Strategic planning application stage 1 referral (new powers)


The proposal

Demolition of existing office block and erection of a 50 storey (133.55m AGL) residential tower with 302 flats and an eleven storey (47.35m AGL) office building with 10,625sq.m. of floorspace.

The applicant

The applicant is Rocket Investments and the architect is Make.

Strategic issues

The principle of a mixed use development in this City Fringe/CAZ location is acceptable, the design, impact of tall building, housing quality, and inclusive design raise no strategic concerns. The affordable housing level needs verification and the proposed off-site provision of affordable rented accommodation may be acceptable subject to further justification confirmation of delivery. The proposed carbon savings are welcomed and should be secured. A number of transport matters need to be resolved.

Recommendation

That Hackney be advised that the application is broadly acceptable but does not fully comply with the London Plan, for the reasons set out in paragraph 56 of this report.

Context

1. On 4 December 2012 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 has until 14 January 2013 to 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 Categories 1A, 1B and 1C of the Schedule to the Order 2008:
Category 1: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.

Category 1B (1(c)): Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres.

Category 1C (1(c)): The building is more than 30 metres high and is 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 environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

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

Site description

6 The 0.32ha site is located in a prominent location on City Road at the junction with East Road and is some 100m north of the Old Street roundabout. City Road forms the boundary between the boroughs of Hackney and Islington. The site is currently occupied by a seven storey 1980s red brick office building. There is a small area of landscaping at the southern tip of the site with a few mature trees.

7 The site does not lie within a conservation area, but is opposite the Moorfields conservation area which is located in the London Borough of Islington. The immediate surrounding character is predominantly commercial buildings with a variety of styles and heights. A number of sites in the surrounding area are subject to redevelopment proposals that have been consented and in some instances implemented. These include New Roman House, Linen Court, 70 – 100 City Road, 151 City Road and Eagle House.

8 The site is located within the Central Activities Zone (CAZ) and the City Fringe Opportunity Area.

9 City Road (A501) is part of the Transport for London Road Network (TLRN), in between Provost Street and the A1200 East Road, part of the Strategic Road Network (SRN).

10 The site is well served by buses with a total of twelve routes available within a 390m distance. The nearest bus stop is located on Provost Street and is served by routes 43, 205 and 214. Old Street Station, providing both National Rail and London Underground services is located 200m to the south of the site. As such, the site has been estimated to have an excellent public transport accessibility level (PTAL) of 6a, on a scale of 1-6 where 6 is most accessible.

11 This location is also served by the Mayor’s Cycle Hire Scheme. A total of 5 docking stations are located within 300m of the site (3 minute walk). The nearest is on ‘Baldwin Street’ located less than 50m west from this site.
Details of the proposal

12 The application proposes the demolition of the existing office block and erection of a 50 storey (133.55m AGL) residential tower with 302 flats and an eleven storey (47.35m AGL) office building with 10,625sq.m. of floorspace. The area to the south, in front of the residential tower, would be re-landscaped and would include a retail kiosk.

Case history

13 A pre-application meeting was held in May 2012. The principle of a mixed use redevelopment involving a tall building was supported. Issues were raised in relation to affordable housing, design, transport and sustainable development.

Strategic planning issues and relevant policies and guidance

14 The relevant issues and corresponding policies are as follows:

- Economic development London Plan; the Mayor’s Economic Development Strategy; Employment Action Plan
- Housing London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy; Providing for Children and Young People’s Play and Informal Recreation SPG;
- Affordable housing London Plan; Housing SPG; Housing Strategy; draft Revised Housing Strategy
- Density London Plan; Housing SPG
- Urban design London Plan;
- Tall buildings/ views London Plan, Revised View Management Framework SPG
- Transport London Plan; the Mayor’s Transport Strategy;
- Crossrail London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG
- Access London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
- Sustainable development 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

15 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 2010 Core Strategy, the 1995 Unitary Development Plan and the 2011 London Plan.

