

Principal Place, Worship Street, EC2

in the London Borough of Hackney

planning application no. 2011/0698

Strategic planning application stage 1 referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Full planning permission is sought for the demolition of the rear of 233 Shoreditch High Street and all other structures on the site to facilitate the erection of a decking structure, five buildings and a kiosk. The buildings and kiosk would vary between 1 and 50 storeys plus basement and contain office, retail, leisure, community and residential accommodation. The application includes car parking, open space with hard and soft landscaping, retention and creation of new vehicular and pedestrian access, servicing areas and roof top plant and all other associated works.

The applicant

The applicant is **RT Group Property Investments Ltd**, a subsidiary of **Hammerson**. The architect is **Foster + Partners**.

Strategic issues

The **principle** of development, **urban design** and **strategic views, inclusive access, play space** and **climate change adaptation and mitigation** are acceptable. There are outstanding issues relating to **affordable housing** and **transport**.

Recommendation

That Hackney Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 72 of this report; but that the possible remedies set out in paragraph 74 of this report could address these deficiencies.

Context

1 On 4 April 2011 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 13 May 2011 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 of the Order 2008:

- 1A *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.*
- 1B *“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”.*
- 1C *“Development which comprises or includes the erection of a building of one or more of the following descriptions...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) (England and Wales) Regulations 1999 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 1.265 hectare site is bounded by Norton Folgate/Shoreditch High Street to the east, Worship Street to the south, Curtain Road to the west and Hearn Street and Plough Yard to the north. The site is located circa 300m to the north of Liverpool Street Station, on the border with the City of London and the London Borough of Tower Hamlets. The site is currently occupied by a small number of buildings, notably 233 Shoreditch High Street and buildings on Curtain Road and Worship Street, and temporary uses including two five-a-side football pitches and a golf driving range. The northern part of the site, including 233 Shoreditch High Street, falls within the South Shoreditch High Street Conservation Area.

7 The site was previously bisected by a railway viaduct running north-south which is now substantially demolished, apart from a single arch over Plough Yard which lands in the site. The eastern corner of the site encompasses the railway cutting for the mainline approach to Liverpool Street Station. This is currently being decked over which was permitted as part of a previous consent on the site.

8 The site is in a highly accessible location with a public transport accessibility level (PTAL) of 6b where 1 represents the lowest accessibility level and 6 the highest. It is well served by bus services with 17 routes running along Norton Folgate/Shoreditch High Street (A10) which forms part of the Transport for London Road Network (TLRN). There are three stations located within convenient walking distance of the site. Liverpool Street National Rail and Underground station is located within 600m to the south, Old Street National Rail and Underground station is located 950m to the northwest and Shoreditch High Street Overground station is located 300m to the northeast.

Details of the proposal

9 Full planning permission is sought for the demolition of the rear of 233 Shoreditch High Street, perimeter walls, viaduct structure across Plough Yard and all other structures on the site and the erection of a decking structure and buildings comprising:

- Building 1: a part 10, part 16 storey building to provide 76,465 sq.m. (GEA) of office floorspace (Use Class B1) together with 1,471 sq.m. (GEA) of retail floorspace (Use Class A1-A4) at ground floor level.
- Building 2: a 50-storey block comprising 243 private residential units (111x one bed, 121 x two beds and 8 x three beds) together with 242 sq.m. (GEA) of retail floor space (Use Class A1-A4) at ground floor level.
- Building 3: a 14-storey block providing 39 intermediate housing units (12 x one bed, 21 x two beds and 6 x three beds) and 116 sq.m. (GEA) of retail floorspace (Use Class A1-A4) at ground floor.
- Building 4: a 6-storey block providing 17 affordable rent units (3 x one bed, 6 x two beds, 6 x three beds and 2 x four beds).
- Building 5: a single storey block linked to buildings 3 and 4 comprising of 263 sq.m. (GEA) of flexible floorspace (Use Class A1-A4/D1/D2/B1).
- A single storey kiosk comprising 100 sq.m. (GEA) of retail floorspace (Use Class A1-A4).

