

ADDRESS: Westgate Centre, Westgate Street, London, E8 3RU	
WARD: Queensbridge	REPORT AUTHOR: Rokos Frangos
APPLICATION NUMBER: 2008/0312	VALID DATE: 07/03/2008
DRAWING NUMBERS: 2855/E1, E3 to E8, P0 rev. G, P1 rev. G, P2 rev. E, P3 rev. E, P4 rev. E, P5 rev. D, P6 rev. C, P7, P8 rev. A, P10 rev. D, P11 rev. C, P13 rev. A, P14 rev. C	ACCOMPANYING DOCUMENTS: Design Statement, Access Statement, Schedule of Areas, Noise and Vibration Assessment, Daylight & Sunlight Report, Ecohomes & BREEAM Offices Pre-Assessment Estimators & Sustainability Report, Renewable Energy Options Appraisal Code for Sustainable Homes Pre-Assessment Estimator Report, Sustainability Report, Geo-Environmental Desk Study Report, Transport Statement.
APPLICANT: Pocket 27 Margaret Street London W1W 8RY	AGENT: GML Architects Ltd. 40 Featherstone Street London EC1Y 8RE
PROPOSAL: Demolition of existing buildings and construction of a part two-, part six-storey building comprising class A1/A2/B1/D1 use at ground floor-level, and thirty-four self-contained residential units above (fourteen one-bedroom flats, nine two-bedroom units, five three-bedroom units, four four-bedroom units and two five-bedroom units).	
POST-SUBMISSION REVISIONS: Revisions to the detailed design, comprising changes to the stepped-down element of the proposed building on the corner of Sheep Lane and Bocking Street, extending the massing of this element further down Bocking Street and establishing greater visual continuity with the maisonettes that comprise the rest of the Bocking Street element of the proposal; changes to these maisonettes, including the removal of one storey, repositioning of access staircases and entrances, changes to internal layout, window arrangements on the front elevation, and additional windows.	
RECOMMENDATION SUMMARY: Grant conditional planning permission, subject to Section 106 legal agreement.	

ANALYSIS INFORMATION
ZONING DESIGNINATION: (Yes) (No)

CPZ	X	
Conservation Area		X
Listed Building (Statutory)		X
Listed Building (Local)		X
DEA	X	

LAND USE DETAILS:	Use Class	Use Description	Floorspace
Existing	B1/B8	Various; light industrial, office, storage	619 sqm
Proposed	A1/A2/B1/D1	Various; retail, financial and professional services, offices, doctor's surgery	1276 sqm
	C3	Residential	2801 sqm

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	Not defined	Not defined	Not defined
Proposed	0	1	28

CASE OFFICER'S REPORT

1. SITE DESCRIPTION

- 1.1 The application site is located to the immediate south-east of London Fields park, approximately one-hundred metres to the west of Mare Street. Half of the application site is currently occupied by a one-storey brick-built business centre, comprising seventeen light industrial units. The other half of the site area is hardstanding used for parking associated with the businesses using these units.

- 1.2 To the north of the application site is the Ann Tayler Children's Centre (west side of Triangle Road) and a recently completed part three-, part six-storey mixed-use development with use class B1 space on the ground and first floors with fourteen residential units above (east side of Triangle Road). These lie on the opposite side of Westgate Street to nos. 11-23 Westgate Street, which bounds the application site to the north and east (owing to the irregular shape of the site), where a planning application for a mixed-use development comprising commercial uses on the ground floor and twenty-two residential units above (ref. 2008/0595), by the same architects, has recently been refused. A further planning application for another similar mixed-use development (ref. 2008/0594), also by the same architects, for the adjacent property – nos. 1-7 Westgate Street – is also currently under consideration.

- 1.3 To the east of the application site is a viaduct carrying the railway line from Liverpool Street to London Fields (and beyond). To the south, on Bocking Street, a terrace of two-storey dwellinghouses dating from the early 2000s. To the west, on the opposite side of Sheep Lane from the application site, is London Fields Primary School. Beyond these buildings, the area is primarily residential, with a greater emphasis on commercial uses towards Mare Street and Broadway Market.
- 1.4 The site's location is less than five minutes' walk away from both Mare Street (with easy access to frequent, twenty-four-hour bus services to central London, other parts of the borough and beyond) and London Fields train station (with services to Liverpool Street). The site is also situated approximately one-hundred metres away from one of the capital's principal north-south cycle routes, which bisects London Fields park and facilitates easy access by bicycle to all parts of the borough, as well as to the City and West End.
- 1.5 The application site is situated in a Defined Employment Area (DEA), as designated in the Hackney UDP (1995), and a Priority Employment Area (PEA), as designated in the LDF Core Strategy Preferred Policy Options (April 2008).

2. CONSERVATION IMPLICATIONS

- 2.1 The site is sandwiched between the Broadway Market conservation area (to the west) and the Mare Street conservation area (to the east), whilst not actually being in a conservation area itself. No statutory listed buildings or locally listed buildings are affected by the proposal.

