


**Hackney Planning Committee – 21.02.2005**

<b>ADDRESS:</b> 144-146 Lower Clapton Road, E5.	
<b>WARD:</b> Leabridge	<b>REPORT AUTHOR:</b> Craig Gilbert
<b>APPLICATION NUMBER:</b> 2004/0412	<b>VALID DATE:</b> 24/02/2004
<b>DRAWING NUMBERS:</b> PL09P3, PL10P3, PL05P3, PL06P3, PL07P3, PL08P3.	
<b>APPLICANT:</b> Groveshire 2 Turnberry Quay London E14 9RD	<b>AGENT:</b> Stock Woolstencroft 47-49 Pitfield Street London N1 6DA
<b>PROPOSAL:</b> Demolition of existing warehouse and offices and erection of two four storey buildings comprising ground floor A1 (retail)/A2 (financial and professional services) /B1 (office) use (360 sq m), 37 residential units (13 x 1 bed, 14 x 2 bed, 6 x 3 bed and 4 x 4 bed) (3430 sq m), 13 car parking spaces and 3 disabled parking spaces.	
<b>RECOMMENDATION SUMMARY:</b> Approval, subject to Section 106 Legal Agreement	

**ANALYSIS INFORMATION**
**ZONING DESIGNATION:**

CPZ		YES (D: Hackney Central)
Conservation Area		NO
Listed Building (Statutory)		NO
Listed Building (Local)		YES

<b>LAND USE DETAILS:</b>	Use Class	Use Description	Floorspace
<b>Existing</b>	B8	Office/Storage	815m <sup>2</sup>
<b>Proposed</b>	A1, A2, B1	Office	360m <sup>2</sup>
	C3	Residential	37 Units

<b>RESIDENTIAL USE DETAILS:</b>	Residential Type	No of Bedrooms per Unit				
		1	2	3	4	5+
<b>Existing</b>	Flat/House	0	0	0	0	0
<b>Proposed</b>	Flat/House	13	14	6	4	0
<b>Totals</b>	<b>(Total = 37)</b>	<b>13</b>	<b>14</b>	<b>6</b>	<b>4</b>	<b>0</b>

<b>PARKING DETAILS:</b>	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	13	3
Cycle Parking	17	N/A

## **OFFICERS REPORT**

### **1. SITE DESCRIPTION**

- 1.1 The site is located on the eastern side of Lower Clapton Road (secondary road) and is positioned just north of Atherden Road and just south of Clapton Pond. The proposal site is approximately 0.23ha in area and is rectangular in shape. At present there is a part 1, part 2 storey warehouse building on the site as well as a number of other smaller structures. The area surrounding the site is characterised by a mixture of uses including residential, warehousing, light industrial and retail.
- 1.2 To the north of the site is a four storey, locally listed building that appears, from external inspection, to contain residential on the upper floors and a betting office on the ground floor. To the south of the site is a warehouse building and directly to the east are residential dwellings. The north eastern corner of the site is bounded by a single storey office building.
- 1.3 The site is located in close proximity to the Mare Street Town Centre which is approximately 15 minutes walking distance to the south. Additional retail uses exist along Lower Clapton Road surrounding the site. The King's Hall leisure centre is also in close proximity to the site. The site is served by a number of bus services that run along Lower Clapton Road which travel to the West End, the City, Stratford, Leyton, Finsbury Park and other areas of Hackney. The site is also in reasonable proximity to Clapton overland rail station to the north and the Hackney Central and Hackney Downs overland rail stations to the south.

### **2. CONSERVATION AND LISTED BUILDING IMPLICATIONS**

- 2.1 The site is not located within or adjacent to a conservation area. However it is in close proximity to the Clapton Pond Conservation Area which is to the north of the site. The proposals impact with regards to this Conservation Area is mentioned within the body of the report.
- 2.2 The site is not a statutory listed building nor is it adjacent to a statutory listed building. However, directly to the north of the site is a locally listed building and, again, any impact is addressed within the body of the report.

### **3. HISTORY**

- 3.1 According to the planning records for this site, the existing buildings were approved in 1956 and 1959. Following this approval there have been various consents on the site that have primarily involved the erection of additional components to the existing buildings, such as canopies. None of the historical applications have any real relevance to the current planning application.

#### **4. CONSULTATIONS**

4.1 Date Statutory Consultation Period Started: 09/03/2004

4.2 Site Notice: Yes

4.3 Press Advert: Yes

#### **4.4 NEIGHBOURS**

4.4.1 37 neighbouring occupiers were notified of this planning application but no letters of representation were received.