16 The following are also relevant material considerations:

- The draft Site Allocations and Development Management Development Plan Documents.
- The draft City Fringe Opportunity Area Planning Framework.
- The draft Revised Early Minor Alteration to the London Plan
Principle of development

17 The redevelopment and intensification for a mix of residential and offices in this CAZ/ City Fringe location is supported by London Plan policy and draft City Fringe OAPF guidance. The re-provision of an equivalent amount of office floorspace is strongly supported; the intention to deliver a flexible format to suit a range of potential occupiers is also strongly supported and responds positively to the needs of the ‘tech-city’ cluster. The applicant has indicated an intention to provide one floor as affordable business space. This is welcomed and could also help meet the specific needs of the ‘tech city’ cluster. The exact form of the affordable space (e.g. whether it will be managed separately by a bespoke provider and how it will be made affordable) and its knock on effect on affordable housing provision will need to be fully understood before the application is referred back to the Mayor.

Housing

18 The provision of 302 new homes in location would contribute to Hackney’s annual housing target of 1,160 homes as well as the City Fringe target of 7,000 homes. The proposed unit size mix is set out in the table below. The development is heavily skewed towards one and two bed units across both tenures. This does not comply with Hackney’s emerging policy or the thrust of London Plan policy, particularly for the affordable units. The applicant has sought to justify this on the basis that it is a high density development in a central location, adjacent to a busy road that is less suitable for family homes. While there is some merit to this argument, these features are common to many parts of London where families already choose to live. Subject to the views of the Council the applicant should explore the potential to increase the proportion of three-bed units, in particular in the intermediate tenure.

<table>
<thead>
<tr>
<th></th>
<th>Studio</th>
<th>1-bed</th>
<th>2-bed</th>
<th>3-bed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermediate</td>
<td>0</td>
<td>17</td>
<td>22</td>
<td>0</td>
<td>39 (13%)</td>
</tr>
<tr>
<td>Private</td>
<td>26</td>
<td>104</td>
<td>104</td>
<td>29</td>
<td>263 (87%)</td>
</tr>
<tr>
<td>Total</td>
<td>26 (8%)</td>
<td>121 (40%)</td>
<td>126 (42%)</td>
<td>29 (10%)</td>
<td>302 (100%)</td>
</tr>
</tbody>
</table>

19 The applicant is providing 13% of units as affordable on site. All of these will be intermediate. The applicant has justified the absence of affordable rented housing on-site on the basis of the likely high service charge, given that it is a single core building. This view is supported by ISHA and is therefore accepted. The applicant is proposing a financial contribution in lieu of on-site provision, subject to the outcome of the viability assessment. The revised minor alternations to the London Plan (2012) make clear that cash in lieu contributions should only be considered in exceptional circumstances, after on-site and off-site provision has been discounted. In this instance the applicant has not provided any justification for not considering an off-site donor site. This should be provided.

20 The applicant has provided evidence of early engagement with ISHA, which is to be welcomed. This does provide some information regarding a potential programme of delivery. However, the Mayor will require further detail about how delivery of new affordable units will be guaranteed before the application is referred back.
21 The level of any off-site contribution is to be determined following an independent assessment of the applicant’s viability assessment. The findings of this should be provided to the GLA prior to the application being referred back to the Mayor.

22 Generally the residential quality of the development is very good. All of the units meet the Mayor’s space standards, most are dual aspect and have balconies. Some of the floors have more than the recommended eight units/core, but these floors include studio flats, which is allowed for in the Housing SPG.

23 Based on the playspace SPG 26 children are predicted to live in the development of which 14 would be under the age of 5. This gives rise to a total child playspace requirement of 240sq.m. of which 140sq.m. should be on-site and designed for under 5s. Given the very restricted site area, there is no outdoor amenity/playspace. However the applicant is proposing to provide 384sq.m. of indoor amenity space on level 5. This will be divided into a series of different rooms, to cater for different age groups. This form of provision is acceptable in this instance. However, further detail of how the rooms will be fitted out needs to be provided and secured.

24 The applicant has calculated the density to be 2,381hrh, using the whole site, which includes the separate office block. This has the effect of underestimating the true density and it should be recalculated based on the net residential site area, based on the guidance set out in paragraph 1.3.47 of the housing SPG. The office building occupies approximately one third of the site, and therefore the correct density is estimated to be 3,810hrh. This is significantly above the upper range of 1,100hrh set out in the density matrix for a central site with a PTAL of 6. The high density is a factor of the small site area and proposed tall tower. Provided the height is acceptable (see design section below), the density is acceptable, given the generally high quality of the residential scheme.

