

PLANNING POLICY NOTES



Job	408 Mare Street
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INTRODUCTION

These notes are being prepared to help assess the feasibility of Concept proposals 01 & 02 prior prepared for 408 Mare Street against local, regional and national policy. As a reminder, the concept approaches are:

Concept 01 – Rational of existing space and opening up of existing LGF to the GF shop floor to create a larger more attractive and lettable space with a view to making a Change of Use Application from [Betting Shop] Sui Generous to A1-A4 / B1 Use Class.

Concept 02 – Provision of a new single C3 dwelling house over LGF and GF levels with the addition of a 12-23m2 small A1-A3 unit. [It is assumed a coffee shop, deli or Stimpson type operator would suit the retail space]

PLANNING POLICIES

Local planning policy is influenced by broader national policy including the National Planning Policy Framework [NPPF] and the London Plan. Our study will focus on the below local Hackney strategy and development policies.

Hackney Core Strategy – the adopted Core Strategy is essentially the spatial expression of the Council's Sustainable Community Strategy. It essentially sets out a spatial planning framework for growth in the Borough. It is a broader strategy document that will be read alongside the Development Management plan which will be the focus of our study.

Hackney Development Management Local Plan – the adopted Development Management Local Plan provides detailed criteria-based policies for the assessment and determination of planning applications.

Hackney Central Area Action Plan - This is a comprehensive spatial strategy for co-ordinated development and design reflecting local aspirations for the future of the area, helping to guide development and providing confidence and certainty to developers and other public sector bodies.

Hackney Development Management Local Plan [DMLP]



POLICY DM2 - DEVELOPMENT AND AMENITY

Development proposals should be appropriate to their location and should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. The individual and cumulative impacts of development proposals on amenity will be considered in considering their acceptability. The consideration of the merits of development proposals will be balanced against the impact on amenity.

Amenity considerations include the impacts of developments on:

- i. Visual privacy and overlooking;*
- ii. Overshadowing and outlook;*
- iii. Sunlight and daylight, and artificial light, levels;*
- iv. Vibration, noise, fumes and odour, and other forms of pollution;*
- v. Microclimate conditions;*
- vi. Safety of highway users.*

Residential development should be well designed and not lead to substandard layouts, unit sizes, room sizes and awkward room shapes and private amenity space.

Satisfying POLICY DM2 is very important when considering the impact of a proposed lightwell to either A1 or C3 use class by properties overlooking the site. Likewise the living standard that can be achieved from a C3 development in a basement is very important. We are able to implement measures that will protect residents from any perceived nuisance caused by both of the proposed development concepts.

The following policy DM7 is largely focused on new large scale development, however it highlights two important broader planning policies sought in the borough, namely:

POLICY DM7 – NEW RETAIL DEVELOPMENT

4.3 Small and independent shops

4.3.1 Hackney's many small and independent shops help lend the Borough its special character and contribute to the identity of its neighbourhoods. Specialist shopping areas add to distinctiveness and attractiveness as a place to live and visit. Small and independent shops provide an important role in servicing the day-to-day needs of local residents, workers and visitors and can provide greater consumer choice and local employment.

&

The need for small shop units in Hackney is evidenced in the Council's Retail Centres Study, Stage 2, September 2011 and in Hackney's Employment Growth Options Study, Final Report, March 2006. Also responses from consultations on the AAPs for the Borough's Major and District Town Centres of Dalston and Hackney Central respectively gave strong support for seeking provision of affordable shop units suitable for small or independent traders..... The Council may also use this policy to mitigate the loss of, and/or to provide or to support affordable shop units suitable for occupation by small and independent traders.



POLICY DM8 – SMALL AND INDEPENDENT SHOPS

Small shop units (generally 80sq.m gross internal floorspace or less) suitable for small and independent retailers will be sought by the Council throughout the Borough by:

ii. Requiring proposals for the redevelopment of small shop units to incorporate adequate re-provision of small shop units, particularly for essential services ... and goes on to state in the details:

4.3.6 Core Strategy Policy 13 seeks to safeguard and enhance the vitality and viability of all Hackney's shopping centres by encouraging diversity of uses, including mixed uses with residential on upper floors, and resisting loss of shops where this would unacceptably harm the retail function, character of the centres or shopping provision in the centres.

