are provided with mechanical cooling. The use of active cooling in the dwellings is not supported unless it is demonstrated that cooling demands have been minimised by passive design (in line with policy 5.9) before the inclusion of air conditioning.

District heating and renewables

29 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant should provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

30 The applicant is proposing to install a communal heat network. The communal heat network will be supplied from a single energy centre. The applicant should confirm that the commercial areas will be provided with a connection to the communal heat network. Further information on the floor area and location of the energy centre should be provided. The applicant has investigated the feasibility of CHP. However, due to the intermittent nature of the heat load, CHP is not proposed. This is accepted in this instance.

31 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install a 16.7kWp solar photovoltaic (PV) array on the roof of the development. A roof layout plan should be provided to demonstrate that there is sufficient space to accommodate the proposed array. The applicant is also proposing air source heat pumps (ASHP) for the commercial space. The applicant should ensure that capped connections to the LTHW communal network are provided.

Summary

32 Overall the measures proposed result in a 38% reduction in regulated carbon dioxide emissions compared to a 2013 Building Regulations compliant development, which would meet the London Plan Policy 5.2 target. However, the applicant should fully address all comments made above before compliance with London Plan energy policy can be verified.

Flooding

33 The site is within Flood Zone 1, although it is also shown to be at some risk of surface water flooding, with other areas close by being at greater risk. The submitted Sustainability Statement sets out a number of measures to deal with surface water green roofs and underground attenuation tanks. These measures together should restrict surface water run-off to greenfield rates in accordance with London Plan Policy 5.13. Given the nature and location of the proposals this approach is considered to be acceptable in terms of the sustainable drainage hierarchy contained in Policy 5.13 and should be secured by the Council by an appropriate planning condition.

Transport

Transport impact

34 Due to the scale of the proposal and excellent access to public transport services, TfL accepts the development trip generation would be unlikely to have a significant impact on the local highway and public transport networks.

Parking

35 TfL has reviewed the application and welcomes a car free development. However, the London Plan requires the provision of at least 1 blue badge parking space. Due to site constraints, TfL recognises that this may not be feasible but would recommend that the applicant investigate the reallocation of any on-street spaces or alternatively provision be made for a suitably designed and located designated drop-off point for the disabled. Any preferred arrangement would need to be secured through a S106 obligation. Future occupants should be excluded from applying for parking permits within the controlled parking zone through the S106 agreement.

Walking and cycling

36 Thirty cycle parking spaces are proposed to serve the residential component of the development. This is in line with London Plan standards and is welcomed. With regards to the ground floor retail use, the London Plan would require the provision of 5 short term visitor spaces. None are provided and in the context of the site location and local improvements to the cycling environment, this is a concern. The applicant should provide the required visitor spaces and officers would welcome a discussion about how this could be achieved on this small site. Furthermore, it is recommended that the applicant review the guidance on cycle parking in chapter 8 of the London Cycling Design Standards, which advises on the qualitative aspects of cycle parking.

37 In addition and in conjunction with comments made above concerning the position of the residential entrance, TfL also consider this to be unsafe due to the inadequate footway width at the rear of the building, having regard to TfL's Pedestrian Comfort Guidance for London (2010). As mentioned above, the applicant should consider how the layout can be amended to move this entrance.

Community Infrastructure Levy and Crossrail

38 The proposal triggers requirements for both the Mayoral London-wide CIL and Crossrail contribution, which should be secured through the S106 agreement.

Summary

39 In summary, given the high accessibility and car-free nature of the development, it is unlikely to have a significant impact on the surrounding highway network. However, TfL wishes to raise detailed issues relating to blue badge parking, cycle facilities and pedestrian access.

Local planning authority's position

40 The Council's position is unknown.

Legal considerations

41 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

42 There are no financial considerations at this stage.

Conclusion

43 London Plan policies on Opportunity Areas, social infrastructure, housing, urban design, playspace, heritage, inclusive design, climate change and transport are relevant to this application. The principle of the residential-led mixed-use redevelopment of this site is supported. However, a number of strategic concerns are raised, and consequently the application does not accord with London Plan Policy:

- **Social infrastructure:** the applicant is encouraged to re-provide a public house or other compensatory community facility, or provide a strong justification for the loss of the public house, in accordance with London Plan Policy 3.16.
- **Housing:** it is not possible at this stage to determine whether the proposal provides the maximum reasonable contribution to affordable housing, in accordance with London Plan Policy 3.12. The Council should confirm this following conclusion of the viability work and confirm it is content with a financial contribution.
- **Urban design:** the design quality of the scheme is generally high, but the applicant should seek to address outstanding concerns relating to layout and residential quality, to ensure compliance with London Plan policies 3.5, 7.3 and 7.5.
- **Inclusive design:** the applicant should submit further details to enable assessment of the accessibility of the residential units and to confirm which units will be wheelchair accessible, in accordance with London Plan Policies 3.8 and 7.2.

- **Climate change:** the energy strategy does not fully accord with London Plan policies 5.2, 5.6 and 5.9. Further information regarding energy efficiency, overheating, future connection to a district heat network and the site-wide heat network is required.
- **Transport:** in accordance with London Plan policies 6.5, 6.7, 6.9, 6.10 and 6.13 the applicant should address concerns relating to blue badge parking, cycle facilities and pedestrian access. A S106 obligation should be secured towards Crossrail.

for further information, contact GLA Planning Unit (Development & Projects Team):

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