10 Together with two separately accessed basements, 51 residential parking spaces (2 blue badge) and 22 other (commercial) car parking spaces (2 blue badge), open space with hard and soft landscaping; retention and creation of new vehicular and pedestrian access, servicing areas and roof top plant and all other associated works.

Case history

11 The applicant submitted a similar referable application for this site in 2007, which Hackney Council resolved to grant. On 7 December 2009 the Mayor considered planning report PDU/1964/02, and subsequently advised Hackney Council that he was content for it to determine the case itself, subject to any action that the Secretary of State may take, and did not therefore wish to direct refusal. The development was duly granted permission on 31 December 2009. The current scheme has arisen as a result of the applicant's decision to revise elements of the consented scheme to reflect changed market conditions over the intervening period.

Strategic planning issues and relevant policies and guidance

12 The relevant issues and corresponding policies are as follows:

- Land use *London Plan*
- Economic development *London Plan; the Mayor's Economic Development Strategy*
- Housing *London Plan; PPS3; Housing SPG; Interim Housing SPG; Housing Strategy; Housing SPG EiP draft; Providing for Children and Young People's Play and Informal Recreation SPG*
- Affordable housing *London Plan; PPS3; Housing SPG; Interim Housing SPG; Housing Strategy; Housing SPG EiP draft*

- Urban design & heritage *London Plan; PPS1; PPS5*
- Tall buildings & views *London Plan; RPG3A; View Management Framework SPG*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Equal opportunities *London Plan; Planning for Equality and Diversity in Meeting the spatial needs of London's diverse communities SPG; Diversity and Equality in Planning: A good practice guide (ODPM)*
- Climate change *London Plan; PPS1, Planning and Climate Change Supplement to PPS1; PPS3; PPG13; PPS22; the Mayor's Energy Strategy; Sustainable Design and Construction SPG*
- Transport, Crossrail & parking *London Plan; the Mayor's Transport Strategy; PPG13; London Plan Alteration; Crossrail SPG*

13 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Hackney Core Strategy (2010), the saved policies of the Hackney Unitary Development Plan (1995) and the London Plan (Consolidated with Alterations since 2004). The draft replacement London Plan (December 2009) is a material consideration. This document has undergone Examination in Public and the Panel Report has now been published. The draft City Fringe Opportunity Area Planning Framework (February 2008) is also a material consideration.

Principle of development

14 The site lies in the Central Activities Zone (CAZ) (Policy 2A.4, Policies 5G.1-5), the North East sub-region (Policies 5C.1-3), the City Fringe Opportunity Area (Policy 2A.5) and an Area for Regeneration (Policy 2A.7) in the London Plan. Table 5C.1 of the London Plan identifies that the City Fringe Opportunity Area has an indicative employment capacity of 80,000 jobs and the potential to deliver a minimum of 5,000 homes (both these figures assume commensurate investment in transport capacity enhancements).

15 In the draft replacement London Plan the site lies in the Central Activities Zone (Policy 2.10-2.11), the East sub-region (Policy 2.5), the City Fringe Opportunity Area (Policy 2A.13) and an Area for Regeneration (Policy 2.14). Table A1.1 of the draft replacement London Plan identifies that the City Fringe Opportunity Area has an indicative employment capacity of 40,000 jobs and the potential to deliver a minimum of 7,000 homes in the plan period.

16 The draft City Fringe Opportunity Area Planning Framework (OAPF) provides further strategic policy guidance for development in the area. In land use terms the draft City Fringe OAPF broadly envisages the expansion of World City business functions and the intensification of a mix of housing in the City Fringe, and the use of the economic benefits of this to improve social and transport infrastructure and regenerate the area. Regarding this site, the draft document recognises that the site is part of an arc of potential development along Bishopsgate/Norton Folgate/Shoreditch High Street and into the former Bishopsgate Goodsyrd. One of the first sites in this arc, at 201 Bishopsgate to the south across Worship Street, has been recently been redeveloped for two large-scale office buildings.