Policy DM9 below looks at local shopping streets in more detail defining the Hackney Central in Section B and goes on to provide specific policy relating to conditions that will enable the local authority to permit Change of Use away from retail. Hackney do appear to suggest that loss of frontage would be acceptable as long as overall loss of frontage to the area does not go below 50%, however this is subject to caveats regarding adverse effects which given the listed nature of 408 Mare Street could likely not lead to a permission in this respect. What DM9 does importantly state though is that change of use away from retail occupation could be permitted *if a shop front is retained or provided*. This would suggest further support for Concept 2 should a purchaser move toward residential use. The size of the proposed retail unit would need to be assessed relevant to policy prior to any submission. There is flexibility available to both the resi and retail aspects of Concept 02.

POLICY DM9 - CHANGING THE USE OF SHOPS IN TOWN CENTRES

B. Secondary Shopping Frontages of Hackney Central, Stoke Newington and Finsbury Park District Centres

In the secondary shopping frontages of Hackney Central (outside the AAP boundary), Stoke Newington and Finsbury Park District Centres (as defined on the Policies Map), proposals to change the use of ground floor Class A1 retail unit will not be permitted where the proportion of A1 units in the secondary shopping frontages would fall below 50% (as a proportion of total units measured across the total Secondary Shopping Frontage), taking into account unimplemented planning permission for changes of use.

D. Local Shopping Centres

Within these Centres (as defined on the Policies Map), the Council will only permit changes of use at ground floor level from an existing Class A1 retail use where:
v. the proposal will not result in the number of units in retail (Class A1) use falling below 50% (as a proportion of total units measured across the total Local Shopping Centre area), taking into account unimplemented planning permissions for changes of use;



- vi. the shop unit has been marketed for a minimum of one year and it has been demonstrated that there is no realistic prospect of the unit being used for A1 retail purposes in the foreseeable future (see Appendix 4);*
- vii. the proposal meets the needs of residents within the local neighbourhood and/or the whole Borough;*
- viii. other essential shops are within 400 metres walking distance from the centre of the shopping centre;*
- ix. The proposal will not have an adverse effect on the vitality and viability of the centre as a whole and/or on the individual shop unit; and*
- x. a shop front is retained or provided.***

The Borough of Hackney has an assumption in favour of new residential development; their general approach to housing growth is set out by Core Strategy Policy 19. Key aims of this policy are to resist the loss of family accommodation, promote the provision of new family accommodation. This general policy would therefore favour some form of residential development subject to no adverse effect on other policies in the local plan. A larger single family dwelling appears to be favoured over smaller multiple units. As previously discussed multiple residential units is difficult to achieve over the LGF and GF levels. Policy DM19 sets out the general approach to housing development in the development plan and includes notes on Change of Use. Affordable housing policy normally applies to developments of multiple units of 10 or more, however some boroughs require an affordable homes contribution for new single units. We have not found any policy note to suggest that Hackney would look to charge this.

POLICY DM19 - GENERAL APPROACH TO NEW HOUSING DEVELOPMENT

There is a general presumption in favour of housing; particularly affordable housing (including social/affordable rented and intermediate housing) to meet identified housing need, in the Borough. Proposals for new housing development will be permitted provided they would not adversely conflict with other policies in this Plan or the Council's Local Plan, particularly in relation to design quality, amenity, environmental sustainability, employment land and floorspace, and the Borough's Shopping Centres ... goes on to say

Conversions of houses into flats, and changes of use from non-residential uses into residential, and extensions and renovations, may be supported if considered appropriate against other Local Plan policies including those within this Plan.

The suitability of a single large 3 bedroom property as proposed in Concept 02 is further supported by policy DM22 that specifically outlines the high demand for larger 3 bed single dwellings in both the market and affordable homes sector.

The notes also provide further guidance with regard to residential conversion of Historic buildings and the requirements for conversions of basements.

5.5.5 The Council recognises that a different dwelling mix may be required to enable development or as part of the refurbishment of a recognised heritage asset building in order to retain distinctive townscape character, and the historic layout of a property. As such, flexibility will be applied in such instances. Conversions of basements should be carried out in line with guidance in the Council's Residential Alterations and Extensions SPD and the flooding policy contained within the Climate Change and Environmental

408 Mare Street is Grade 2 listed and subject to protection. Details of works to Listed Buildings that are resisted are outlined in DM28 below. Largely both Concepts 01 & 02 protect the significance of the buildings. Proposals for the Mare Street level elevation will meet the strongest critique from the planners. However there are design measures that can be implemented under the proposed concepts that would improve the significance. Proposals to return to the classical signage and high ceilings will be rewarded by planners. Although we propose to make big changes to the plan form of both the GF and LGF we would not be concerned in this instance as the character and setting will not be harmed.