#### **4.5 LOCAL GROUPS**

4.5.1 Invest in Hackney: Originally objected to the scheme because of the significant reduction in employment floorspace. However, since the applicant has proposed the commercial floorspace as affordable workspace, Invest in Hackney have considered the application acceptable.

4.5.2 The Hackney Society: No comments received.

4.5.3 Clapton CAAC: Generally approves the proposed development. However believed that it could have been designed better, in particular it was thought that the front elevation does not relate very well with the neighbouring buildings.

#### **4.6 COUNCIL DEPARTMENTS**

4.6.1 Pollution Group: No comments received.

4.6.2 Conservation and Design Officer: After amendments the application is considered acceptable. However, given the weathering characteristics of white render in a harsh urban environment as a result of dirt and pollution, it should be conditioned that a darker render be used on the front elevation.

4.6.3 Housing: Fully support the application.

4.6.4 Traffic and Transport: Considered proposal to be acceptable on highway grounds.

4.6.5 Planning Policy: Did not originally support the application due to the significant loss of employment generating floorspace. However given that the amount proposed will be affordable for a significant

period of time it was considered that the loss would be acceptable in this instance as there is a significant demand for employment floorspace in the borough.

#### **4.7 STATUTORY CONSULTEES**

4.7.1 Hackney Police Station: No comments received.

4.7.2 English Heritage: As the site is located within an Archaeological Priority Area a programme of archaeological work in accordance with a written scheme for investigation needs to be undertaken and is to be submitted to and approved by the Council.

### **5. POLICIES**

#### **Hackney Unitary Development Plan**

EQ1 Development Requirements

EQ7 External Works and Landscape

EQ12 Protection of Conservation Areas

EQ18 Setting of Listed Buildings

EQ46 Recycling Facilities

EQ48 Designing Out Crime

HO1 Provision of Additional Housing

HO9 New Build Housing Schemes

HO10 Large Housing Schemes

HO19 Safety and Accessibility

HO20 Planning Standards

E2 Development within Defined Employment Areas

E5 Retention of Sites and Floorspace within Defined Employment Areas

E18 Planning Standards

TR6 Traffic, Access and Parking

TR8 Parking for People with Disabilities

TR19 Planning Standards

ST1 New Development

ST2 General Character

ST3 Planning Obligations

ST4 High Standard of Design

ST21 Dwelling Range

ST 23 Affordable Housing

ST28 Transport Infrastructure

#### **Other Relevant Hackney Policies**

SPG1: New Residential Development

#### **Regional Planning Guidance**

London Plan Policies:

3A.1: Increasing London's Supply of Housing

3A.4: Housing Choice

- 3A.7 Affordable Housing Targets
- 3A.8 Negotiating Affordable Housing in Individual Private Residential and Mixed Use Schemes
- 3B.2 Office Demand and Supply
- 3C.22 Parking Strategy
- 4B.1 Design Principles for a Compact City
- 4B.3 Maximising the Potential of Sites
- 4B.6 Sustainable Design and Construction

### **National Planning Guidance**

PPS1: Creating Sustainable Communities.

PPG3: Housing

PPG13: Transport

## **6. OFFICERS COMMENT**

- 6.1 The proposal is for the demolition of the existing buildings on the site and the erection of two four storey buildings, which will contain affordable A1/A2/B1 (360m<sup>2</sup>) floorspace, 37 residential units (13x1 bed, 14x2 bed, 6x3 bed, 4x4 bed) and of which all will be for affordable housing, 13 car parking spaces and 3 disabled car parking spaces.
- 6.2 The main issues that relate to this proposal are:
  - a. Design and scale;
  - b. Mix and layout of uses and residential amenity; and
  - c. Transport and waste issues.

### **A. DESIGN AND SCALE**

- 6.3 The proposal consists of two four storey rectangular blocks. One of the blocks is positioned with its long side facing onto Lower Clapton Road whilst the other is positioned towards the rear of the site. The main building materials include render, cladding, brick and glazing. In between the two blocks there will be a landscaped courtyard that will be accessible by both the residents and employees of the site. Some of the residential units located in the rear block have small private amenity spaces. The proposed development will be accessed from the southern end of the site through an entrance that will pass under the development and will be accessible by both vehicular and pedestrian traffic.
- 6.4 The scheme has been amended since originally being submitted and the changes include a reduction in the number of residential units, an improved mix and some design alterations. The Council's Conservation and Design Team have commented on the application and consider the proposal to be acceptable. The building line of the new scheme maintains that of the existing building and therefore does not disrupt the current

building continuity along Lower Clapton Road. They have agreed that the bulk, height and massing of the development is appropriate in this location and would not have a detrimental impact on the existing streetscape, the adjoining locally listed building or the Clapton Pond Conservation Area to the north of the site. Conservation and Design did state, however, that the design is quite basic and a more interesting design could ideally have been achieved on the site.