17 The proposed mix of land uses does not raise any strategic concerns having regard to the above strategic policies. The provision of a mix of uses on the site including significant new office (76,465 sq.m. GEA) and residential, including affordable residential, (34,608 sq.m. GEA) development, together with retail (2,503 sq.m. GEA) and new public spaces is consistent with the aspirations of the City Fringe OAPF and addresses the requirements of London Plan Policy 3B.3.

18 The requirement for a contribution to the funding of Crossrail associated with the uplift in office and retail floorspace is addressed in the transport section below. The Council should address any consultation requirements and policy compliance issues associated with the loss of the temporary sports pitches on the site.

19 In summary the proposal would be consistent with London Plan policies 2A.4, 2A.5, 2A.7, 5C.1-3, and 5G.1-5, and draft replacement London Plan policies 2.5, 2.10, 2.11, 2.13, and 2.14.

Housing

20 London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

21 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' housing viability toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified. Policies 3.12 and 3.13 of the draft replacement London Plan maintain this approach but with a requirement that 60% of affordable housing provision should be social and 40% of affordable housing provision should be intermediate.

22 Hackney Core Strategy (2010) Policy 20 seeks a borough-wide target that 50% of new homes will be affordable, subject to viability. The policy also seeks a borough-wide tenure split for affordable homes of 60% social rented and 40% intermediate.

23 The proposal would provide the housing mix set out in Table 1 below.

Unit type	Tenure			Total (%)
	Market housing	Intermediate housing	Social rented housing	
1-bed	111	12	3	126 (42%)
2-bed	122	21	6	149 (50%)
3-bed	10	6	6	22 (7%)
4-bed	0	0	2	2 (1%)
Total (%)	243 (81%)	39 (13%)	17 (6%)	299

Table 1: Proposal housing mix by tenure and unit type.

Housing tenure

24 The affordable housing provision would represent 19% of the total units (22% of habitable rooms) proposed on-site and would be split 70% intermediate provision and 30% social rented provision.

25 The applicant should confirm the nature of social rented affordable provision as the description of development suggests that this will be for affordable rent whereas the supporting documentation suggests that it would be for social rent. At present strategic and local policy expects the provision of social rented accommodation on the site but it is acknowledged that emerging national policy may change the definitions of affordable housing. The final form of affordable housing provision on the site should take account of the policy at the time of determination.

26 The proposed tenure split is the inverse of what would be expected by strategic and local policy. The applicant has sought to justify this and the overall level of affordable housing as being the maximum reasonable amount through a housing viability appraisal. This appraisal is currently being reviewed, on behalf of the Council, by specialist consultants. The findings of this review are imminent and will inform the Mayor's view on the acceptability of the proposed affordable housing provision. It is expected that the viability appraisal will take full account of all necessary mitigating planning obligations bearing on the site, including those relating to Crossrail.

27 Until the satisfactory conclusion of this review process it is not possible to determine with confidence if the proposal would offer the maximum reasonable amount of affordable housing or if the proposed tenure split is justified. Accordingly the proposals are not currently consistent with London Plan policies 3A.9 and 3A.10 or with policies 3.12 and 3.13 of the draft replacement London Plan.

Housing choice

28 London Plan Policy 3A.5 (Housing choice) and the Housing Supplementary Planning Guidance (SPG) (2005) seeks a balanced mix of unit sizes in new developments with an overall London wide target of 32% one-bed, 38% two and three-bed and 30% four bed or larger units. This may be subject to justified local variation owing to identified local housing needs. Policy 1.1C of the London Housing Strategy sets a target for 42% of social rented homes to have three or more bedrooms. Policy 3.8 of the draft replacement London Plan also promotes housing choice in proposed developments and Policy 3.12 states that within affordable housing provision, priority should be accorded to family housing.