POLICY DM28 – MANAGING THE HISTORIC ENVIRONMENT

B. Listed Buildings

Proposals for development, including change of use, that involve any alterations to a listed building or within its curtilage shall:

- i. Not lead to substantial harm to or total loss of the significance of the building and should harmonise with the period, style, materials and detailing of the building;*
- ii. Retain and repair existing features and fabric, or, if missing, replace them in a sympathetic manner;*
- iii. Not harm the structural integrity or stability of the building or that of adjoining buildings or structures;*
- iv. Respect and preserve the integrity of the original plan form where extensions are proposed, relate sensitively to the original building and not adversely affect the internal or external appearance or character of the building, curtilage or its setting; and*
- v. Retain roof structures of intrinsic architectural or historic interest.*

The desire for advertisement that is sensitive to the traditional period features of a listed buildings are outlined further in policy DM 29 below. 408 Mare Street is the only shop on the run that has retained the original boundary treatments to the front elevation, this is something therefore that the Planners will seek to protect and can be viewed as positive leverage for securing a scheme.

POLICY DM29 – ADVERTISEMENTS

Advertisements must be of the highest possible standard and contribute to a safe and attractive environment, and shall:

- ii. Not adversely affect the historic significance of buildings, and be sensitive to the character of an area through size and siting, especially those areas of historic significance;*

408 Mare Street is located at what is described in the AAP as a 'Major Node point' and opposite a 'Potential Opportunity Site' D1 on the corner of Lower Clapton Rd and Clarence Rd. The AAP identifies 16 key Policies [Hackney Central Town Centre AAP Policies] we have reviewed those relevant to our proposal site.

3.2 Objectives and Policies

The AAP vision has emerged around a set of five overarching design principles and 16 detailed town centre wide objectives. These objectives were established through early baseline consultation and SA Scoping. Policies are presented to deliver the 16 objectives and thus ensure robustness and appropriateness of this AAP.



HCTC 02 is concerned with Promoting High Quality Urban Design and Conserving the Historic Environment. The policies are largely in line with the DMLP however they focus on key views and nodes within the AAP.

Policy HCTC 02

PROMOTING HIGH QUALITY URBAN DESIGN AND CONSERVING THE HISTORIC ENVIRONMENT

1 High quality urban design will be sought for all new development proposals for the town centre. Proposals will deliver high design quality by responding to the following criteria:

c. Enhancing identified gateways and nodes to provide an appealing and inviting sense of arrival into Hackney Central as identified by Figure 5;

d. Development proposals should seek to reinforce the gateways and nodes identified on Figure 5 by creating new local landmarks in appropriate locations and emphasising key corners to assist legibility;

f. Enhancement, retention and creation of new local landmarks.

These include:

Accents on key corners to help frame important public spaces which may comprise distinctive architectural treatment or emphasise with public art.

g. Promotion and implementation of high quality architecturally designed active primary and secondary building frontages on principal routes and secondary streets;

2. The historic fabric of the town centre in terms of the architectural, townscape, historic and landscape features will be protected and enhanced in relation to:

a. Heritage Assets and their settings as indicated on Figure 6;

b. Development should ensure that existing buildings and open spaces of historic or architectural merit are conserved and enhanced and that new buildings reinforce Hackney's historic character whilst encouraging high quality design responses that achieve optimal regeneration impact.

408 mare street is designated a primary building frontage in the AAP as well as a heritage asset. The AAP is geared to improving the public realm at street level, this includes both shop frontage treatment as well as activity. i.e the street should appear busy rather than closed off. This would suggest support for continued commercial activity on the street level.



4.2.4 Building frontages

The sense of safety and security, and the vibrancy of an area is influenced by the degree of activity (both real and perceived) that takes place at street level.

Figure 5 indicates how the AAP will address building frontages onto streets and public open spaces. New frontage, existing frontage and weak frontage in need of improvement are all defined. Figure 5 also shows the hierarchy of building and street frontage for the AAP which should be reflected in any future site proposals.

Primary building frontage:

Describes the principal public realm structure and is defined by high quality and/or architecturally distinctive buildings that create a positive relationship to the adjacent street and open space network. A high level of public realm investment is envisaged to realise the Public Realm Strategy.

Policy HCTC 04

ENSURING A QUALITY PUBLIC REALM

2. All new town centre development must support the public realm by contributing high quality design that includes active frontages and quality architectural design.

Development should adhere to the following principles:

h. Promote active building frontages that contribute to the public realm visually and functionally by:

i. Designing building frontages that face onto the public realm;

ii. Placing private space primarily behind buildings within courtyards or next to the private space of adjacent neighbours;

iii. Minimising fencing and boundary walls adjacent to streets or public spaces;

iv. Arranging new development so that they make a clear distinction between public and private spaces; and

v. Encouraging active ground floor uses particularly along primary and priority routes and spaces.