- 6.5 Conservation and Design's main concern with the present scheme is the issue of white render on the front elevation. Given that the site is positioned on a busy road and within a mixed use urban area, it is considered that white render would weather poorly as a result of pollution, such as vehicle emissions. Therefore it is recommended that subject to approval it is conditioned that the white render on the front elevation is to be of a darker colour.

## **B. MIX AND LAYOUT OF USES AND RESIDENTIAL AMENITY**

### **Employment**

- 6.6 The proposal involves 360m<sup>2</sup> of alternatively A1/A2/B1 floorspace and will be located on the ground floor of the block fronting Lower Clapton Road. The current amount of employment generating floorspace on the site, which is predominately B8 at present, is approximately 815m<sup>2</sup>. The applicant is proposing alternative uses on the site and all three are considered acceptable, given that they provide some element of employment generation.
- 6.7 The amount of employment generating floorspace is considerably less than what is currently on the site as it works out to be a 30% re-provision. The applicants have tried to justify this reduction through an assessment of the marketability of the site in its present form. A report was undertaken by "Strettons" (Estate Agent) to assess the potential for future commercial uses if the site was redeveloped. The report broadly stated that the current business accommodation is outdated and that there would be little demand for the site in its current state. Furthermore, to redevelop the site for commercial floorspace would be an unviable development and the only way to offset the development costs of a new scheme it would have to incorporate other non-commercial uses, such as residential. It was also stated that whilst the proposal would result in a loss of employment generating floorspace, the new floorspace would be able to generate more jobs as there would be an increase in the density of employment, particularly as the site is only being used for warehousing at present.
- 6.8 Although the site is outside of a Defined Employment Area, the Council's employment policies still aim to protect employment floorspace by resisting its loss. Initially it was considered that the application was unacceptable as the applicant had failed to adequately justify the loss,

even based on the information contained within the “Strettons Report”. However, after further negotiations with the applicant it was proposed that the employment floorspace be offered as affordable workspace for a period of seven years and at a rental level that would be 50% below the market value. Given that there is a significant demand for this type of floorspace it was considered that the loss of floorspace could be justified in this specific instance. Given that the applicant is applying for alternative uses on the site, the Council will be able to nominate occupiers of the affordable workspace for any of the uses proposed. For instance the Council will be able to secure the site for B1 use for the 7 year period as affordable work space and at the conclusion of this period it would revert back to a composite B1/A1/A2 use and subject to market rates.

- 6.9 The details of the workspace will be secured through the Section 106 legal agreement that will be attached to this planning application. It should be noted that the amount of employment generating floorspace proposed is considered acceptable only on the basis that the employment floorspace is provided as affordable and for the period agreed. In any other circumstance the amount provided would not be considered acceptable and would result in the application being refused.

### **Housing**

- 6.10 The residential component of the development will be located within the upper floors of the block fronting Lower Clapton Road and within the entire block to the rear. The scheme entails 37 residential units consisting of 13 x 1 bed, 14 x 2 bed, 6 x 3 bed and 4 x 4 bed. There are 10 units that consist of 3 bedrooms or more that would be suitable for family accommodation. This amount equates to approximately to 27% of the total number of units. Given that the proposal is incorporating a significant proportion of larger family units of 4 bedrooms (11% of the total number of units and 40% of the total number of family sized units), which exceeds Council’s policy requirements, it is considered that the amount of family accommodation proposed is acceptable.
- 6.11 It is proposed that all of the residential units will be for affordable housing. The tenure of the affordable housing will be 8 units for social rent (4 x 3 bed, 4 x 4 bed), and the additional units will be for intermediate housing of which 8 will be for intermediate rent (4 x 1 bed, 4 x 2 bed) and 21 units for shared ownership (9x1 bed, 10x2 bed, 2x3 bed). The Council’s Housing Department supports this tenure mix, particularly as some of the larger units are for social rent.
- 6.12 The London Plan 2004 states that 50% of new housing in London should be for affordable housing, and of this amount, 70% should be for social rent housing and 30% for intermediate housing. The Mayor’s Draft Supplementary Planning Guidance on Affordable Housing (July 2004)

gives guidance on the implementation of the London Plan's Policies. It states that higher levels of Intermediate Housing in Boroughs such as Hackney, with high levels of existing social housing, would assist the achievement of mixed and balanced communities. Therefore the Council has been flexible with regards to the tenure split on 100% affordable housing developments and allows, in some circumstances, schemes that consist predominately of intermediate affordable housing. In this instance it is considered that the amount of affordable housing and the proposed 50/50 split of intermediate and rented affordable housing does not deviate substantially from the London wide target and is therefore the affordable housing component is considered acceptable.