3. HISTORY

- 3.1 No previous planning applications have been submitted to redevelop this site.

4. CONSULTATIONS

- 4.1 Date statutory consultation period started: 27/03/2008
- 4.2 Date statutory consultation period ended: 05/05/2008
- 4.3 Site notice: Yes
- 4.4 Press advert: Yes

4.5 Neighbours

Seventy-six surrounding occupiers have been consulted by personal letter. Eight letters of objection (one of which is from the Broadway Market Traders' and Residents' Association) and two letters of support have been received. In addition, a petition signed by the occupants of ten addresses on Bocking Street has been received, objecting to the application.

The objections are based on the following grounds:

- 'The inadequate parking provision for the commercial ground floor of the development will severely limit the type of business tenants and restrict employment opportunities. Small businesses at the Westgate Centre contribute positively to the local community and provide employment for up to 50 people. Three of the current tenants are also traders on Broadway and, as a result, the disappearance of these units will result in increased car journeys'
- Lack of car parking for residential element also
- Insufficient number of cycle parking spaces
- 'There are very few suitable commercial units in the area for light industry and will result in those types of business being lost to the Borough. The report suggests that London Fields Medical Centre may be a potential tenant ignoring the fact that they currently require six parking places at their current location on Broadway Market'
- 'Disproportionate' 'overbearing, dominant' scale and 'unsympathetic' look. Proposal's location on 'one of the cutest and most coveted parts of Hackney' is 'nothing short of sacrilegious'
- Loss of privacy and light to properties on Bocking Street
- Loss of view from properties on Bocking Street
- Loss of affordable small business units
- Design is 'hideous', proposal appears to be another 'aesthetically retarded... unsightly... offensive' eyesore that looks like it will be 'as awful as' the others. 'To festoon an area with soulless cash cows that will look like [expletive deleted] when they're finished and be falling down within a decade is to defile the area'
- Proposal will 'add to the current traffic' and 'create chaos on the road'.

4.6 Statutory consultees

4.6.1 Thames Water: No objection. However, there are public sewers crossing this site, and no building works will be permitted within three metres of the sewers without Thames Water's approval.

4.6.2 London Fire and Emergency Planning Authority (LFEPA): The proposals are satisfactory in relation to fire precautionary arrangements with regard to access.

4.6.3 Network Rail: No response received.

4.7 Other Council departments

- 4.7.1 Urban Design and Conservation: Although, the height is not an issue *per se*, the relationship between the different scales of the scheme is unconvincing. The transition between the taller element on Westgate Street and the lower maisonettes on Bocking Street is achieved at the corner of the building, which appears to be of intermediate and disjointed massing; a stronger and more continuous massing is needed to add fluidity to the building form and reinforce the continuity of the architectural response.

The void on the Bocking Street elevation (where the private outdoor amenity space on the first floor is situated) creates a weak street enclosure and its width (reduced, but still significant) further reinforces the strong disconnection and constitutes an inappropriate townscape response; it introduces discontinuity in the Bocking Street elevation, which lacks justification in the context of the regular street frontage on the opposite side.

The reduction of the maisonette block by one storey and the vertical accentuation of the different units improve the scale and the relationship of the block to the fronting terraces. However, this alone isn't considered to successfully achieve an appropriate response to the character of the street, particularly as the proposed massing rhythm introduces a much larger grain to the street and the proposed typology (residential units above commercial space) introduces a very service-oriented ground floor.

In general, the creation of a continuous commercial podium throughout the site limits the potential of the massing to fully emphasise the maisonettes' typology through a series of entrances from street level.

The maisonettes' internal layout has been revised to address the previous issue of access, quality of the living space, and lack of amenity at the back of the flats. However the proximity of the adjacent flank wall of 11-23 Westgate, in particular for units H4, H5 and H6, compromises the function of these spaces, which are likely to remain simple, overshadowed concrete slabs. The location of living rooms extending across the floorplan is an improvement to the previous north-facing condition.

The block of flats on Westgate Street and Sheep Lane is constrained by the layout of the exterior gardens on first floor, which causes irregular and impractical layouts for the internal flats. The layout of flats 1.3, 2.3, 3.3 and 4.3 is particularly constrained, and the geometry of some of the kitchens in 1.7, 2.7, 3.6 and 4.6 is questionable, in relation to their usage.

The geometry of the private amenity space for the block of flats located at first-floor level between the flats and maisonettes is considered an inefficient use of the space and is unfit for its function.

The commercial space extends to the residential Bocking Street area, despite its essentially residential low-rise character, raising the question of

the viability of these units, and the physical relationship created with the rest of the street. The location of the maisonettes on a commercial podium additionally raises the prospect of street inactivity at ground-floor level if the units remain unoccupied.

The quality of the commercial units is highly questionable with very little street frontage for units 4 and 5 and a low level of natural light, making them very likely to remain unoccupied.

The layout of the scheme is failing in too many aspects to be considered acceptable.

