

MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

WEDNESDAY, 5TH NOVEMBER, 2008

- Councillors Present:** Councillor Vincent Stops in the Chair
Cllr Barry Buitekant, Cllr Michael Desmond (Vice-Chair), Cllr Ian Sharer, Cllr Linda Smith and Cllr Jessica Webb
- Apologies:** Cllr Simon Tesler, Cllr Joseph Stauber and Cllr Katie Hanson
- Officers in Attendance** Graham Loveland (Interim Head of Regulatory Services), Scott Schimanski (Team Leader, Area Team), Femi Nwanze (Planning Applications Unit Manager), John McRory (Team Leader, Major Team), Anthony Traub (Senior Planning Officer), Rokos Frangos (Senior Planning Officer), John Kaimakamis (Senior Planning Officer), Rosemary Lansdowne (Principal Solicitor), David Rees (Democratic Services Manager), Emma Perry (Democratic Services Officer)
- Also in Attendance** Kevin Moore (Hackney Society)

1 **APOLOGIES FOR ABSENCE**

- 1.1 Apologies for absence were received from Councillors Hanson, Stauber and Tesler.
- 1.2 An apology for lateness was received from Councillor Desmond.

2 **MEMBERS TO AGREE THE ORDER OF BUSINESS**

- 2.1 Item 6 – 191 Evering Road was withdrawn from the agenda.
- 2.2 Item 10 – 50 Wenlock Street was withdrawn from the agenda.
- 2.3 Item 11 – Olympics and Paralympics Site was moved to the end of the agenda.

3 **DECLARATIONS OF INTEREST**

- 3.1 There were no declarations of interest made at the meeting.

4 MINUTES OF THE PREVIOUS MEETING

- 4.1 The Chair informed the Committee that the minutes of the previous meeting held on 16 October 2008, attached to the agenda, were in fact a draft version, due to a system error. Therefore, a revised version of the minutes was circulated to Members which would be agreed at the next meeting, in order to allow Members adequate time to consider them.

5 84 MILTON GROVE

Erection of a pair of semi-detached, two-storey over basement two bedroom houses.

(Councillor Sharer arrived during the discussion of the item and therefore did not take part in the vote.)

- 5.1 The Planning Officer introduced the report, as set out in the agenda. He referred to the drawing numbers detailed on the front of the report, which should have stated Drawing Numbers 242-01, Rev J, 242-02.

- 5.2 Ken Rorrison spoke in objection to the scheme, his comments are summarised as follows:

- Representing 70 local residents.
- This was the third application, as the other two had been refused and feels that this scheme was still not satisfactory.
- Concerned with the siting of the proposed development, as the siting of the previous applications was deemed unsatisfactory.
- All of the previous applications had historically taken place predominately along the west side of Church Walk and not along the backland sites.
- Issue of loss of sunlight/daylight.
- The ceiling heights were inadequate.
- Identified twelve items where the planning guidance and regulations had been breached.
- Loss of amenity, due to shadowing.
- Sets a precedent for future developments.
- Adversely impact on the amenity of the area.
- Gross over-development of the area. The proposed development was too dense and would not benefit the area as a whole.

- 5.3 Jaimie Shorten (Barker Shorten Architects) spoke in support of the scheme, his comments are summarised as follows:

- The drawings were accurate.
- Existing garages were derelict, so felt the proposed development was a positive use of the site.
- The property would be built to a high standard.

- 5.4 Councillor Smith referred to the issue of loss of sunlight/daylight, as it stated within the report that the Planning Officer was minded to support the daylight/sunlight, subject to the information submitted by the applicant. The Planning Officer circulated an additional plan at the meeting which showed the 25 degree angle between the ground

floor window of the existing property and the roof of the proposed development, which he deemed to be acceptable.

- 5.5 In response to a question from Councillor Buitekant regarding what other buildings were located along the same side of the road, the Planning Officer confirmed that this was a pedestrianised section with residential gardens and a one storey studio.
- 5.6 Reference was made to the concern that this application could set a precedent for future development in the area and have an adverse impact on the amenity of Church Walk. The Planning Officer reiterated that this side of the road was predominantly gardens and so would be very difficult to develop.
- 5.7 The architect confirmed that the building would be produced using London stock brick, the same as other buildings along the road and dark copper cladding above, which was the same as the one used by the modern house located opposite.
- 5.8 Councillor Webb stated that it would have been useful to have a photo showing the current site and a larger coloured photo of what the development would look like. The Planning Officer took this on board for future applications.

Councillors Buitekant and Smith voted against the recommendation and Councillors Stops and Webb voted in favour of the recommendation. Councillor Sharer did not take part in the vote. The Chair cast his casting vote of approval and it was therefore:-

RESOLVED that:-

Planning Permission be GRANTED, subject to the following conditions:

1. SCB0 - Development only in accordance with submitted plans

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

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

2. SCB1N - Commencement within 3 years

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

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended.

3. SCM2 - Materials to be approved

Full details, with samples, of materials to be used on the external surfaces of the building, including glazing, shall be submitted to and approved by the Local Planning Authority in writing before any work on the site is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

4. SCM7 – Details to be approved

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

Details of Doors and Windows to a scale of 1:20.

5. SCM9 – No extraneous pipe work

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

6. SCR2 – Dustbin Enclosures

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

7. SCM5/SRM5 – Boundary walls (To Be Approved)

Full details, including materials, of all boundary walls and enclosures shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

8. SCR8/SRR8 – Obscured glazing

The windows in the eastern wall of the first floor of the building shall be permanently glazed in obscured glass.

REASON: To safeguard against overlooking of adjoining sites and premises.

9. SCR7/SRR7 – Future Restrictions (Residential)

Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or in any provision) equivalent to that Order in any statutory instrument revoking and re-enacting that Order) no enlargement, improvements, or other alterations shall be carried out to the dwelling houses hereby approved without express planning permission first being obtained from the Local Planning Authority.