29 The proposal includes an overall unit mix of 42% one-bed, 57% two-bed and three-bed units and 2% four-bed units. This mix is, in comparison to the strategic target set out above, skewed towards two-bed units, at the expense of providing larger units. This is, however, reasonable given the nature site, which does not lend itself to the provision of large amounts of family accommodation due to the limited opportunities to provide amenity space. The position of the site on the edge of the commercial heart of the City of London and near to Liverpool Street Station further justifies the proposed housing mix. The provision of such accommodation supports aspects of London's world city role by meeting a recognised need for high quality residential units suitable to the accommodation needs of international businesses and those working in the area.

30 It is noted that just under half of the social rented units that are provided are 3-bed or larger which is welcome in addressing the targets outlined above which is not a unreasonable level of provision having regard to the nature of the location. Notwithstanding this an increased number of 3-bed units would be supported. The applicant has demonstrated that all residential

units are designed to comply with Lifetime Homes standards and at least ten percent of residential units are designed to be wheelchair accessible units. The application would be consistent with London Plan Policy 3A.5 and Policy 3.8 of the draft replacement London Plan.

Housing quality

31 London Plan Policy 3A.6 promotes quality in new housing provision. Policy 3.5 of the draft replacement London Plan promotes design quality in housing developments. The draft policy states that housing developments should be of the highest quality internally, externally and in relation to the wider environment. It also states that new dwellings should meet the dwelling space standards set out in Table 3.3, have adequately sized rooms and convenient and efficient room layouts.

32 The Mayor will produce a new draft Housing SPG on the implementation of Policy 3.5 for all housing tenures, drawing on his design guide for affordable housing. London Plan paragraph 3.33 highlights what the proposed SPG will cover, in terms of requirements for individual dwellings, and a draft of the relevant section is contained in the Draft Housing SPG (EIP version).

33 The material submitted indicates that all of the affordable residential units would meet the Mayor's emerging residential design standards and that the majority of the 243 private residential units would also meet the standards. The main inconsistency in the case of the latter is the floorspace of the 24 1-bed 1-person units, which is 37 sq.m. and the lack private amenity space to these units. The remaining 87 1-bed 2-person units are consistent with the standards. It is noted that all of these private units would have access to communal amenity space on the 38th floor and to the public spaces at ground level. The proposal is, on balance, consistent with London Plan Policy 3A.6 and Policy 3.5 of the draft replacement London Plan.

Housing density

34 London Plan Policy 3A.3 requires development proposals to achieve the maximum intensity of use compatible with the local context, the design principles of Policy 4B.1 and with public transport capacity. Table 3A.2 provides density guidelines in support of this. Policy 3.4 of the draft replacement London Plan seeks to optimise housing potential and Table 3.2 provides density guidelines in support of this which are the same as those in Table 3A.2.

35 The proposed 776 habitable rooms (299 units) on the 1.265 ha site would give a density of 613 habitable rooms per hectare, not accounting for the non-residential floorspace on site. If allowance is made for the non-residential floorspace, which accounts for around 70% of the total floorspace proposed, the figure is around 1,615 habitable rooms per hectare. Taking account of the non-residential floorspace, the density is beyond the upper end of the density guidelines in Table 3A.2 which specify a range of 650 – 1100 habitable rooms per hectare for highly accessible locations such as this.

36 A higher density may be considered acceptable where proposals are compatible with the local context, the design principles of Policy 4B.1 and the public transport capacity. Compliance with other policies, particularly those relating to social infrastructure, open space and play space, is also necessary. In this instance both London Plan and local policy supports high density development on the site as it is in the CAZ, an Opportunity Area and Area for Regeneration, and is identified for a tall building in the City Fringe OAPF.