**Inclusive design**

25 The development generally provides a high standard of inclusive design. All of the residential units meet Lifetime Homes standards and 10% of units are wheelchair accessible or capable of easy adaptation. These elements should be secured by condition. There is level access throughout both buildings. There is a level change of about 1.25m across the site from east to west. This is accommodated in the public realm/ pedestrian route between the residential block and the office block with a ramp incorporated into the landscaping design. Within the small park to the south of the residential block there is level access from East Road and steps from City Road (with the existing pavement to East Road as an accessible alternative).

**Urban design**

26 The site is identified in the draft City Fringe Opportunity Area Planning Framework as being a suitable location for a tall building as part of the cluster planned around Old Street roundabout. This is of course subject to consideration of the schemes detailed design. The site sits on the convergence of City Road and East Road, a key node in the area’s urban structure, and its redevelopment has the potential to significantly improve the quality and legibility of this important location. The responds well to the strategic role of the site identified in the draft OAPF and would provide good quality residential accommodation as well as improving the areas permeability and the quality of the public realm.

**Site layout**

27 The irregular quadrilateral site is bound by City Road, East Road and Provost Street on three sides and existing development on its fourth. The scheme is laid out in two separate blocks,
one adjacent to existing development, completing a regular urban block, and the second a standalone triangular shaped block where City Road and East Road meet. A new route is created between these two blocks linking Provost Street and East Road and aligned to the recently built extension of Corsham Street, significantly improving the permeability of the area. The ground floor of development flanking this new route is occupied by active uses ensuring it is safe, attractive and well used which is welcomed.

28 A new public space is proposed to the south of the standalone triangular block, where City Road and East Road converge. Its prominent location within the urban structure will ensure it is active and well used. The change in levels within this space has been simply and effectively managed through the integration of a series of steps into the landscaping scheme along the City Road frontage, level access being provided from East Road.

Scale, height and massing

29 The principle of tall building in this location is supported. This has the potential to landmark the point where strategic routes towards Angel, Old Street and Highbury and Islington converge, becoming a useful aid to improving the legibility of the area as a whole. The proposed development effectively terminates views from Angel down City Road and views from the City and Old Street Roundabout further strengthening its role as a landmark which is also welcomed.

30 The proposed 37 storey element is significantly taller than the height of surrounding buildings and the applicants design and conservation area statement has assessed its impact on the adjacent townscape, conservation areas and listed buildings. In views from Old Street roundabout and further south to Finsbury Square the building would present a dramatic profile to the view tapering to the top of the building. In views eastwards along City Road, the building would present a wider profile to the view at the centre of the axis of the street. It would nonetheless be of a relatively slim proportion and would be in keeping with other consented tall building schemes on immediately adjacent sites. In terms of its impact on the Moorfields and Underwood conservation areas, the proposals would be seen in conjunction with the partially completed Eagle House scheme when viewed east along City Road and the bulk of the two buildings would tend to be read together, although the material finishes of the two buildings differ. Whilst this would arguably have some harmful effect on the character of the Moorfields and Underwood conservation areas, the latter already has within their immediate settings a number of tall and large scale buildings, and given the very mixed nature of building types, ages and uses in this part of the city and the contrast in scale evident in the immediate vicinity, the tower is not considered to have a significantly harmful effect on the character of the conservation areas.

31 In the strategic views from Alexander Palace the tower is located to the left of St Paul’s Cathedral and is secondary in scale to the City cluster and would have a minor impact on that view. Similarly from Parliament Hill the tower would appear well to the left of St Paul’s Cathedral as part of a cluster of buildings emerging around the City Fringe. The difference in height between blades in Option 3 (of the design evolution set out in the Design and Access Statement) is significantly more effective at communicating this and should be incorporated within Option 2.