INFORMATIVES:

SI Reason for approval:

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 [Development Requirements], EQ48 [Designing out Crime], HO3 [Other Sites for Housing], TR19 [Traffic -Planning Standards]. Policy 3A.1 [Increasing London's supply of housing], Policy 3A.2 [Borough housing targets], Policy 4A.3 [Maximising the potential of

sites],. Policy 4B.1 [Design principles for a compact city] and Policy 4B. 4 [Sustainable design and construction] of the London Plan were also considered.

SI.1 Building Control

Your attention is drawn to the provisions of the Building Act 1984 and other Building Control legislation, which must be complied with to the satisfaction of The Planning and Transportation Service, 263 Mare Street, London, E8 3HT. Telephone No: 020 8356 5000. Before any building work (including improvements to means of escape and changes of use) is commenced on site, detailed plans, together with the appropriate application form must be submitted for approval and early consultation is advised.

SI.2 Works affecting Public Highway

The Highways and Engineering Team, Environment Services Division 300 Mare Street, London, E8 3HT. Telephone 0208 356 5000, should be consulted regarding any works to, on or under the public highway, including vaults and thresholds, vehicle crossing, access, parking and sight lines. Any vehicle crossing works are to be carried out by the London Borough of Hackney.

The developer/landowner will be responsible for all costs relating to the closure of existing vehicular and pedestrian accesses to the site, the construction of new accesses and the reinstatement and repair of public footways where

S3 Hours of Building works

Your attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 which imposes requirements as to the way in which building works are implemented including the hours during which the work may be carried out. This Act is administered by the Councils Pollution Control Service, 205 Morning Lane, London, E9 6JX (Telephone: 020 7356 5000) and you are advised to consult that Division at an early stage.

SI.3 Sanitary, Ventilation, and Drainage Arrangements

Before any drainage works are commenced on site, detailed plans, giving notice of intention to build/permission to drain/construct/reconstruct or alter pipes and drains must be submitted for approval under the Building Regulations 1991 to the Planning and Transportation Service, 263 Mare Street, London, E8 3HT. Telephone No: 020 8356 5000. Please note that it will be necessary to consult the Thames Water Utilities Ltd., Waste Water Connections, Kew Business Centre, Brentford, Middlesex, TW8 0EE. Telephone No: 020 7713 3865, Fax No: 020 7713 3875.

- 1) All information appertaining to the existing public sewerage system.

- 2) Requests for sewer connections. All works will be carried out by the London Borough of Hackney at the applicant expense. All new developments will be required to have new sewer connections.
- 3) Building over sewers.
- 4) System of drainage to be provided on site.
- 5) Adoption of sewers.

Advisory Note:

It should be noted that most sewers throughout the Borough flow full or surcharge during periods of heavy storm and conditions may be imposed restricting discharge to the system. The prime condition is that any large development shall not cause an increase in the rate of flow to the public sewerage system. This requirement is normally met in the case of new developments by separation on site and storage of surface water flows in tanks or oversized pipes on sites. Where sites adjoin a suitable watercourse or storm relief sewer into which surface water can be discharged by gravity then the policy is for sites to be separated and have their surface water discharged to the watercourse or storm relief sewer. In the case of developments/rehabilitation/ conversions etc., involving the use of basements these are likely to be particularly vulnerable to the effects of surcharge and applicants must therefore demonstrate that adequate drainage arrangements exist at all times.

SI.24 Naming and numbering

Your attention is drawn to Section 5, and the Regulations made under Section 12 of the London Building Acts (Amendments) Act 1939. Section 5 requires that any proposed name for a street, way, place, row of houses or block of buildings should be submitted to the Council for approval, allowing sufficient time for the statutory consultation process. Section 12 relates to the marking of numbers and names of buildings and to the necessity for you to display such number(s) or name(s). Information may be obtained from, and application under Section 5 should be made to, The Naming and Numbering Officer, The Building Control Service, Directorate of Safer Neighbourhoods, 263 Mare Street, London, E8 3HT, Telephone No: 020 8356 5000.

6 **191 EVERING ROAD**

Conversion of a single dwelling house to create 4 self-contained flats (comprising 1 x 4 bed flat and 3 x 2 bed flats) together with external alterations including installation of new double doors onto the rear roof terrace at mezzanine floor level and rooflights to ground floor extension and creation of new front door steps.

RESOLVED that:-

This item be DEFERRED as submitted plans were inaccurate and the application cannot be considered or determined in light of this issue until revised plans are received.

7 70A MOUNTGROVE ROAD

Demolition of existing single storey workshop building and erection of a pair of three-storey plus basement semi-detached houses (comprising 1 x 4 bed house and 1 x 3 bedroom house) with provision of rear garden space.

7.1 The Planning Officer introduced the report, as set out in the agenda.

7.2 David Warrilow and Clive Rush spoke in objection to the scheme, their comments are summarised as follows:

- Pleased to see that revisions had been made to the original application, including the removal of the parking.
- Do not object to the warehouse being developed.
- There was still some overlooking into the bedroom window of the neighbouring property.
- The amount of sunlight had been reduced due to the height of the proposed building.
- They want the party wall to remain in situ.
- Issue over the right of entry to the private road which had been previously given to number 70 but not 70A. This would need to be resolved.

7.3 The applicant spoke in support of the scheme, her comments are summarised as follows:

- Assured the Committee that she was in possession of all the deeds regarding the right of entry issue.
- Seven revisions had been made to the original plans, including the inclusion of the party wall.
- Complex site and done their best to build the development to a very high standard.
- The height of the proposed development was in line with the neighbouring properties.

7.4 The Chair wished to clarify the issue of overlooking into the objector's property and the Planning Officer believed that the development would not have a negative impact on the existing property.

7.5 Reference was made to the party wall and the applicant confirmed that the party wall would remain as a structured wall. The Planning Officer added that condition 7 of the recommendation referred to the retention of the party wall.

Unanimously RESOLVED that:-

Planning Permission be GRANTED, subject to imposition of the following conditions:-

1. SCBN1 –Commencement within three years

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

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

2. SCB0 – Development only in accordance with submitted plans

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

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

3. SCM2 - Materials to be approved

Full details, including samples, of the materials to be used on the external surfaces of the building, including glazing, shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

4. SCM7 - Details to be approved

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced.