37 Therefore, subject to the proposal complying with other policies, notably those on urban design and transport, and making all necessary mitigating planning obligations, including those associated with Crossrail, the proposed density is acceptable in this instance. If the proposal is found to be unacceptable in any of these regards when the decision is referred back to the Mayor

then the acceptability of the proposed density would be reconsidered. In summary the proposal would be consistent with London Plan Policy 3A.3 and Policy 3.4 of the draft replacement London Plan, subject to these provisions.

Children's play space

38 Policy 3D.13 of the London Plan sets out that: *"the Mayor will and the boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs."* Policy 3.6 of the draft replacement London Plan supports this.

39 Using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' it is anticipated that there will be approximately 60 children in the development. This figure is expected to divide as follows: 0-4 years – 28 children; 5-10 years – 20 children; and 11-15 years – 12 children.

40 The guidance sets a benchmark of ten square metres of useable child play space to be provided per child, with under-5 child play space provided on-site. Accordingly the development should make provision for around 600 sq.m. of play space to be divided as follows: 0-4 years – 280 sq.m.; 5-10 years – 200 sq.m.; and 11-15 years – 120 sq.m.

41 The proposal is supported by a play strategy and would incorporate around 556 sq.m. of playable space. Approximately half of this space is located on a first floor communal roof terrace adjacent to and directly accessible from the two affordable housing blocks. The remainder is located in a publicly accessible garden square situated between the affordable housing blocks and the private residential blocks. This provision is sufficient to cater for all on-site play and recreation needs of the 0-4 and 5-10 age groups and the majority of those of the 11-15 years old age group. There are a variety of larger spaces within 800m walk of the site, such as Allen Gardens, that would meet the remaining requirement arising from this age group. The Council should consider whether a section 106 contribution towards the improvement or upkeep of such spaces is required and secure this if necessary. On this basis the application is consistent with London Plan Policy 3D.13 and Policy 3.6 of the draft replacement London Plan.

Urban design and views

42 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. London Plan Policy 4B.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to specific issues. London Plan policies 4B.9 and 4B.10, which set out specific design requirements for tall and large-scale buildings, are applicable to the proposals. Chapter 7 of the draft replacement Plan sets out design related policies.

43 The current proposal has arisen as a result of the applicant's decision to revise elements of the consented scheme to reflect changed market conditions since the previous scheme was consented. The proposed site layout is broadly similar to that of the consented scheme but has benefited from a series of revisions. The applicant now proposes a single larger and more efficient office building (Building 1), rather than the two previously proposed. This new arrangement would not harm pedestrian permeability in the locality and would make the best use of the opportunity the site presents for large floorplate offices, for which there is significant demand in the area.

44 The residential tower (Building 2) in the east of the site is more slender than that previously consented, partly facilitated by the removal of the hotel element, and this has the

benefit of opening up ground level routes through and around the site. The principal part of the building at 233 Shoreditch High Street, which lies within the South Shoreditch Conservation Area, would continue to be retained on the Norton Folgate / Shoreditch High Street Frontage, which is supported. There are a number of listed buildings in the vicinity of the site, notably those further north on Shoreditch High Street, Great Eastern Street and Curtain Road, whose setting would be effected by the proposal. In views of these heritage assets the proposal would, where visible, be seen against the existing buildings at 201 Bishopsgate and the Broadgate Tower and other building to the south. In this context and as a result of the high quality design the proposal would not harm the setting of the heritage assets in the area. The stepping down in height of buildings 3 and 4 would also serve to address the change in scale between that prevailing in the conservation area and that of the commercial development to the south.