Policy HCTC 04 identifies this section of Mare Street as a **Key Gateway** from the north into Hackney Centre. The pedestrianised section of the street to the front of the site is identified as a Primary route known as the **Northern Narrow Way Gateway**. The clear intention of the AAP policy being 'the intention of creating an intimate, pedestrian focused, quality retail street scene' as noted in 5.2.3 below.

5.2.3 A clear street hierarchy

The Narrow Way forms the northern extension to Mare Street but serves a different function. It nevertheless is part of the primary High Street spine and performs an important retail role and should receive the same focus of investment. Specific treatment to the Narrow Way will differ from Mare Street, with the intention of creating an intimate, pedestrian focused, quality retail street scene. This is further explored in Character Area 03 (Part C).



Policy HCTC 06

CREATING A VIBRANT, MIXED USE TOWN CENTRE – LAND USE STRATEGY

The Policy goes further proposing a balanced approach to General land uses and stating in:

6.1 Land Use Strategy Overview:

*‘The Mare Street spine will continue to support predominantly retail with a mix of leisure and community facilities at the ground floor and residential or employment above.’ ‘An evening economy including pre-theatre dining culture is to be encouraged around the civic and cultural quarter and towards **the Narrow Way** to support existing civic/ cultural/ entertainment uses. **The Narrow Way** will continue to support a predominantly retail environment with a mix of independents and some multiples’.*

The policy also mentions *‘that **new residential floor space** is actively encouraged in the town centre’.*

Policy HCTC 07 EMPLOYMENT PROVISION actively supports mixed employment uses in the AAP however these are focused in other areas away from the Primary Route of Mare Street and the The Narrow Way.

Policy HCTC 09

TOWN CENTRE RETAIL STRATEGY

1. Retail use will be focused in the primary shopping area and frontages set out in the Retail Strategy (Figure 12). Development proposals should take into account this Strategy.

2. The primary shopping area and frontages will continue to contain predominantly retail (A1) of above 50% (as a proportion of total units) and the use of these premises will be managed to ensure lively, active and attractive ground floor uses are created.

8. Included within the total new retail is:

a. Enhanced ‘High Street’ retail along Mare Street and the Narrow Way;

Policy HCTC 09 offers varying approaches between Primary and Secondary shopping areas / frontages. A more liberal approach is taken to the Secondary, encouraging *‘a variety of use classes including A1(shops), A2 (financial and professional services), and A3 (restaurants and cafes) will be supported at ground floor providing proposals do not result in a concentration of non-retail uses’.* Mare Street and The Narrow Way are identified as Primary with enhancement of the retail of Mare Street and the Narrow Way being identified in 8a above.

Article 6.6.1 of the policy includes a paragraph encouraging amalgamation of smaller units on The Narrow Way to encourage larger retailers. It would therefore be assumed that objections could be hard to raise against proposed Concept 01 to maximise the potential retail space.



6.6.1 Strengthening the Shopping Circuit and Primary Shopping Area

In some circumstances, the typically smaller shop units of the Narrow Way have the potential to be amalgamated to larger units to attract national multiples and support the civic and cultural quarter with an evening food offer.

This is subject to maintaining a balance of the predominantly A1 use and smaller independent retail environment.

Policy HCTC 10 NEW HOUSING PROVISION largely focuses on new-build large scale development and affordable homes provision for the borough. In a continuing theme from the DMLP and Core Strategy, there is a sustained requirement for larger family homes of 3 beds or more. It is also recognised that the practicalities of this provision in the Borough are difficult. It is recognised therefore that a larger 1800- 2000sq.ft single family dwelling over LGF and GF as per Concept 02 is of a scale that could be supported.

Policy HCTC 10 NEW HOUSING PROVISION

6.9 Housing Mix

There is demand for family housing across the Borough, and therefore family housing provision is encouraged, however the practicality of providing family housing in Hackney Central may be constrained.