The development shall not be carried out otherwise than in accordance with the details thus approved:

- Windows and Doors

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

5. SCM9 - No extraneous pipework

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

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

6. SCR2 – Details of refuse storage enclosure

Details of dustbin enclosures showing the design, external appearance and location thereof, shall be submitted to and approved by the Local Planning Authority, in writing, before construction commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure there is adequate provision for dustbin and recycling facilities for the development in the interests of the appearance and amenity of the area.

7. Non-standard – Rear Wall to be retained

The existing building wall located on, or near, the boundary with No.2 Cobble Mews shall be protected and retained throughout all stages of development and following completion of the development.

REASON: To protect the living conditions of neighbouring properties

8. SCG 6 - Restriction of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any Order revoking and re-enacting that Order), planning permission shall be required in respect of development falling within Part 1 to the second schedule to that Order.

REASON: To safeguard the amenities of local residents and to protect the character and appearance of the area.

9. SCG10 – Soil Contamination

No development shall take place until details and results of a soil contamination survey of the site and details of remedial measures proposed to treat/eradicate any contamination found have been submitted by the applicant and approved by the Local Planning Authority in writing. The survey shall be carried out by a suitably qualified person or body to be agreed by the Council. The development shall not take place otherwise than in accordance with the details so approved.

REASON: To ensure that the condition of the site is suitable for the development proposed and to ensure a reasonable quality of natural environment, in order to safeguard future occupiers and users of the site.

INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.27 Regulatory Reform (Fire Safety) Order 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.19 Health and Safety at Work Act

NSI.1 All materials submitted pursuant to the discharge of conditions 3 and 4 of this granting of full planning permission ('materials to be approved') should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2008/1586, and accompanied by coloured copies of relevant elevational drawings, to which each material sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time.

REASONS FOR APPROVAL

The following policies saved in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; EQ1 - Development Requirements; EQ43 - Development of Contaminated Land; EQ48 - Designing out Crime; and HO3 - Other Sites for Housing.

The following policies in the London Plan (2008) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 3A.2 - Density Matrix; 4B.1 - Design principles for a compact city; 4B.4 - Enhancing the quality of the public realm.

8 14-16 KENWORTHY ROAD

Demolition of the existing 2 residential buildings for medical staff, comprising 358 studio flats and 360 sqm nursery and the erection of a part two, part four & part 6 storey building to provide 119 residential flats (30 x 1 bed, 54 x 2, 25 x 3 bed, 8 x 4 bed and 2 x 5 bed) and 423 sqm nursery.

(NB: This application was granted conditional planning permission subject to the signing of a S106 Legal Agreement by Members at Planning Sub-Committee on 16th April 2008.

On 4th August 2008 members authorised the inclusion of an additional Section 106 head of term and three additional conditions on the basis that TfL had considered that the proposal would not have an unacceptable impact upon the Transport for London Road Network provided that certain conditions were met.

When the application was originally presented to Members at Planning Sub-Committee on 16th April 2008 it was reported that the proposed mix of residential accommodation comprised of 32x1 bed, 50x2 bed, 27x3 bed, 8x4 bed and 2x5 bed as set out in the applicant's planning application form.

The application is being brought back to Members to correct the residential mix of accommodation that was considered by Officers as a result of resubmitted drawings. The residential mix of accommodation should be 30x1 bed, 54x2 bed, 25x3 bed, 8x4 bed and 2x5 bed.

The correction does not alter the number of overall residential units (119) that are being provided by the scheme. Furthermore, the assessment of Officers with regard to residential mix in the Report to Members on 16th April 2008 (paragraphs 7.16 ~ 7.18) was based on the corrected residential mix.

Moreover, the corrected residential mix does not alter the levels of affordable housing or tenure mix as per the drawings submitted with the application and described in paragraph 7.16 of the Officer's Report to Members on 16th April, which is 7x1 bed, 24x2 bed, 18x3bed, 8x4-bed and 2x5 bed flats.

Members are requested to correct residential mix of accommodation subject to the conditions and s106 Agreement previously approved.

- 8.1 The Planning Officer introduced the report, as set out in the agenda. He added that the previous report was attached to the addendum, circulated to Members at the meeting, and not to the report as stated.
- 8.2 There being no questions from Members the Chair moved to the vote.

Unanimously RESOLVED that:-

A) Planning Permission be GRANTED, subject to the following conditions:-

1. SCB1 - Commencement within three years

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

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

2. SCM6 - Materials to be approved (entire site)

Details, including samples, of all materials to be used on the external surfaces of the building, boundary walls and ground surfaces shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

3. SCD1 - Level access

A level access shall be provided to units hereby approved before the use is first commenced.

REASON: In order to ensure that people with disabilities are able to gain proper access to the development.

4. SCD2 – Provision of access and facilities

All provisions and facilities to be made for people with disabilities as shown on the plans and details hereby approved shall be implemented in full to the satisfaction of the Local Planning Authority before the use is first commenced.

REASON: In order to ensure that access and facilities for people with disabilities are provided in order to ensure that they may make full use of the development.

5. SCH4 - Forward vehicle ingress/egress only

All vehicles shall enter and leave the site only in a forward direction.

REASON: In the interests of road safety generally and avoidance of obstruction of the highway.

6. SCH6 – Provision of parking

The whole of the car parking accommodation hereby approved shall be provided before the occupation of any of the approved residential units takes place, and shall be retained permanently for the accommodation of vehicles associated with the occupation of these residential units.

REASON: In the interests of orderly and satisfactory parking provisions being made on the site to ensure that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway.

7. SCH8 - Parking for people with disabilities

Before the use hereby permitted first commences, at least 12 car parking spaces shall be marked and retained permanently for use by the vehicles of people with disabilities at locations close to the entrances to the building(s).