45 The two affordable housing blocks (buildings 3 & 4) remain in the same positions as in the consented scheme but the layout of this area has been significantly improved by the addition of Building 5 between them. This single storey building built at the back of the pavement improves the enclosure and overlooking of Plough Yard, in a manner characteristic of the area, and clarifies routes through and around the garden square. It would also provide a first floor communal roof terrace to the benefit of residents of both blocks. The public spaces in the scheme remain of similar or greater size than in the consented scheme but the reduced footprint of Building 3 has improved the visual and physical links between them. The main public space would form one of a series of spaces that will eventually link Broadgate to Bishopsgate Goodsyards, helping to facilitate the development of the latter. Overall the proposed scheme would successfully accommodate the various existing pedestrian desire lines and those created by the scheme and the new spaces would significantly enhance the locality and deliver the public realm aspirations of the City Fringe OAPF.

46 The scale and massing of the office building (Building 1) has been reduced from that of the consented scheme by the removal of the cantilevered element above the public space. The building would now be horizontal in emphasis rather than a commercial tower and, whilst perhaps lacking the visual impact of the previous proposal, would be well resolved and consistent with the design quality of recent offices schemes to the south. The removal of the cantilevered element would also result in an improved visual relationship with the existing Broadgate Tower by introducing visual break between this and the residential tower (Building 2) in middle-distance views.

47 The residential tower (Building 2) would be suitably slender in all views. This slenderness and the residential use of the building would be emphasised by the facade, which would divide the building in to three bays, whilst also expressing the floors with horizontal banding and thus giving the viewer a sense of the overall scale of the building. It is understood that the applicant is currently preparing some revisions to the north and south facades of the building in response to comments from the Council's design review panel. These are agreed as being less successful than the east and west elevations. The Mayor will formally consider any amendments to the proposal when the application is referred back to him.

48 Part of the site lies in the background assessment area of the designated view (LVMF 8A) from Westminster Pier to St Paul's Cathedral. The material submitted indicates that the proposal would not be visible in this view. The proposal, specifically Building 2, would breach the threshold plane of the viewing corridor, however, due to the tightly defined nature of this linear viewing corridor it would be entirely obscured by the White House, formally part of the Shell Centre, which lies in the foreground of this view. The proposal would preserve the characteristics and composition of the view and the ability of the viewer to recognise and appreciate the strategic landmark within it's townscape frame and is, accordingly, acceptable.

49 In summary the proposal is consistent with the design policies of the London Plan including policies 4B.1, 4B.9, 4B.10, 4B.11 and 4B.18.

Inclusive access

50 Policy 4B.5 of the London Plan expects all future development to meet the highest standard of accessibility and inclusion. This, together with the Mayor's Supplementary Planning Guidance 'Accessible London: achieving an inclusive environment', underpins the principles of inclusive design and aims to achieve an accessible and inclusive environment across London. Policy 3A.5 of the London Plan requires all new housing to be built to 'Lifetime Homes' standards and 10% of all new housing to be designed to be wheelchair accessible or easily adaptable for such use in order to meet the full range of housing needs. These policies are respectively supported by policies 7.2 and 3.8 of the draft replacement London Plan.

51 The design and access statement demonstrates that all parts of the proposal will comply with the relevant standards and that the principles of inclusive access have been considered in developing the design. The applicant has sought to address the change in level between Norton Folgate and the proposed plaza, which results from the decking structure over the railway cutting, in an inclusive way through a combination of shallow steps, a platform lift and clear definition of step free alternatives from Worship Street and elsewhere around the site. Given the structural constraints arising from the deck the proposed approach is acceptable in this instance.

52 In summary the proposal would be consistent with London Plan Policy 4B.5 and 3A.5 of the London Plan and policies 7.2 and 3.8 of the draft replacement London Plan.

Climate change mitigation and adaptation

53 The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise carbon dioxide emissions (Policy 4A.1). Chapter 5 of the draft replacement London Plan sets out the approach to climate change and requires developments to make the fullest contribution to minimising carbon dioxide emissions.

Climate change mitigation

54 The applicant has broadly followed the energy hierarchy in Policy 4A.1. Sufficient information has been provided to understand the proposals but further information is required to verify carbon dioxide savings for the proposals for each site.