### **Residential Amenity**

- 6.13 A daylight and sunlight study was undertaken by the applicant in response from a request from planning officers. The study demonstrated that the proposal did not result in unacceptable impacts on the amenity of neighbouring residents and occupiers. The layout and positioning of the buildings within this development has been designed so as to also maintain adequate natural light for neighbouring occupiers. It is also felt that there would be sufficient daylight and sunlight for the future residents on this site.
- 6.14 In terms of overlooking onto neighbouring occupiers, the distance between the proposed development and that of neighbouring buildings is considered acceptable and would be minimal. Some elements of overlooking have also been offset by the design approach of the proposal and existing structures such as walls. With regards to the proposal itself, because of site constraints to protect the privacy of existing occupiers to the rear of the site and the corresponding arrangement of buildings around a central courtyard, a maximum separation distance of 15m can be achieved between the proposed residential blocks. Recent Government guidance promotes higher density developments within appropriate locations, and in aiming to achieve these higher densities it is always not possible to achieve generous separation distances in central locations and in order to ensure optimal use of land. Although 15 metres is somewhat below the 21 metres distance as stated in Council Guidance, it is considered acceptable in this instance given the scale, design layout of the proposal. It has also been proposed as part of the conditions that more detail of the fenestration on the courtyard elevations is provided showing measures employed to alleviate overlooking between the two residential blocks.

### **C. WASTE AND TRANSPORT**

- 6.15 The proposal has 35m<sup>2</sup> of space allocated for waste storage which is to be used by both the residential occupiers and commercial occupiers. The Council's Waste Guidelines state that commercial and residential waste

should be kept separate in mixed use developments. Furthermore, the applicant has not proposed any micro recycling areas on the site, which is expected on a development of this size. Therefore it will be conditioned, subject to approval, that the applicant provides more details on waste storage facilities which will include separate waste storage and recycling facilities for the commercial and residential occupiers and a recycling site. The waste storage facilities will have to be designed in accordance with the Council's Waste Departments Guidelines.

- 6.16 According to the plans the development is proposing 17 spaces for bicycle parking. The amount of cycle parking provided within this development accords with the UDP standards for both the residential and commercial elements. In order to provide quality bicycle parking spaces, it will be conditioned that the storage area will be covered and privately accessible.
- 6.17 There are no areas allocated on the site for the servicing of the commercial floorspace. However, given that the site has its own parking area and some room directly to the front of the site, it will be possible to service this area without causing disruption to the traffic flow along Lower Clapton Road. Given the residential element of the scheme it will be conditioned that deliveries to the site will be restricted to certain hours in order to protect the amenity of future residents.
- 6.18 The development is proposing 13 car parking spaces for residents and 3 car parking spaces for disabled people, making a total of 16 spaces. In terms of residential parking, this equates to approximately 0.44 spaces per unit. As there is no parking for the commercial floorspace it will be conditioned that 3 (2 regular spaces and 1 disabled space) of the 16 spaces will be allocated for this use. This will help reduce traffic congestion caused by vehicles stopping on the road when people are visiting the commercial premises and also be useful for goods vehicles servicing the site.

## **7. CONCLUSION**

- 7.1 The proposal entails a mixed use development that will comprise of commercial/employment generating floorspace and residential units. The proposal involves a significant reduction in employment floorspace on the site but this has been offset by the fact that the employment floorspace proposed will be affordable for a period of 7 years and at rates determined by an independent organisation, such as Invest in Hackney, which will be 50% below the market value. The residential element of the scheme is 100% affordable housing, with an acceptable proportion of large family accommodation. Based on the above considerations the proposed development is considered acceptable and is therefore recommended for approval.

## **8. RECOMMENDATION:**

- 8.1 Planning permission be **GRANTED** subject to the following conditions and Heads of Terms:

### **SECTION A: Planning Conditions**

- i. **SCB1: Commencement within 5 years**
- ii. **SCM5: Boundary walls and enclosures to be approved**
- iii. **SCM6: Materials to be approved**
- iv. **SCM9: No extraneous pipe work**
- v. **SCM11: Modifications to be Approved (General)**
  - **Lower Clapton Road elevations showing a dark render as opposed to white.**
  - **Details of fenestration, on courtyard elevations, showing measures to minimise overlooking.**
- vi. **SCG11: Drainage Specification to be approved**
- vii. **SCG10: Soil Contamination Survey/Treatment**
- viii. **SCD1: Level access**
- ix. **SCT1: Landscaping Scheme to be approved.**
- x. **SCI3: No roof plant**
- xi. **SCH2: Loading/Unloading within Site/Building**
- xii. **SCH8: Parking for Persons with Disabilities (3 spaces)**
- xiii. **SCH9: Marking of parking/services areas**
- xiv. **NSC1: No deliveries shall take place for the B1 component of the development except between the hours of 0800 and 1800 on Mondays to Saturdays and not at all on Sundays or Bank Holidays.**