Residential quality

32 All units will meet the space standards set out in the London Plan which is welcomed. The proposal also includes provision for internal amenity space which will contribute towards the provision of children’s playspace for the 0 to 11 year old age group, which is also welcome. The plan of the tower results in the majority of the units being dual aspect.
Elevations

33 The elevations of the building are distinctive and well designed, focusing on articulating the dramatic ‘blade’ concept of the building as a whole which is welcomed. However, the detailing and choice of materials will need to be of the highest quality for this concept to be effectively executed and not diluted.

Conclusion

34 The principle of a tall building in this location is acceptable, and its design of a high quality resulting in a distinctive tower form that add positively to the London skyline, highlighting the regeneration of a key London Plan Opportunity Area. The design of the public realm is open and uncluttered and will add positively to the ongoing improvements to the wider area.

Climate change mitigation

35 The applicant has followed the energy hierarchy and is proposing to reduce carbon emissions by 25%, thus meeting the London Plan requirement. 2% savings will be achieved from energy efficiency measures and 23% savings from a combined heat and power plant, which will provide the lead source of heat for the site wide energy network. A small amount of photovoltaic panels (100sq.m.) will provide a further 1% savings.

36 The applicant has investigated the potential to link to existing heat networks and has identified that Citigen and the network for 10 East Road are within the vicinity of the development. The Citigen site is however 0.33 miles away and would require significant extension if in order to serve the site. Discussion with 10 East Road is currently ongoing. The applicant should continue prioritise connection to 10 East Road where feasible and should provide evidence of correspondence with the network provider.

37 The applicant has also provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available. This together with the commitment to a single site wide energy network should be secured by condition.

Transport

Car parking

38 A total of 28 car parking spaces are proposed on-site for residents, of which four will be accessible parking. This equates to a ratio of 0.09 parking spaces per dwelling. The office element of the scheme will be car free, except for one accessible parking space. While a full car free scheme would have been justified, this low parking provision is nevertheless supported in line with London Plan policy 6.9. However, the recently published London Plan Housing SPG recommends that each wheelchair accessible unit should have access to an accessible car parking space (in this case, 30 accessible spaces). It is recognised that this is not always achievable in otherwise low parking schemes and therefore further discussion is necessary.

39 TfL supports the provision of electrical vehicle charging points (EVCPs) in line with the London Plan minimum standards. Furthermore, the site is currently located within a Controlled Parking Zone (CPZ) and therefore the developer should enter into a section 106 agreement to secure removing the future occupant’s right to on-street parking permits in the surrounding CPZ.
Cycle parking

334 residential cycle spaces will be provided, located on the mezzanine level of the residential building. An additional 102 cycle parking spaces will be located on the ground floor of the office building to cater for the office development. A further 23 cycle parking spaces for visitors will be provided within the public realm. This provision is welcomed in accordance within London Plan policy 6.9.

Bus stops

In accordance with London Plan policy 6.7 and to promote inclusive access for all users of the proposed development a financial contribution should be made to upgrade bus stops ‘A’, ‘B’, ‘C’ and ‘D’ located on City Road, East Road and Provost Street to meet current accessibility standards. A sum of £20,000 is sought, per bus stop, or such lesser amount agreed with TfL following an audit of the stops by the applicant.

London Underground

It is accepted that given the location, scale and nature of the proposals, the additional demand for public transport would be accommodated on the existing network.

There are however number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. The applicant and Hackney Council have been provided with suggested draft conditions that should be attached to the planning permission to ensure that the development does not impact on existing London Underground transport infrastructure. Furthermore the applicant has been advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements.

Cycle Hire

Given the scale and nature of the development, it is likely to increase demand for the Mayor’s Cycle Hire scheme in the area. A contribution and/ or land for additional docking stations to facilitate an extension of the scheme may be required in line with London Plan policy 6.9 ‘Cycling’. Further discussions about this matter would therefore be welcomed.

Old Street Roundabout

In light of the low level of car parking proposed, it is accepted that the highway impact of the scheme would be negligible. There are however aspirations to improve pedestrian, cyclist and station facilities at Old Street Roundabout as the current access arrangements give rise to anti-social behaviour, fear of crime, and poor urban realm. This development will generate an additional 165 peak hour movements at the Station, along with 118 walking and 30 cycling trips, and therefore a section 106 contribution should be secured to contribute towards these improvements in accordance with London Plan policies 6.1, 6.7, 6.9, 6.10 and 6.11, but also the Government’s emerging ‘Tech City’ initiatives and foreseen revisions to the City Fringe Opportunity Area Framework (OAPF).