Be lean

55 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include mechanical ventilation with heat recovery and high efficiency lighting. Overall the development is estimated to achieve a reduction of 464 tonnes per annum (14%) in regulated carbon dioxide emissions from energy efficiency measures alone compared to a 2010 Building Regulations compliant scheme.

Be clean

56 The applicant has investigated the potential to connect to existing or planned district heating networks, however, no heat networks have been identified in close proximity to the site. The development will, however, be designed to allow future connection to a district heating

network should one become available. The applicant indicates that a heat network will be implemented on site served from a centralised energy centre to supply the heating requirements of the residential element. A separate heat network is proposed to supply the office building, which would be partly supplied with the heat rejected from the chillers serving the office and residential spaces. Given the location of the office building and residential blocks such an approach, in this case, retains the flexibility that is required to allow straightforward connection to an external heat network in the future.

57 A 100kW(e) combined heat and power plant (CHP) unit is proposed to meet a proportion of the heating requirements of the residential heat network, supplementing the heat supply to the residential heat network provided by heat pumps which will pre-heat water in this network. The applicant states the private dwellings and offices will be provided with comfort cooling from a community cooling network. A reduction in regulated carbon dioxide emissions of 132 tonnes per annum (4.6%) will be achieved through this second part of the energy hierarchy.

58 Adequate arrangements for the selling of the electricity generated with the CHP plant are required for the successful on-going operation of the proposed CHP plant. The applicant should provide further information with this regards, i.e. how would the selling of the electricity of the CHP plant be managed.

Be green

59 The applicant is proposing to install 327 sq.m. of photovoltaic panels (PV) on the roof of the buildings to provide a renewable energy contribution. The applicant has provided a diagram showing the proposed PV array locations. This provision will achieve a reduction in regulated carbon dioxide emissions of twelve tonnes per annum (1.2%).

Summary

60 In summary, the estimated regulated carbon emissions of the development are 1,025 tonnes of carbon dioxide per year after the cumulative effect of energy efficiency measures, CHP and renewable energy has been taken into account. This equates to a reduction of 608 tonnes per year in regulated emissions compared to a 2010 Building Regulations compliant development, equivalent to an overall saving of 37.2%. The applicant should provide the further information on the sale of the electricity generated by the CHP plant. The proposal would be consistent with London Plan policies 4A.1, 4A.4, 4A.5, 4A.6 and 4A.7.

Climate change adaptation

61 The application is supported by a sustainability statement that demonstrates general compliance with the relevant London Plan policies on sustainable design and construction and climate change adaptation. The proposal would be designed to achieve a BREEAM 'Excellent' rating and Code for Sustainable Homes level four. The provision of a new public open spaces and incorporation of living roofs where appropriate is particularly positive in terms of climate change adaptation. In summary the proposal would be consistent with London Plan policies 4A.3 and 4A.9 and the associated policies. The Council should secure the proposed measures by condition.

Transport

62 Transport for London (TfL) considers that the provision of 73 car parking spaces provided in a location with a PTAL of 6B is unjustified. It is recommended that a 'car-free' approach, save for blue badge parking, is taken for the residential component and that the parking for the non-residential component be reduced to a minimum provision for essential operational requirements

together with blue badge parking. The developer's commitment to provide 20% of all spaces with electric vehicle charging points is nevertheless welcomed in accordance with Draft Replacement London Plan Policy 6.13.

63 Cycle parking has been provided for the residential and office elements of the scheme in accordance with Draft Replacement London Plan standards. In addition, TfL requests that the development facilitates the expansion of the central cycle hire scheme. A suitable area of land should be dedicated for use as a docking station and a contribution of £132,000 should be secured towards its installation in line with London Plan Policy 3C.22 and Draft Replacement London Plan Policy 6.9.

64 In order to manage travel demand, TfL welcomes the submission of a draft residential and a workplace travel plan. The plans should be secured and monitored through the section 106 agreement. The travel plans should be accompanied by a service and delivery plan to ensure sustainable deliveries to the development. A construction logistics plan should also be secured in order to manage the impact of the construction phase on the strategic highway network in the area.