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

8. SCH9 - Marking parking areas

Before the use hereby permitted first commences, appropriate markings shall be used to delineate all car parking spaces and service areas within the site/development as shown on the permitted plans, and such marking is to be retained permanently.

REASON: In the interests of orderly and satisfactory parking provisions being made on the site to ensure that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway.

9. SCN1 – Soundproofing

Full particulars and details of provisions for soundproofing measures for all residential units shall be submitted to an approved by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed in the building in a satisfactory manner, before the development is first occupied/use commences.

REASON: In order to safeguard the amenities of future occupiers of the site.

10. NSC1 - Secure bicycle parking

Lockable space shall be made available on the site for the secure parking of 119 bicycles, as shown on the plans hereby approved, before the first occupation of the development.

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

11. NSC2 - Landscaping scheme to be approved

A landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site, for the planting of trees and shrubs showing species, type of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed; all landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on

which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area.

12. NSC3 – Tree Protection Measures

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to an approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

- Protection measures for two Plane trees on Kenworthy Road footpath adjacent to the site.

REASON: In order to protect the existing trees during building operations and site works.

13. NSC4 – Construction Methods Statement

Full details of a work method statement including measures to control and minimise noise and dust emissions and details of measures for the disposal of materials from the site, during demolition and construction, shall be submitted to, and approved by, the Local Planning Authority prior to any work commencing on the site. The development, including disposal of materials from the site, shall in all respects be carried out in accordance with the approved details.

REASON: In order to safeguard the amenities of neighbouring properties and the area generally.

14. NSC5 – Level Access

A level access shall be provided to units hereby approved before the use is first commenced.

REASON: In order to ensure that people with disabilities are able to gain proper access to the development.

15. NSC6 – Archaeological works

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

REASON: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation

and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG 16.

16. NSC7 – Certificate of Compliance to Secure by Design

The development shall achieve a Certificate of Compliance to Safe by Design or alternatively achieve safe by Design standards to the satisfaction of the Metropolitan Police, details of which shall be provided in writing to the Local Planning Authority prior to the commencement or any works on site.

REASON: To provide a safer environment for future residents and visitors to the site and reduce the fear of crime.

17. NSC8 – (Ecological roofs)

Full details of a bio diverse, substrate-based (75mm minimum depth) extensive 'brown/green' roof shall be submitted and approved in writing by the Local Planning Authority before any building works commence. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To enhance the character and ecology of the development and the river corridor, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage and to enhance the performance and efficiency of the proposed building.

18. NCS9 – Nurseries

The nursery shall only be used between the hours of 0700 and 1830 Monday to Friday, excluding bank holidays. Moreover, no more than 48 children shall be accommodated at the premises at any one time.

REASON: To ensure that the use does not prejudice the amenity of adjoining and nearby residential properties.

19. NSC10 – Dustbin Enclosures and Recycling facilities

Details of dustbin enclosures and recycling frames showing the design, location and external appearance, shall be submitted to and approved by the Local Planning Authority, in writing, before the use/development commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: In order to assist the proper disposal of waste and to protect the appearance of the area generally.

20. M7 – Details to be Approved (General)

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the Local Planning Authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

- Recessed roof glass colour and joinery details
- Coloured panels
- Brick colour details
- Render details

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

21. NSC11 - Renewable Energy

Full details of renewable energy provision shall be submitted and approved in writing by the Local Planning Authority before any building works commence. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the development achieves the level of renewable energy provision on site as proposed.

22. NSC12 – Traffic Management Plan

Full details of a Traffic Management Plan including signage measures to direct traffic entering and exiting the site following shall be submitted to, and approved by, the Local Planning Authority prior to any work commencing on the site. The development, shall in all respects be carried out in accordance with the approved details.

REASON: In the interests of road safety generally and avoidance of obstruction of the highway.

B) That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a deed of planning obligation by means of a Section 106 Agreement of the Town and Country Planning Act 1990 (as amended), in order to secure the following matters to the satisfaction of the Corporate Director of Neighbourhoods and Regeneration and the Interim Corporate Director of Legal and Democratic Services:

- Securing 50% of units (58% by habitable room) as affordable housing with a tenure mix of 53% social rented and 47% intermediate housing.
- Contribution of £500,195 towards education and libraries.
- Contribution of £30,270 towards sustainable transport initiatives.
- The signing of a Section 278 legal agreement under the Highways Act for works to the public highway.
- The provision of a Travel Plan to all residents on occupation of the site.
- Commitment to the Council's local labour and construction initiatives (25% on site employment).
- Achievement of a minimum Level 3 under the Code for Sustainable Homes.
- No occupation of the Open Market Dwellings until all the affordable units have been transferred to the approved RSL.
- 10% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.

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- Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme.
- Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the negotiations and completion of the proposed Section 106 Agreement.

C) That in the event of the Section 106 agreement referred to in Recommendation B not being completed by 14 April 2009, the Interim Head of Regulatory Services be given the authority to refuse the application for the following reasons:

- (i) The proposed development, in the absence of a legal agreement for securing affordable housing, would be to the detriment of housing needs in the borough and would fail to promote a mixed and inclusive community, and as such would be contrary to policy HO3 of the Hackney UDP (1995), policies 3A.7 and 3A.8 of the London Plan (2004), the LDF Planning Contributions SPD (2006), and advice contained in PPS1 and PPG3.
- (ii) The proposed development, in the absence of a legal agreement for securing educational contributions, would be likely to contribute to pressure and demand on the borough's education provision, contrary to policies EQ1, HO3 and CS2 of the Hackney UDP (1995), the LDF Planning Contributions SPD (2006) and policy 3A.21 of the London Plan (2004).
- (iii) The proposed development, in the absence of a legal agreement for securing sustainable transport contributions, would be contrary to policy 4C.1 of the London Plan (2004) and the LDF Planning Contributions SPD (2006).