With regard to the elevational design, the treatment lacks a strong rationale that either favours asymmetry and playfulness or hierarchy and order; it is felt that the proposed treatment adopts an unfinished language and hesitates between two directions.

On the Westgate Street elevation and the western part of the Bocking Street elevation, there is a strong disconnection between the ground-floor level treatment and all other elements sitting above the commercial level, in terms of architectural expression. The strong horizontal band separating the commercial space from the floor above reinforces the disconnection between the components of the elevation.

The maisonettes' elevations – although introducing a stronger emphasis of the entrances – includes a significant length of inactive frontage with a strong proportion of roller shutters and steel doors, and thus remains unconvincing.

In conclusion, following earlier comments from the Urban Design and Conservation team, part of the scheme has been revised to address some of the fundamental flaws of the previous layout, notably the accessibility to the residential units and the orientation of the living spaces in the block of maisonettes. However, the overall design fails to reach a satisfying level of integration between the building and its setting. The proposal is not considered to enhance the local distinctiveness through appropriate massing and elevational detailing. The overall quality of the scheme remains highly problematic, with important shortcomings to the internal layout of the flats, maisonettes and the commercial space. We therefore recommend that this application is refused.

- 4.7.2 Highways: There is a sum of £65,400.00 for a required highways contribution that must be a condition of the permission or included in the Section 106 agreement, should one be entered into.
- 4.7.3 Traffic & Transport: Traffic and Transportation considers the proposal to be acceptable subject to planning conditions. The proposal will not impact unduly on the borough's transport infrastructure and will assist in sustainable development.
- 4.7.4 Waste: No response received.

4.7.5 Metropolitan Police Crime Prevention Design Adviser: No response received.

5. POLICIES

5.1 Hackney Unitary Development Plan (UDP) (1995) (saved)

- EQ1 - Development Requirements
- EQ40 - Noise Control
- E18 - Planning Standards
- HO3 - Other Sites for Housing
- TR19 - Planning Standards

5.2 Supplementary Planning Guidance (SPG)

- SPG 1 - New Residential Development
- SPG11 - Access For People With Disabilities

5.3 Local Development Framework (LDF): Core Strategy Preferred Policy Options (April 2008)

- PPO 9 - Strategic Spatial Implications (employment floorspace policy)
- PPO 13 - Promoting Quality (design policy)
- PPO 17 - Providing Better Homes (new housing policy)
- PPO 18 - Providing Better Homes (affordable housing policy)
- PPO 19 - Providing Better Homes (dwelling mix policy)
- PPO 20 - Providing Better Homes (sustainable homes policy)
- PPO 24 - A Dynamic and Creative Economy (employment area hierarchy policy)
- PPO 25 - A Dynamic and Creative Economy (employment floorspace policy)

5.4 Local Development Framework (LDF): Supplementary Planning Document

- SPD - Planning Contributions (2006)

5.5 London Plan (Consolidated with Alterations since 2004)

- 2A.1 - Sustainability criteria
- 3A.1 - Increasing London's supply of housing
- 3A.2 - Borough housing targets
- 3A.5 - Housing choice
- 3A.6 - Quality of new housing provision
- 3A.7 - Large residential developments
- 3A.8 - Definition of affordable housing
- 3A.9 - Affordable housing targets
- 3A.10 - Negotiating affordable housing in individual private residential and mixed-use schemes
- 3B.1 - Developing London's economy

- 3B.2 - Office demand and supply
- 3B.3 - Mixed use development
- 3B.4 - Strategic Industrial Locations
- 3C.1 - Integrating transport and development
- 3C.2 - Matching development to transport capacity
- 3C.3 - Sustainable transport in London
- 3C.23 - Parking strategy
- 4A.1 - Tackling climate change
- 4A.6 - Decentralised energy: Heating, cooling and power
- 4A.7 - Renewable Energy
- 4B.1 - Design principles for a compact city
- 4B.2 - Promoting world-class architecture and design
- 5C.1 - The strategic priorities for North London

5.6 National Planning Policies

- PPS1 - Creating Sustainable Communities
- PPG13 - Transport

6. COMMENT

Planning permission is sought to erect a part two-, part six-storey building comprising non-residential use(s) at ground floor-level, and thirty-four self-contained residential units above (fourteen one-bedroom flats, nine two-bedroom units, five three-bedroom units, four four-bedroom units and two five-bedroom units), following the demolition of all existing buildings on the site.

Most of the ground floor of the application site (save for a disabled parking bay, refuse and bicycle storage and a substation) is occupied by non-residential space that the applicants are seeking within use classes A1 (retail), A2 (financial/professional services), B1 (office or light industrial) or D1 ('non-residential insitutions'). In the interests of flexibility, the division of this space into five units, as shown on the proposed ground-floor plan, is indicative only. However, the applicant has indicated that negotiations are at an advanced stage for the space to be let in its entirety for use as a doctor's surgery and health centre, and the application is recommended for approval on the understanding that this is the likeliest use (although the recommendation would not necessarily change if the space were to be occupied by another use within the above classes, subject to the proviso in paragraph 6.1.4).