65 In view of the strategic regional importance of Crossrail to London's economic regeneration and development, and in order to bring the project to fruition in suitably timely and economic manner, contributions will be sought from development likely to add to or create congestion on central London's rail network that Crossrail is intended to mitigate. This will be through planning obligations, arrangements for the use of which are established at strategic level in accordance with relevant legislation and policy guidance (Policy 3C.12A of the London Plan and draft replacement London Plan Policy 6.5).

66 The approach for collecting contributions towards Crossrail is set out in the Mayor's Supplementary Planning Guidance (SPG) 'Use of Planning Obligations in the funding of Crossrail' (July 2010). The SPG states that contributions should be sought in respect of retail, hotel and office developments in Central London, which involve a net increase in floorspace of more than 500 sq.m. (GEA). As the proposed development falls within the Central London Contribution Area, the proposed indicative level of charge is £137 per sq.m. for new office floorspace, £88 per sq.m. for new retail floorspace and £60 per sq.m. for new hotel floorspace.

67 A requirement for a Crossrail contribution from this development will therefore relate to the net additional impact from the new development, by deducting the theoretical charge that would be paid by the existing uses within the site. This assumes that some existing office accommodation was demolished less than five years prior to the date of submission of this application in accordance with paragraph 4.28 of the Crossrail SPG. Applying this approach to floorspace figures contained in the planning application form, the current uses on site (574 sq.m. of retail and 4,708 sq.m. of offices) generate a requirement for £695,508. The proposed uses (2,195 sq.m. of retail floorspace and 76,465 sq.m. of office floorspace) would generate a contribution of £10,668,661. Accordingly, TfL requires a contribution of £9,973,153 towards Crossrail. This should be paid to TfL upon commencement of the proposed development, and secured as part of the section 106 agreement. A 20% discount will be applied if the contribution is paid before 31 March 2013.

68 In summary, the proposal is broadly consistent with the transport policies of the London Plan but the applicant should address the outstanding matters relating to car parking, cycle hire, travel planning and Crossrail to ensure full compliance.

Local planning authority's position

69 This is unconfirmed at present.

Legal considerations

70 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

71 There are no financial considerations at this stage.

Conclusion

72 London Plan policies on the principle of development, housing, children's play space, urban design, inclusive access, climate change mitigation and adaptation, and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principle of development:** the proposals are consistent with London Plan policies 2A.4, 2A.5, 2A.7, 5C.1-3, and 5G.1-5.
- **Housing:** the proposals are inconsistent with London Plan policies 3A.9 and 3A.10. The proposal is consistent with London Plan policies 3.5 and 3A.6.
- **Children's play space:** the proposal is consistent with London Plan Policy 3D.13.
- **Urban design and views:** the proposal is consistent with London Plan policies 4B.1, 4B.9, 4B.10, 4B.11 and 4B.18.
- **Inclusive access:** the proposals are consistent with policies 4B.5 and 3A.5 of the London Plan.
- **Climate change mitigation and adaptation:** the proposals are consistent with London Plan policies 4A.1, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7 and 4A.9 (and associated policies).
- **Transport:** the proposal is broadly consistent with the transport policies of the London Plan but the applicant should address the outstanding matters relating to car parking, cycle hire, travel planning and Crossrail to ensure full compliance.

73 On balance, the application does not comply with the London Plan.

74 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Housing:** the applicant should liaise with the Council and GLA pending the completion of the ongoing review of the financial viability appraisal for the affordable housing provision in the proposal and amend the proposal as necessary to reflect the results.
- **Transport:** the applicant should seek to reduce the level of car parking, provide for the Mayor's Cycle Hire Scheme, provide a service and delivery plan and a construction logistics plan and confirm and commit to the provision of a contribution to Crossrail.

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