REASONS FOR APPROVAL

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission:

EQ1 Development Requirements, EQ29 Archaeological Heritage, EQ31 Trees, EQ41 Development Close to Existing Sources of Noise, EQ48 Designing out Crime, HO1 Provision of Additional Housing, HO3 Other Sites for Housing, HO8 Loss of Housing, TR19 Planning Standards, CS3 Retention and Provision of Community Facilities, SPG1 New Residential Development, SPG11 Access for People with Disabilities, SPD Affordable Housing, SPD Planning Contributions.

The following policies contained in the London Plan 2004 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 Sustainability Criteria, 3A.1 Increasing London's Supply of Housing, 3A.2 Borough Housing Targets, 3A.3 Maximising the Potential of Sites, 3A.5 Housing Choice, 3A.6 Quality of New Housing Provision, 3A.9 Affordable Housing Targets, 3A.10 Negotiating Affordable Housing, 3A.15 Loss of Housing and Affordable Housing, 3A.16 Loss of Hostels, Staff Accommodation and Shared Accommodation, 3A.18 Protection and Enhancement of Social Infrastructure and Community Facilities, 3C.2 Matching Development to Transport Capacity, 3C.17 Tackling Congestion in London Streets, 3C.23 Parking Strategy, 4A.3 Sustainable Design and Construction, 4A.7 Renewable Energy, 4A.11 Living Roofs and Walls,

4A.14 Sustainable Drainage, 4A.20 Reducing Noise and Enhancing Soundscapes, 4B.1 Design Principles for a Compact City, 4B.5 Creating an Inclusive Environment.

INFORMATIVES

The following informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.24 Naming and Numbering
- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 1971
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultations with TWU
- SI.33 Landscaping

9 SENATE HOUSE, TYSSSEN STREET

Demolition of existing building on the site and erection of a four storey building and a five storey building to facilitate a mixed use development consisting of 28 residential units (18 x two bed, 4 x three bed and 6 x four bed) and 1173 sq metres of commercial floor space (use class B1) and associated landscaping.

NB: Members are requested to note that this scheme was previously resolved for approval at Committee on the 3rd September 2008, subject to the signing of a S106 agreement. This report seeks to make amendments to the wording within Recommendation B resolved at that time.

(Councillor Desmond arrived during the discussion of the item and therefore did not take part in the vote.)

- 9.1 The Planning Officer introduced the report, as set out in the agenda. He referred Members to paragraph 2.4 of the report and the proposed amended wording to Recommendation B.
- 9.2 Reference was made to the addendum which provided clarification on the Intermediate Housing Products. It was stated that the RSL involved in this development (Family Mosaic) had requested that rather than be required to provide social rented units and shared ownership units that the wording for the S106 head of term be flexible and require social rented units and intermediate housing.
- 9.3 The actual number of affordable housing units remained the same but allowed the RSL flexibility when providing the intermediate type of affordable housing.
- 9.4 There being no questions from Members the Chair moved to the vote.

Unanimously RESOLVED that:-

A) Planning Permission be GRANTED, subject to the following conditions:

1. SCBO – In accordance with plans

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

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

2. SCB1N - Commencement within three years

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

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

3. SCM2 - Materials to be approved

Details, including samples, of all materials to be used on the external surfaces of the building and boundary walls shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

4. SCN1 – Soundproofing

Full particulars and details of provisions for soundproofing between the B1/B1 use and residential units shall be submitted to and approved by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed in the building in a satisfactory manner, before the development is first occupied/use commences.

REASON: In order to minimise the transmission of noise between and within units in the interests of providing satisfactory accommodation.

5. SCD2 - Provision of access and facilities

All provisions and facilities to be made for people with disabilities as shown on the plans and details hereby approved shall be implemented in full to the satisfaction of the Local Planning Authority before the use is first commenced.

REASON: In order to ensure that access and facilities for people with disabilities are provided in order to ensure that they may make full use of the development.

6. SCT1 - Landscaping

A landscaping scheme illustrated on detailed drawings shall be submitted to and approved by the Local Planning Authority, in writing, before any work commences on site, for the planting of trees and shrubs showing species, type

of stock, numbers of trees and shrubs to be included and showing areas to be grass seeded or turfed; all landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the Local Planning Authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed.

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area.

7. SCR3 - Mobility standards

Ten-percent of all housing units proposed must be designed to mobility standards and be in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest in providing satisfactory and convenient housing accommodation for persons with disabilities.

8. SCS5 - Waste

Except on day(s) of collection, all refuse and waste shall be stored in sealed containers in the refuse area shown on the plans hereby approved.

REASON: To ensure refuse is not left in the street in the interests of visual amenity and to reduce the likelihood of infestation.

9. SCH10 - Cycle spaces

Provision for 33 cycles (28 for residential component and 5 for B1 use). The B1 spaces are to be located separate to the residential cycle parking spaces and clearly sign posted. The spaces are to be secure. Details of which are to be submitted to an approved by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed in the building in a satisfactory manner, before the development is first occupied/use commences.

REASON: To ensure that a reasonable provision is made within the site for the parking of cycles/motorcycles in the interest of relieving congestion in surrounding streets and improving highway conditions in general.

10. NSC - Wheel washing facilities

Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details approved by the Local Planning Authority prior to the commencement of works on site.

REASON: In the interest of highway safety.

11. NSC - External ventilation

Full details of mechanical ventilation equipment from kitchen areas, bathroom areas and any air conditioning units must be submitted for approval by the Local Planning Authority, in writing, before the commencement of works on site, and subsequently installed in the building in a satisfactory manner, before the development is first occupied/use commences. Mechanical ventilation

equipment from kitchen areas, bathroom areas and any air conditioning units must be so positioned, designed and acoustically insulated so as not to cause noise disturbance or affect the amenity of residents as a result of fume or odorous discharge.

REASON: To ensure that the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

12. NSC - External Fixed Plant Items

Any external fixed plant items must be so positioned, designed and acoustically insulated so as not to cause noise disturbance or affect the amenity of residents. As such they shall be designed to operate at a cumulative noise level of LAeq Tr, measured or predicted at 1 metre from the façade of the nearest noise sensitive premises and shall be a rating level of 10dB(A) below the background noise level of LAF90.