The ground-floor space forms a non-residential podium on which the residential units above sit. At first-floor level and above, the site divides into two different parts. The western part, on the apex of Westgate Street, Sheep Lane and Bocking Street, is a six-storey block of flats. The eastern part, situated between nos. 11-23 Westgate Street (currently used as a car park) and Bocking Street comprises six two-storey maisonettes with stair access from the ground floor.

These two different parts of the development are separated at first-floor level by private amenity space for four of the apartments in the western element, intended

in design terms to provide a break in the massing between the six-storey block of flats and the two-storey maisonettes. Each of the maisonettes also has private outdoor amenity space to both front and rear.

Considerations

The main considerations relevant to this application are:

- 6.1 The principle of the development
- 6.2 The design and appearance of the development
- 6.3 Potential impact on the amenity of adjoining residents
- 6.4 Acceptability of the proposed residential mix and proportion of affordable housing provision
- 6.5 Traffic and transport considerations
- 6.6 Consideration of objections

Each of these considerations is discussed in turn below.

6.1 The principle of the development

- 6.1.1 The site currently contains 619 square metres of employment-generating floorspace on a site with an overall area of approximately 1313 square metres. The proposed development would provide 1276 square metres of employment-generating floorspace.
- 6.1.2 The development of a far greater part of the site than the existing buildings occupy means that the employment-generating space currently contained therein is not only being reprovided but increased, whilst still leaving room for the introduction of residential use. Although the Council usually seeks the provision (in a DEA and PEA) of employment-generating floorspace amounting to the entire site area, it is considered that the provision of employment-generating floorspace that amounts to ninety-seven per cent of the site area is acceptable (with three per cent lost only on account of the disabled parking bay, refuse and bicycle storage, substation, and maisonette stair access).
- 6.1.3 Furthermore, it is considered acceptable to introduce residential use in this part of the DEA and PEA without causing detriment to employment objectives because a number of residential mixed-use schemes have already been permitted in the area. The acceptability of allowing residential use in a DEA and PEA is reinforced in this case by the fact that the employment use proposed falls within use classes A1, A2, B1 and D1,

which by their nature can be situated alongside residential use without detriment to the latter.

- 6.1.4 For the purposes of this application, the particular D1 use being considered is a doctor's surgery / health centre. Not all uses within the D1 class (which includes clinics, health centres, crèches, day nurseries, day centres, schools, art galleries, museums, libraries, halls, places of worship, church halls, law courts, non-residential education and training centres) generate employment to the same density as use classes A1, A2 or B1. However, it is considered that a doctor's surgery / health centre is an employment-generating use on a par with the aforementioned use classes and is therefore considered acceptable, subject to a clause in the Section 106 agreement restricting the use within class D1 to a doctor's surgery / health centre, with no change of use permitted to another D1 use without submission of a separate planning application.
- 6.1.5 The existing structures on-site have no architectural or historic merit, and accordingly enjoy no statutory protection.
- 6.1.6 Overall, there is no policy basis that precludes the erection of the proposed development on this site in principle, and it is considered that the proposal is acceptable in this regard.

6.2 The design and appearance of the development

- 6.2.1 The proposed development is expressed in a contemporary vernacular style, with windows set in the London stock brickwork in a now-familiar 'random' pattern. Adjacent to each of the windows is a vertical strip of brick relief intended to imbue the elevations with greater visual interest. The top storey of the block of flats is set back and clad in timber. The ground-floor podium is characterised by aluminium-framed glazing and timber doors at the western end of the site, with timber roller shutter doors to Bocking Street and painted timber doors with vision panels to the maisonette entrances, with metal canopies above. The void at first-floor level on Bocking Street, where the flats' first-floor outdoor amenity spaces are, is concealed at street level by timber planters.
- 6.2.2 The proposed design has continued to evolve since the application was first submitted, when the design was considered to be unacceptable, for three principal reasons: firstly, poor window arrangement and mean window sizes on the Bocking Street elevation; secondly, the massing of the two different elements (the flats at the western end of the site and the maisonettes on Bocking Street) failed to satisfactorily address the corner of Bocking Street and Sheep Lane, with too wide a gap between them; thirdly, the lack of direct access to the maisonettes from Bocking Street.
- 6.2.3 The architects have endeavoured to address these issues by replanning the maisonettes to increase the south-facing aspect, doubling the number of windows and changing staircase locations to the rear, allowing direct

access from the street. By replanning the maisonettes in this way, an additional bedroom has been achieved at first-floor level, enabling the third floor of the maisonettes to be removed, with the result that the four-storey maisonettes originally proposed have now become three storeys high. Finally, 'the Bocking Street void' has been narrowed, with the three-storey corner elevation of the block of flats at the western end extended eastwards, further along Bocking Street, establishing greater visual continuity with the maisonettes, which are now of the same height as this element.