Wayfinding

In line with London Plan policy 6.10 TfL suggests that these proposals should contribute towards the implementation of Legible London signage in the immediate vicinity of the site. Legible London is a wayfinding initiative to encourage walking and cycling and the applicant should note that a pair of signs cost approximately £15,000.
Construction, delivery and servicing

47 To accommodate servicing of the development, it is proposed that the loading restrictions along East Road are amended to allow loading during weekday times. TfL is content with the servicing strategy in principle, however to minimise traffic disruption in line with London Plan policy 6.11 and 6.14, loading should be restricted during the peak highway hours.

48 A delivery and servicing plan (DSP) and construction and logistics plan (CLP) will both be produced. This is supported and it is expected that both documents are secured by condition, with the CLP submitted for approval by TfL and Hackney Council prior to construction and likewise for the DSP, but prior to occupation.

Travel planning

49 The submitted Travel Plans have been reviewed in accordance with the ATTrBuTE assessment tool and have both failed due to the lack of information regarding the following; baseline modal split, targets, how they will be secured and finally their budgets and funding streams. Once this information has been included Hackney Council should secure, enforce, monitor, review and ensure the funding of the Travel Plan through the section 106 agreement to ensure conformity with London Plan policy 6.3.

Community Infrastructure Levy

50 In accordance with London Plan policy 8.3, the Mayor commenced CIL charging for developments permitted on or after 1 April 2012. It is noted that the proposed developments are within the London Borough of Hackney, where the Mayoral charge is £35 per square metre Gross Internal Area (GIA). Further details can be found at: http://www.london.gov.uk/publication/mayoral-community-infrastructure-levy.

Crossrail

51 The mechanism for contributions to be made payable towards Crossrail has been set out in the 2010 Mayor’s Supplementary Planning Guidance (SPG) ‘Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy’, its draft replacement (November 2012) and the London Plan policy alteration. The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). The site is within the Central London charging area. There is a small increase in GEA floorspace of 764sq.m.

52 However the Mayor’s CIL charge will be treated as a credit towards the section 106 liability and therefore only the larger of the two amounts will normally be sought. Notwithstanding this, Hackney Council should include the full Crossrail sum (£104,668) within the section 106 agreement.

Local planning authority's position

53 Unconfirmed at present.

Legal considerations

54 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**

55 There are no financial considerations at this stage.

**Conclusion**

56 The application broadly complies with the London Plan, however, further information and/or confirmation, as detailed below is required to comply fully.

- **Principle of use**: The proposed mix of uses is acceptable. Details of the proposed affordable business space should be provided and secured.

- **Housing**: Consideration should be given to increasing the proportion of 3-bed units, especially in the affordable sector. A donor site for affordable housing should be considered. If a cash contribution in lieu of on-site affordable housing is to be accepted there needs to be an agreed mechanism and timetable for delivery. The viability assessment should be independently assessed and its findings shared with the GLA. Details of the fit out of the children’s play areas needs to be provided and secured. The density needs to be correctly calculated. The high standard of housing quality is welcomed.

- **Inclusive design**: The inclusive design provisions are welcomed. The 100% Lifetime Homes and 10% wheelchair accessible flats should be secured by condition.

- **Design**: This is a suitable location for a tall building and the design is of a high quality.

- **Climate change mitigation**: The proposed 25% carbon dioxide savings are welcomed. Evidence of on-going discussions with the adjacent heat network operators should be provided. Potential future connection to a heat network, together with commitment to a single site wide energy strategy should be secured.

- **Transport**: The proportion of blue badge spaces needs further discussion, contributions towards bus stop improvements, legible London and Old Street Roundabout improvements are required. Land and/or financial contribution toward cycle hire docking stations may be required. A delivery and servicing plan, construction logistics plan and travel plan should be secured. Crossrail and CIL payments are required.

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