REASON: To ensure that the use operates in a satisfactory manner and does not unduly disturb adjoining occupiers or prejudice local amenity generally.

13. NSC - Noise Levels

Upon completion of the development, internal noise levels must comply with BS 8233:1999. A validation noise report demonstrating that this has been achieved must be submitted for approval by the Local Planning Authority prior to occupation of the residential units.

REASON: To ensure that the amenity of the future occupants of the residential units is protected.

14. NSC - Dust emissions

An environmental plan demonstrating how dust emissions from the site, traffic and plant during the construction phase will be controlled shall be submitted to and agreed by the Local Planning Authority in writing, and implemented, prior to any works commencing on site.

REASON: To ensure that the development is not prejudicial to the health of environment and prospective occupiers.

15. NSC - Highway works

The development hereby permitted will not be implemented until/unless the owner of the site has entered into a legal agreement with the Local Planning Authority for works to Ramsgate St and/or Tyssen St pursuant to a Section 278 Highways Act 1980 and provided a copy of the same to the Local Planning Authority.

16. Renewable energy

Full details of renewable energy provision shall be submitted and approved in writing by the Local Planning Authority before any building works commence. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure that the development achieves the level of renewable energy provision on site as proposed.

17. Layout of Commercial Units

Full details of the layout/fitout of the commercial floorspace within the basement and ground floor levels shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of any commercial floorspace on site.

REASON: To ensure the size and layout of the commercial floorspace is appropriate.

18. Crossrail Condition

No construction work of any part of the development forming part of this permission shall begin until detailed design and method statements for all the ground floor structures, foundations, basements and other structures, including piling (both temporary and permanent), below ground level (the Foundation Works) which accommodate:

- i) the proposed location of the Chelsea-Hackney Line structures and tunnels;
- ii) the ground movement arising from the construction of structures and tunnels;
- iii) the effects of noise and vibration arising from the use of the running tunnels;

have been submitted to and approved, in writing, by the Local Planning Authority, after consultation with Cross London Rail Limited (CLRL), all such works which form part of the design and method statements shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

B) That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a deed of planning obligation by means of a Section 106 Agreement of the Town and Country Planning Act 1990 (as amended), in order to secure the following matters to the satisfaction of the Corporate Director of Neighbourhoods and Regeneration and the Interim Corporate Director of Legal and Democratic Services:

1. Securing 64.3% of units (69% by habitable room) as affordable housing with a tenure mix of 8 units social rented and 10 intermediate units.
2. Contribution of £145,049.15 towards education and libraries.
3. Contribution of £2,587.10 towards open space.
4. The signing of a Section 278 legal agreement under the Highways Act for works to the public highway and securing of £27,850.00 to fund these works.
5. The provision of a Green Travel Plan to all residents and commercial lease holder/employees on occupation of the site.
6. Commitment to the Council's local labour and construction initiatives (25% on site employment).
7. No occupation of the Open Market Dwellings until all the affordable units have

- been transferred to the approved RSL.
8. 10% reduction in carbon emissions through the use of renewable energy sources and use of low energy technology.
 9. Considerate Contractor Scheme – the applicant to carry out all works in keeping with the National Considerate Contractor Scheme
 10. Achievement of a minimum Level 3 under the Code for Sustainable Homes with best endeavours to achieve Level 4.
 11. No change of architect or changes to the design as a result of value engineering measures after planning approval has been secured.
 12. B1 to shell and core prior to occupation of any residential unit.
 13. Payment by the landowner/developer of all the Council's legal and other relevant fees, disbursements and Value Added Tax in respect of the negotiations and completion of the proposed Section 106 Agreement.
 14. Car free development. No car parking permits except for those with a valid disability badge.
 15. Sustainable transport contribution to the amount of £9240.00. (Calculated at £330 per residential unit).
 16. All residential units are to be built to Lifetime Homes Standards.

REASONS FOR APPROVAL

The following policies contained in the Hackney Unitary Development Plan 1995 are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission:

- EQ1 - Development Requirements
- H03 - Other sites for housing
- E12 - Office Development
- E14 - Access and Facilities for People with Disabilities
- E18 - Planning Standards
- TR19 - Planning Standards

INFORMATIVES

The following informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.8 Soundproofing
- SI.19 Health, Safety and Welfare at Work
- SI.24 Naming and Numbering

- SI.25 Disabled Person's Provisions
- SI.27 Fire Precautions Act 1971
- SI.28 Refuse Storage and Disposal Arrangements
- SI.32 Consultations with TWU

NSI.1 The hours of construction work on site that are audible at the nearest noise sensitive premises shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday and at no time on Sundays & public holidays except by written permission of the Council or where the works are approved under section 61 Control of Pollution Act 1974.

NSI.2 The best practice detailed within the Building Research pollution control guides Parts 1 to 5 for controlling particles, vapour and noise pollution from construction sites must be followed throughout the enabling works, demolition and construction phase of the development.

NSI.3 The applicant is advised that they will be required to enter into a Section 61 agreement under the Control of Pollution Act 1974 with the Pollution Section before commencing work on site in order to control noise and vibration from the demolition/construction work.

NSI.4 Your attention is drawn to the need to comply with the provisions of the Regulatory Reform (Fire Safety) Order 2005 where applicable. The provision of satisfactory means of escape in the event of a fire is the concern of the London Fire and Emergency Planning Authority as fire authority, and information relating thereto may be obtained from the Fire Safety Department, 210 High Street, East Ham, E6 3RS.

NSI.5 There is a Thames Water main crossing the development site which may/will need to be diverted at the developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.

NSI.6 Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

NSI.7 Cross London Rail Limited (CLRL) (Portland House, Bressenden Place, London SW1E 5BH) has indicated its preparedness to provide guidelines in relation to the proposed location of the Chelsea-Hackney Line structures and tunnels, ground movement arising from the construction of the running tunnels, and noise and vibration arising from the use of the running tunnels. Applicants are encouraged to discuss the guidelines with the Chelsea-Hackney Line Engineer in the course of preparing detailed design and method statements. Please contact the CLRL helpdesk on 0203 023 9100 for guidance on who to speak to.