- 6.2.4 Although the Urban Design and Conservation team's comments regarding the proposal are noted, it is the case officer's view that due regard should be given to the awkward shape of the site and the different and challenging shape, scale and form of the buildings that surround it, namely the discrepancy between Westgate Street, where the height and massing of London Fields Primary School in particular (as well as the prevailing height of development on nearby Mare Street, Warburton Street and further down Sheep Lane) have informed the height and massing of new development elsewhere along the street, which lends itself to buildings of five- and six-storeys in height; and Bocking Street, where low-density two-storey single-family dwellinghouses line the entire length of the street opposite the application site. It is considered that, following the amendments that the Council has requested, the challenge of designing a proposal appropriate to both different contexts has satisfactorily been met, and that the Bocking Street maisonettes are of acceptable scale, massing and detailed design, and will contribute to developing a 'mews' effect on Bocking Street; a not unreasonable aspiration given the scale of existing development on this street.
- 6.2.5 With regard to detailed design elsewhere on the proposed development, it is considered that the changes made to the elevational treatment where Bocking Street meets Sheep Lane have resulted in this part of the building addressing the corner more successfully than when the application was originally submitted. Following further changes to the elevational design, the overall solid-to-void ratio is now considered to be well-balanced and the general standard of external design on the Westgate Street elevation (which was considered acceptable from the start) and the Bocking Street elevation (which was considered unacceptable at first, but has improved substantially) are now considered acceptable.
- 6.2.6 In terms of the quality, usefulness and fitness for purpose of outdoor amenity space proposed for the maisonettes and four of the flats at first-floor level, the proposal is not considered unacceptable in this regard. Three of the smaller-sized areas of private outdoor amenity space for the first-floor flats are for one- and two-bedroom flats, a dwelling type whose prospective occupants could reasonably expect, on the basis of similar non-family-sized dwelling types in new developments elsewhere in the capital, that private outdoor amenity space would not come as a standard provision, particularly in developments situated in close proximity to public gardens and parks (as this proposal is). The fourth private outdoor amenity space is

for the three-bedroom flat and, at fifty-five square metres, is deemed an acceptable size for this family-sized dwelling type.

- 6.2.7 Furthermore, while it is accepted that the appeal of the private outdoor amenity space to the rear of the maisonettes would be diminished by their proximity to potential new development at nos. 11-23 Westgate Street, this is counter-balanced by the provision for each of these maisonettes of outdoor private amenity space at the front of the maisonettes also.
- 6.2.8 With regard to the internal layout, room sizes meet the Council's minimum size standards in SP1: New Residential Development, with the exception of all six of the fourth bedrooms in the maisonettes, which are 0.1 square metres short of the minimum 6.5 square metre size for secondary single bedrooms. Having due regard to the general acceptability of the proposal in other respects, including the overall internal layout, this shortfall is not considered sufficient to warrant refusal of the planning application on these grounds.
- 6.2.9 In terms of sustainability criteria, the developer's consulting engineers have indicated that the proposed building will achieve a BREEAM (Building Research Establishment Environmental Assessment Method) rating of 'very good' for both commercial and residential elements of the scheme, with the social housing units achieving Code for Sustainable Homes level 3. A green or brown roof is proposed on top of the block of flats. The applicant intends to meet the target of generating ten per cent of the proposal's energy needs through on-site renewable energy, although does not specify how, committing instead to carrying out a renewable energy options appraisal at an unspecified later date. This would need to be secured by condition, and a condition to that effect is recommended (see paragraph 8.1.11). Rainwater harvesting isn't proposed, although this too can be secured by condition.
- 6.2.10 Overall, it is considered that the design of the proposal has improved considerably since the application was first received and that the extended determination period for this application has enabled Council officers to work constructively with the architects to evolve the design from an unacceptable standard to a standard whose acceptability now rests with the use of high-quality materials. It is considered, therefore, that the proposed design's compliance with planning policy can be achieved subject to the use of materials that are specified at this stage (rather than post-approval) and presented to committee at the same time as this report, in order to secure the quality necessary to ensure that the proposal is acceptable.

6.3 Potential impact on the amenity of adjoining residents

- 6.3.1 The closest residential properties with windows from habitable rooms facing onto the application site are nos. 25-27 Bocking Street, from which the distance is approximately fourteen metres, which is a standard 'front to front' distance between residential buildings on opposite sides of the street

in an urban setting, and sufficient for there not to be any significant impact on the amenity of neighbouring occupiers by way of undue overlooking.

6.3.2 The distance between the rear of the maisonettes and the boundary with nos. 11-23 Westgate Street is significantly less, ranging from three to nine metres. This case officer would argue that, owing to the substantially greater width of the application site for 11-23 Westgate Street compared to the eastern part of this application site, it will be incumbent on any proposal for the 11-23 Westgate Street site to play a greater role in observing an acceptable distance between habitable rooms at the rears of buildings, or for appropriate mitigating measures to be proposed.