**NSR1: To ensure that the use B1 component operates in a satisfactory manner and does not unduly disturb adjoining residential occupiers or prejudice local amenity generally.**
- xv. **NSC2: Full details of dustbin enclosures and recycling facilities, showing the design, capacity, recycling measures, location, and**

external appearance, shall be submitted to and approved by the Local Planning Authority, in writing, before the use/development commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

**NSR2:** In order to provide adequate bin enclosures and sufficient recycling facilities, in order to protect the quality of the local environment and to promote sustainable waste practises.

- xvi. **NSC3:** Before the use hereby permitted first commences, at least 3 car parking spaces shall be marked and retained permanently for use by vehicles using the commercial element of the development, of which 1 will be for disabled parking.

**NSR3:** In order to ensure that sufficient parking is provided for the commercial element and that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

- xvii. **NSC4:** No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

**NSR4:** Important archaeological remains may exist on the site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16.

- xviii. **NSC5** The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

**NSR5:** The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if carried out or carried out differently in any degree from the details submitted.

- xix. **NSC5:** Space shall be made available for the secure parking of 17 covered cycles within the site before the use is first commenced.

**NSR5:** In the interests of promoting sustainable forms of transport.

**SECTION B: That recommendation (A) be subject to the applicant / 00Landowner and its mortgagees entering into a section 106 planning obligation by means of a legal Agreement under section 106 of the Town and Country Planning Act 1990 (as amended) and any necessary highways agreement under the Highways Act 1980 in order to secure the following matter to the satisfaction of the Director of Environment and Director of Law & Democratic Services.**

- I. That 100% of the total number of residential units (37) shall be secured, by a Registered Social Landlord, namely Mosaic. The following residential units shall be secured and occupied as socially rented housing by a Registered Social Landlord, namely Mosaic; 4 x 3 bed, 4 x 4 bed. The following residential units shall be secured and occupied as Intermediate Housing by a Registered Social Landlord, namely Mosaic; 4 x 1 bed, 4 x 2 bed as intermediate rent and 9 x 1 bed, 10 x 2 bed, 2 x 3 bed as shared ownership**
- II. That the A1/A2/B1 commercial floorspace be secured as B1 affordable workspace for a period of 7 years and at a rental level of 50% below the open market value to be determined by Invest in Hackney. At the conclusion of the 7 years the use will revert to either A1/A2/B1 composite use and rented/sold at market prices.**
- III. That the B1 accommodation shall be built, fitted out to shell and core finish, before occupation of the residential accommodation component of the development.**
- IV. Occupiers of the residential units that do not benefit from an allocated on-site parking space shall not be entitled, unless they are the holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970 to be granted a permit to park a vehicle in a Residents Parking Bay and will not be able to buy a contract to park within any car park owned, controlled or licensed by the Council.**
- V. The owner will be required to enter into an agreement under Section 278 of the Highways Act to pay to the Council costs to reinstate and improve the public footway adjacent to the boundary of the site and include any measures for the relocation of street furniture and carriageway markings. Any unavoidable works required to be undertaken by Statutory Services will not be included in the estimation or payment.**

**VI. Payments by the landowner/developer/mortgagee of all the Council's reasonable legal and other relevant fees, disbursement and value added tax in respect of the above negotiations and completion of the s106.**

**INFORMATIVES**

**ii. SI. 1: Building Control**

**iii. SI. 3: Sanitary, Ventilation and Drainage Arrangements**

**iv. SI. 24: Naming and Numbering**

**v. SI. 25: Disabled Persons' Provision**

**vi. SI. 27: Fire Precautions Act 1971**

**vii.NSI: The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.**

**Signed..... Date.....**

**Tom McCourt  
ACTING DEPUTY DIRECTOR, ENVIRONMENT DIRECTORATE**

<b>NO.</b>	<b>BACKGROUND PAPERS</b>	<b>NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY</b>	<b>LOCATION CONTACT OFFICER</b>
1.	Hackney UDP 1995	Craig Gilbert	1 <sup>st</sup> Floor Dorothy Hodgkin House, Reading Lane E8
2.	London Plan 2004	020 8356 8095	