10 **50 WENLOCK STREET**

Demolition of existing building and the erection of a 6 storey building to comprise of 22 residential units with associated car parking (2 disabled spaces) and landscaping.

(NB: Members are requested to note a previously refused application (Council reference 2007/2732) was subsequently appealed. Though the appeal was dismissed, there were specific aspects of the previous proposal that the inspector found to be acceptable and thus will form the basis of this planning analysis. The appeal matters have been discussed below under 'Part 3 History' of this report).

RESOLVED that:-

This item be DEFERRED at the request of the applicant, to enable further discussion on the Heads of Agreement within S106 Legal Agreement.

12 **357-359 KINGSLAND ROAD**

Redevelopment of site to comprise the erection of a part six, part seven storey building containing a 290-room hotel (including restaurant, bar and conference space), with a car park for thirteen vehicles and theatre workshop space (use class D1) on the lower ground floor.

NB: Increase in size of theatre workshop space from 188 square metres to 211 square metres; increase in height of theatre workshop space to five metres; reduction in number of car parking spaces from thirty-six to thirteen; increase in number of cycle parking spaces from twenty to fifty six.

12.1 The Planning Officer introduced the report, as set out in the agenda.

12.2 Anja Beinroth spoke in objection to the scheme, her comments are summarised as follows:

- Representing a number of residents from the Georgian Terrace opposite the site.
- In accordance with English Heritage, the height of the development should be no more than four storeys.
- The height of the previous application was deemed too high.
- The proposed development would completely overshadow the Georgian Terrace.
- Felt that the Planning Officer had not identified the loss of sunlight to the properties along Kingsland Road.
- This section of the conservation area was predominantly residential, with very few commercial properties.
- Felt there was not a need for a hotel in the area.
- Lack of response from Thames Water, as the properties surrounding the site had suffered from flooding previously.

12.3 Mandip Sahota (Nicholas Taylor & Associates) was in attendance to answer any questions that arose.

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- 12.4 Councillor Sharer raised concern over the height of the building and the Planning Officer stated that the Urban Design and Conservation Team had looked at the application and also referred Members' attention to page 200 of the report which stated that the height of the proposed building was considered sensitive to adjacent buildings.
- 12.5 Councillor Desmond referred to the level of parking being provided and asked the agent whether he felt the reduced number of parking spaces would lead to congestion in the area.
- 12.6 The agent stated that they had consulted with TfL in order to find more sustainable forms of transport. This had resulted in more cycle spaces and a coach drop of point being incorporated into the proposal.
- 12.7 Councillor Webb made reference to the Quicksilver Theatre and asked whether they were aware that this application was going to committee, as she was unsure why they were not in attendance.
- 12.8 The Planning Officer confirmed that the Quicksilver Theatre had been sent notification of the application and the Sub-Committee and that a number of amendments had now been made to the proposal including a disabled access being provided and the internal ceiling height being altered as requested.
- 12.9 In response to a query about why the colour red had been chosen, the agent stated that this had been chosen to mirror the red brick of the Metropolitan Business Centre.
- 12.10 The Chair also asked whether the Kingsland Conservation Area Advisory Committee had been consulted and the Planning Officer confirmed that they had been sent all of the material and done their up most to keep them fully consulted on the application.
- 12.11 Councillor Sharer asked whether the S106 agreement had been taken on board, following a previous hotel application on Old Street. The Planning Officer stated that the S106 agreement was included within Recommendation B and added that he had not pursued money for pavements as the pavements had already recently been repaved. He had however negotiated a 15% discount on rent for the theatre space for five years.
- 12.12 The Chair referred to the streetlamps and whether these could be placed on the proposed building, in order to help de-clutter the area. The applicant welcomed this proposal, in principle. The Chair requested that this be added as an additional condition. This was **AGREED**.
- 12.13 The Chair also asked whether rain water harvesting was being provided and the agent welcomed this proposal. The Chair requested that best endeavours for rain water harvesting to be provided be added as an additional condition. This was **AGREED**.

Unanimously RESOLVED that:-

A) Planning Permission be GRANTED, subject to the following conditions:

1. SCB0 – Development in accordance with plans

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

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

2. SCB1 – Commencement within three years

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

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

3. SCM6 – Materials to be approved

Details, including samples, of all materials to be used on the external surfaces of the building, boundary walls and ground surfaces shall be submitted to and approved by the local planning authority, in writing, before work on the external surfaces, boundary walls and ground surfaces commences on site. The development shall not be carried out otherwise than in accordance with the details thus approved.

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

4. SCM7 – Details to be approved

Detailed drawings/full particulars of the proposed development showing the matters set out below must be submitted to and approved by the local planning authority, in writing, before any work is commenced. The development shall not be carried out otherwise than in accordance with the details thus approved.

- Windows, glazing bar profiles and architraves
- Doors, profiles and architraves
- All clear and obscure glazing
- Design and appearance of railings and parapets
- Details at a scale of 1:20 of all cladding elements and any structure beneath
- Detailed section through first floor cantilever (structure, undercroft treatment and junction with brick)
- Ground-floor elevations, external lighting and signage of the building
- Ground-floor entrances (porches, canopies, etc.).

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

5. SCM9 – No extraneous pipework

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

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

6. SCT1 – Submission of landscaping scheme

Further details of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority, in writing, before any landscaping work commences on site, to show (as applicable) species of tree, type of stock and level of maturity, numbers of shrubs to be included, and areas to be grass-seeded or turfed. All landscaping in accordance with the scheme, when approved, shall be carried out within a period of twelve months from the date on which the development of the site commences or shall be carried out in the first planting (and seeding) season following completion of the development, and shall be maintained to the satisfaction of the local planning authority for a period of ten years, such maintenance to include the replacement of any plants that die, or are severely damaged, seriously diseased, or removed (including any existing trees or plants that die or are damaged during, or as a result of, construction work).