6.3.3 A daylight and sunlight report has been submitted that demonstrates a negligible difference in the amount of natural light available to most of the properties on Bocking Street. The BRE guidance used for most daylight and sunlight reports states that if the Vertical Sky Component (VSC, the most-frequently adopted calculation of daylight and sunlight) falls below 27 per cent, and less than 0.8 times the original value, then 'diffused daylighting to neighbouring property may be adversely affected'. The report admits that 'these circumstances will occur in the middle of the terrace, but the ratio is only lower than 0.8 because of the unusually high existing values'. The proposed VSCs in the centre of terrace will be 26 and 26.5 per cent, only 0.5 or 1 per cent lower than 27 per cent. It is considered that these figures do not suggest a diminution of daylight sufficient to have a significant material impact on the amenity of the mid-terrace occupants. Sunlight availability is generally not relevant as none of the neighbouring residential windows on Bocking Street have a southerly aspect.

6.3.4 It is therefore considered that the proposal will not result in any significant risk to the amenity of adjoining occupiers by way of overlooking, loss of daylight, sunlight, overshadowing, increased sense of enclosure or loss of privacy. Overall, the proposed development is considered to be acceptable with regard to amenity and complies with the relevant policy in the Hackney UDP (1995).

6.4 Acceptability of the proposed residential mix and proportion of affordable housing provision

6.4.1 The proposal's thirty-four residential units comprise fourteen one-bedroom flats, nine two-bedroom units, five three-bedroom units, four four-bedroom units and two five-bedroom units. Six of the thirty-four units are maisonettes (comprising both of the five-bedroom units and two of the four-bedroom units). Therefore, a third of the units are family-sized dwellings, with over half of these having four bedrooms more, which is considered to be an acceptable dwelling mix.

6.4.2 The proposed development would provide thirteen units of affordable housing, amounting to thirty-eight per cent on a per-unit basis or forty-three per cent on a habitable-rooms basis. The disparity in percentages is due to a higher percentage of three- and four-bedroom units for the social rented

element of the scheme. The tenure split will be forty-five per cent social rented to fifty-five per cent shared ownership. The RSL (Registered Social Landlord) is Notting Hill Housing). The applicant has submitted a toolkit that justifies to the Council's satisfaction this level of affordable housing provision.

6.5 Traffic and transport considerations

- 6.5.1 The proposal is car-free, with the exception of one disabled parking space. The proximity to numerous bus routes from Mare Street (and two on Westgate Street itself), to train services from London Fields station and to the London cycle network, means a car-free proposal is acceptable.
- 6.5.2 A total of twenty-eight cycle parking spaces is proposed, amounting to one per flat. No cycle parking is provided for the ground-floor non-residential space, on account of its exact physical make-up and final number of units being unknown at this time. A condition is recommended requiring the provision of a total of eight bicycle stands on a footway adjacent to or near the application site, at a specific location and at an exact specification to be determined by the Council's Streetscene department, and subject to that department's agreement in principle.
- 6.5.3 Based upon the transport statement submitted with the application, the Council's Traffic and Transport team have indicated that overall they do not consider that the proposed development will have a detrimental impact upon circulation and parking in the vicinity, and overall there are no traffic and transport issues with the proposed development that constitute grounds for concern or refusal.

6.6 Consideration of objections

6.6.1 Insufficient parking provision for non-residential space

In line with the Council's broad aim of discouraging car use and encouraging the use of alternative means of transport, it is considered that the application site is sufficiently well-served by public transport for a largely car-free proposal to be acceptable. Given the characteristics of the site, the provision of more than one off-street parking space could entail the loss of employment-generating floorspace, which would be unacceptable in policy terms and run contrary to the borough's long-term interests.

6.6.2 Insufficient parking provision for residential units

In line with the Council's broad aim of discouraging car use and encouraging the use of alternative means of transport, it is considered that the site the application site is sufficiently well-served by public transport for a largely car-free proposal to be acceptable.

6.6.3 Insufficient number of cycle parking spaces

The proposed development includes one cycle parking space per flat. As the maisonettes each have their own street entrances, and no communal area, no communal bicycle parking area is provided; occupiers would keep any bicycles in their maisonettes or on one of the two private outdoor amenity spaces, in the same way that the occupier of a single-family dwelling house would. No internal bicycle parking is proposed for the non-residential space, as it is not currently known how this space will be divided nor into how many units. However, a condition is recommended requiring the applicant to work with the Council's Streetscene department to agree upon and provide 'in lieu' cycle-parking on the street.

6.6.4 Loss of light industrial units and affordable business units

Planning policy relating to employment-generating space includes a number of different use classes and whilst the Council can express a preference it cannot statutorily draw a distinction, when applying the policy, between them. Furthermore, the Planning service's Development Control department, as a regulatory service, does not have the legal means to select which particular employment-generating use class it wishes to see on-site. However, although the likeliest occupant on a use-class-B1 basis might be office-based, the B1 use class – for which planning permission is being sought (along with three other employment-generating use classes on the non-residential space on the ground floor) – does include 'light industrial' use. Therefore the Council cannot realistically resist the proposal on the basis of loss of use class B1 space, when more employment-generating space is being proposed than currently exists on-site and when the entire quantum of employment-generating space could, under the terms of any approval granted, still be allocated to (residential-compatible) light-industrial use.