9.5 CHARACTER AREA 03: MARE STREET

The AAP includes 10 designated Key Character Areas. The full extent of Mare Street and The Narrow Way are identified as Character Area 03 and notes as *'bustling streets with a vibrant atmosphere, and the Narrow Way in particular has a distinctive curving alignment and an enclosed feel'*. There are 3 policies relating to this designated Character Area, they are:

Policy HCTC 21 MARE STREET

A broader policy for the whole of Mare Street, focusing on development of the Public Realm and shop fronts to encourage retailers. There are 2 articles relating to The Narrow Way in 1a. which include:

*De-cluttering of shop premises along the Narrow Way;
& maintaining the predominantly retail use within the primary shopping area, particularly on the Narrow Way;*

Site Policy HCTC 21 [Site D1] THE NARROW WAY NORTHERN GATEWAY

This Policy is focused on an identified site for development opposite to 408 Mare Street, proposing a 4-6 storey high quality mixed-use development of landmark design on the corner of Lower Clapton Rd and Clarence Rd.

Were this development to take place it would no doubt lead to improvement and further gentrification of the area and improved value to 408 Mare Street. This scheme is viewed as longterm by the Council and requires consultation with multiple landlords. According to the AAP works are hoped to be implemented between 2022 and 2026.

Site Policy HCTC 21 Site D2
302-304 MARE STREET
Focused on a 5 storey high quality mixed-use development of landmark design on the corner of Mare Street and Morning Lane

OTHER RELEVANT POLICY



Site Allocations – Local Map

408 Mare Street is not a feature of any site allocation.

Article 4 Directions

Retail to Residential use:

Hackney have removed permitted development rights for change of use from A1 (shops) and A2 (financial and professional services) to C3 (dwellinghouses) permitted under Class M of part 3 of schedule 2 of the GPDO. The direction which came into force in September 2016 includes for [sui Generous] betting shops and applies to Hackney Central district town centre inclusive of 408 Mare Street.

Therefore planning permission is required for any change of use to residential. One can assume that the direction is aimed at maintaining retail / commercial use to the street front.

Flexible town centre uses:

Hackney have also made a non-immediate Article 4 Direction to remove permitted development rights for flexible changes of use from A1 (shop), A2 (financial and professional services), A3 (café and restaurant), A4 (drinking establishment), A5 (fast food take-away), B1 (office), D1 (non-residential institutions) and D2 (assembly and leisure), or a betting office or pay day loan shop to convert for a period of two years to class A1, A2, A3 or B1 use, as permitted under Class D of Part 4 of Schedule 2 of the GPDO. The direction applies to Hackney Central district town centre inclusive of 408 Mare Street.

Therefore planning permission is required for change of use from Sui Generous to A1 for example.

CIL – Mayoral and Local Authority

[Site located in Hackney CIL Charging Zone A]

- Development will potentially be liable for CIL if it involves new build of less than 100m² GIA floor space and the creation of one or more dwellings.

Some exceptions exist, they include:

- Involves only change of use, conversion or subdivision of, or creation of mezzanine floors within, a building which has been in lawful use for at least six months in the three years prior to the development being permitted and does not create any new build floorspace
- Is eligible for self-build exemption and the relevant claim form has been submitted.
- Is for a use or area which benefits from a zero or nil charge (£0/m²) set out in a CIL Charging Schedule

You should ensure you are familiar with the CIL liability of any proposed scheme and take advice accordingly. Note, a pre-app submission would likely offer clarity on any CIL liable.



SUMMARY

Concept 01

It is likely that Concept 01 would be fully supported as both local policies seek to maintain a commercial activity at street level as well as encourage larger scale retailers to the Narrow Way. The concept makes best use of the existing space as well as pander to the heritage requirements of the local plan and broader NPPF.

Concept 02

If one could demonstrate a >50% retail usage and inability to let the commercial aspects of 408 Mare Street for a year period or longer the Planners might consider change of use wholly to C3. However the heritage significance of the property combined with key policy for the encouragement of retail within the Primary Shopping Area suggest the contrary.

Our hunch to include a small A1-A3 retail / commercial to the Mare Street frontage of the site appears to be well founded as Hackney's policy clearly supports protection of the Primary shopping frontages of Mare Street and the Narrow Way.

Likewise small affordable shopping units which are viewed as more readily lettable as well as a key component for providing employment are actively encouraged in the DMLP as key contributors to the character, distinctiveness and attractiveness of the area.

Demonstrating the functionality of both the commercial unit and C3 Dwelling House and their relationship to one another will be critical to achieving a positive planning decision. Streetscape, location of bins, ventilation and M&E services, Security, Noise and will all be key design considerations.

Likewise demonstration of the functionality of the C3 dwelling house, the provision of a bike store and sufficient amenity space will be key to any application.

Both schemes will be subject to the Hackney Borough policy on Resource Efficiency and Carbon Emission targets, Biodiversity, Waste and Recycling Management, Flood Risk and Prevention Measures and Promoting Sustainable Transport Measures.