6.6.5 Loss of privacy and light to properties on Bocking Street

As discussed in section 6.3 of this report, no material impact on the level of natural light available to residents of adjoining properties is considered to arise from the proposed development, the height and scale of which on the Bocking Street elevation corresponds with the dwellinghouses opposite by a difference of only one storey. Furthermore, it is reasonable to expect that dwellinghouses will face each other in an urban context and as such it is considered that the proposed development will have no materially adverse impact on the privacy of neighbouring occupiers sufficient to warrant refusal of the application on amenity grounds.

6.6.6 Loss of view from properties on Bocking Street

This is not a statutorily protected view. Furthermore, there is no right to a view under planning law. Therefore this objection is not considered to constitute a material planning consideration.

6.6.7 'Disproportionate' 'overbearing, dominant' scale

As discussed in paragraph 6.2.4 of this report, the height of the proposed development is considered to be satisfactorily responsive to its context and accordant with the heights of the buildings that surround it, both on the Westgate Street side and the Bocking Street side. Indeed it is the need to respond to two different sets of building heights that has informed the somewhat irregular massing on what is accepted to be a challenging site.

6.6.8 'Hideous' 'aesthetically retarded.... unsightly...offensive' design

The design of the proposed elevations is contemporary in style and corresponds with that of other contemporary buildings approved, under construction and completed, throughout the borough and city alike. Whilst the design could not reasonably be regarded as exceptional, its evolution through the planning process has overcome most of officers' original concerns to finally produce a design that is acceptable (subject to the use of high-quality materials) and can be supported.

6.6.9 Proposal will contribute to traffic congestion and create 'chaos on the road'

As discussed in paragraph 6.5.3, the Council's Traffic and Transport team do not consider that the proposed development will have a detrimental impact upon circulation and parking in the vicinity.

7. CONCLUSION

7.1 The proposed development is considered compliant with pertinent policies saved in the Hackney UDP (1995), the LDF Core Strategy Preferred Policy Options (April 2008) and the London Plan (Consolidated with Alterations since 2004). Accordingly, the granting of planning permission is recommended.

8. RECOMMENDATION

RECOMMENDATION A:

8.1 That planning permission and be GRANTED, subject to the following conditions:

8.1.1 SCB0 – Development in accordance with plans

The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.

REASON: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved.

8.1.2 SCB1 – Commencement within three years

The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: In order to comply with the provisions of Section 91(1) of the Town and Country Planning Act 1990 as amended.

8.1.3 SCM6 – Materials to be approved

Samples of all materials to be used on the external surfaces of the building, boundary walls and ground surfaces shall be submitted to and approved by the local planning authority, in writing, before work on the external surfaces, boundary walls and ground surfaces commences on site, in accordance with the following specification:

Brickwork: To be Terca Docklands Yellow Stock Brick (or a similar equivalent approved in writing by the local planning authority);

Windows: To be thermally insulated double-glazed aluminium window system polyester powder coated to RAL 9004 (or a similar equivalent approved in writing by the local planning authority);

Timber doors: To be painted solid-core timber doors (or a similar equivalent approved in writing by the local planning authority);

Timber garage door: To be timber finished in Cedar (certified as sustainable by FSC, or a similar equivalent approved in writing by the local planning authority);

Ventilated steel doors: To be sectional steel-faced doors in RAL 9004 (or a similar equivalent approved in writing by the local planning authority);

Timber cladding (set-back top floor only): Western Red Cedar (certified as sustainable by FSC, or a similar equivalent approved in writing by the local planning authority);

Metal flashings and copings: Aluminium sheet in RAL 9004 (or a similar equivalent approved in writing by the local planning authority);

Balconies and balustrades (except first-floor terraces): Metal flats to form balustrade in RAL 9004 (or a similar equivalent approved in writing by the local planning authority);

Balustrades (first-floor terraces): Western Red Cedar (certified as sustainable by FSC, or a similar equivalent approved in writing by the local planning authority).

The development shall not be carried out otherwise than in accordance with the materials specification thus approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

8.1.4 SCM9 – No extraneous pipework

No soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the (street) elevations of the building other than as shown on the drawings hereby approved.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

8.1.5 SCI3 – No roof plant

No roof plant (including all external enclosures, machinery and other installations) other than any shown on the drawings hereby approved shall be placed upon or attached to the roof.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

8.1.6 SCH8 – Parking for people with disabilities

Before the use hereby permitted first commences, at least one car parking space shall be marked and retained permanently for use by the vehicle of a disabled badge-holder.

REASON: In order to ensure that a reasonable number of parking spaces are located conveniently for use by people with disabilities.

8.1.7 SCH10 – Secure bicycle parking

Secure, covered parking shall be provided for twenty-eight bicycles, as shown on the plans hereby approved, and the applicant shall provide eight Sheffield stands on the footway of the public highway, subject to the approval in principle of the Council's Streetscene department, and of a specification and at an exact location of the Streetscene department's choosing, before use of the development hereby permitted commences.

REASON: To ensure that a reasonable provision is made within the site for the parking of bicycles in the interests of discouraging car use, relieving congestion in surrounding streets and improving highway conditions in general.

8.1.8 NSC1 – Non-standard condition

The timber proposed for exterior use on the elevations shall be pre-treated to prevent discolouration with a suitable water-repellant wood-preserving pigmented surface coating, with details of which finish/treatment has been used, a sample and full specifications of all timbers proposed for use anywhere on the building, together with a maintenance schedule, to be submitted to the local planning authority and approved in writing before any timber cladding is applied.

REASON: In order to make best endeavours to retain the original colour of the material, thereby preserving the appearance of the development hereby approved.

8.1.9 NSC3 – Non-standard condition

The developer/landowner shall carry out a renewable energy options appraisal, to be submitted within three months of the date of this

permission, setting out how at least ten per cent of the proposed development's energy requirements will be provided through on-site renewable energy, and the proposed development shall achieve a BREEAM rating of no less than 'very good', with certification to that effect (including photographic evidence of the green or brown roof proposed for the block of flats at the western end of the site) to be submitted to the local planning authority and acknowledged in writing prior to occupation of the building. A rainwater harvesting system shall be installed and details thereof shall be submitted to the local planning authority and approved in writing before occupation of the development hereby approved first commences.

REASON: In the interests of maximising the environmental performance of the building.

RECOMMENDATION B:

- 8.2 That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a deed of planning obligation by means of a Section 106 Agreement of the Town and Country Planning Act 1990 (as amended), in order to secure the following matters to the satisfaction of the Assistant Director of Planning and Regeneration and the Secretary and Solicitor to the Council:**
- 8.2.1 Payment by the landowner/developer of £6293.32 as a financial contribution towards Council library facilities. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
 - 8.2.2 Payment by the landowner/developer of £51,160.17 as a financial contribution towards education facilities in the borough. (This sum calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
 - 8.2.3 The developer is required to pay £65,400 under Section 278 of the Highways Act (1980) with the Council's Highways department (Streetscene) to reinstate and improve the highway adjacent to the boundary of the site, to include access to the highway, measures for street furniture relocation, carriageway markings, access and visibility safety requirements.
 - 8.2.4 Provision by the landowner/developer for the use of local labour for construction in the form of twenty-five per cent on-site employment, including the facilitation of an apprentice for a defined period.
 - 8.2.5 No resident's parking permits are to be issued to occupiers of the development other than disabled badge-holders.
 - 8.2.6 Residential units to be built to Lifetime Homes standard and comply with Code for Sustainable Homes.

9. REASONS FOR APPROVAL

- 9.1 The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; EQ40 - Noise Control; E18 - Planning Standards; HO3 - Other Sites for Housing; TR19 - Planning Standards.
- 9.2 The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 3A.1 - Increasing London's supply of housing; 3A.2 - Borough housing targets; 3A.5 - Housing choice; 3A.6 - Quality of new housing provision; 3A.7 - Large residential developments; 3A.8 - Definition of affordable housing; 3A.9 - Affordable housing targets; 3A.10 - Negotiating affordable housing in individual private residential and mixed-use schemes; 3B.1 - Developing London's economy; 3B.2 - Office demand and supply; 3B.3 - Mixed use development; 3B.4 - Strategic Industrial Locations; 3C.1 - Integrating transport and development; 3C.2 - Matching development to transport capacity; 3C.3 - Sustainable transport in London; 3C.23 - Parking strategy; 4A.1 - Tackling climate change; 4A.6 - Decentralised energy: Heating, cooling and power; 4A.7 - Renewable Energy; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design; 5C.1 - The strategic priorities for North London.

10. INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
 - SI.2 Work Affecting Public Highway
 - SI.3 Sanitary, Ventilation and Drainage Arrangements
 - SI.6 Control of Pollution (Clean Air, Noise, etc.)
 - SI.7 Hours of Building Works
 - SI.25 Disabled Person's Provisions
 - SI.27 Regulatory Reform (Fire Safety) Order 2005
 - SI.28 Refuse Storage and Disposal Arrangements
 - SI.33 Landscaping
- NSI.1 All materials submitted pursuant to the discharge of condition 3 of this approval ('materials to be approved', as per paragraph 8.1.3 of this report) should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2008/0312, and accompanied by coloured copies of relevant elevational drawings, to which each material sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's

manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time.

- NSI.2 This decision notice is accompanied by a Section 106 legal agreement. It shall be implemented in full accordance with the details of that agreement.

Signed..... Date.....

**Fiona Fletcher-Smith
CORPORATE DIRECTOR, NEIGHBOURHOODS & REGENERATION
DIRECTORATE**

NO.	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney UDP	Rokos Frangos 8095	263 Mare Street, E8 3HT
2.	The London Plan	Rokos Frangos 8095	263 Mare Street, E8 3HT