REASON: To accord with the requirements of Section 197(a) of the Town and Country Planning Act 1990 and to provide reasonable environmental standards in the interests of the appearance of the site and area.

7. SCI3 – No roof plant

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

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

8. SCH2 – Loading and unloading

No loading or unloading of goods shall take place other than on-site in the proposed loading bay.

REASON: In the interests of ensuring that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway.

9. SCH8 – Parking for people with disabilities

Before the use hereby permitted first commences, at least three car parking spaces shall be marked and retained permanently for use by the vehicles of people with disabilities.

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

10. SCH9 – Marking parking areas

Before the use hereby permitted first commences, appropriate markings shall be used to delineate all car parking spaces and service areas within the site/development as shown on the permitted plans, and such marking is to be retained permanently.

REASON: In the interests of orderly and satisfactory parking provisions being made on the site to ensure that the proposed development does not prejudice the free flow of traffic or public safety along the adjoining highway.

11. SCH10 – Secure bicycle parking

Secure, covered parking shall be provided for fifty-six bicycles, as shown on the plans hereby approved, before use of the development hereby permitted commences.

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

12. SCH15 – Access only as approved

Vehicular access to the site shall be only via the permitted access.

REASON: In order to confine access to the permitted points to ensure that the development does not prejudice the free flow of traffic and conditions of general safety along the neighbouring highway.

13. SCR2 – Details of refuse storage enclosure

Details of dustbin enclosures (including mandatory recycling facilities), showing the design, external appearance and location thereof, shall be submitted to and approved by the local planning authority, in writing, before construction commences. The development shall not be carried out otherwise than in accordance with the details thus approved.

REASON: To ensure there is adequate provision for dustbin and recycling facilities for the development in the interests of the appearance and amenity of the area.

14. NSC1 – Non-standard condition

No development shall take place until details of the pre-treatment of timber on the external surfaces of the development and its subsequent fitting, treatment and maintenance schedule has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and schedule.

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

15. NSC2 – Non-standard condition

No development shall commence on site until detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s), and anti-vibration mountings where necessary) have been submitted to the local planning authority. After the system has been approved in writing by the authority, it shall be installed in accordance with the approved plans and specification before the development hereby approved first commences, and shall thereafter be permanently maintained in accordance with the approved specification.

REASON: To safeguard the amenities of the adjoining premises and the area generally.

16. NSC3 – Non-standard condition

The developer/landowner shall install and utilise solar thermal collectors on the roof to produce at least ten per cent of the proposed development's energy requirements, and the proposed development shall achieve a BREEAM rating of no less than 'very good', with certification to that effect to be submitted to the local planning authority and acknowledged in writing prior to occupation of the building. A rainwater harvesting system shall be installed and details thereof shall be submitted to the local planning authority and approved in writing before occupation of the development hereby approved first commences.

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

17. NSC4 – Non-standard condition

A minimum of nine 1100-litre Euro bins, plus provision for recycling, shall be provided, and a waste strategy plan submitted to the local planning authority and approved in writing before use of the hotel hereby approved first commences.

REASON: In the interests of providing satisfactory refuse storage.

18. Street Lighting

Reasonable endeavours shall be undertaken to locate street lights to the highway immediately adjoining the site onto the face of the building hereby approved.

REASON: To safeguard visual amenity and assist with the provision of a less cluttered public realm.

19. Rain Water Harvesting

Full details of a rainwater harvesting system shall be submitted to and approved by the local planning authority before construction works are carried out on the building and thereafter shall be implemented in accordance with the approved scheme.

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

B) Conservation area consent be GRANTED, subject to the following conditions:

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

REASON: In order to comply with the provisions of Section 18(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

2. The demolition works hereby permitted shall not be carried out otherwise than as part of the completion of development for which planning permission reference 2008/0622 is granted and such demolition and development shall be carried out without interruption and in complete accordance with the plans referred to in this consent and any subsequent approval of details.

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REASON: As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character and appearance of the Kingsland Conservation Area.

C) That the above recommendation be subject to the applicant, the landowners and their mortgagees entering into a deed of planning obligation by means of a Section 206 Agreement of the Town and Country Planning Act 1990 (as amended), in order to secure the following matters to the satisfaction of the Assistant Director of Planning and Regeneration and the Interim Corporate Director of Legal and Democratic Services:

1. Payment by the landowner/developer of £10,028.20 as a financial contribution towards Council library facilities. (This sum has been calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
2. Payment by the landowner/developer of £2140.20 as a financial contribution towards green spaces, children's play areas, and recreation facilities in the borough. (This sum calculated in accordance with the approved formula in the Planning Contributions Supplementary Planning Document (SPD) (2006).)
3. Payment by the landowner/developer of £30,000.00 as a financial contribution towards sustainable travel initiatives. (This sum calculated and provided by the Council's Traffic & Transport team.)
4. Provision for the employment within the hotel, once it has commenced operations, of persons within a defined and ongoing training scheme to be carried out in perpetuity and reserved for residents of the borough, to number no fewer than five new starters annually.
5. Provision for not-for-profit groups, charities, Hackney Council and local authorities that share a boundary with the London Borough of Hackney to be permitted use of the hotel's conference facilities free of charge a maximum of three days a year (in total, not per organisation), with in-house catering to be provided at a twenty per cent discount on the price charged for the equivalent service to all other users of the hotel conference facilities.
6. Provision by the landowner/developer for the use of local labour for construction in the form of twenty-five per cent on-site employment, including the facilitation of an apprentice for a defined period.
7. That the proposed space within use class D1 (marked on the plans as theatre workshop space) be a) reserved for arts, cultural and entertainment uses within class D1 and should not be used for medical or health services, a creche or other day care, non-arts related education, or in connection with public worship or religious instruction, and b) should be let at market rates for those uses so reserved within use class D1, as established by a RICS-accredited chartered surveyor, with a fifteen per cent discount applied for the first five years after completion.

REASONS FOR APPROVAL

1. The following policies contained in the Hackney Unitary Development Plan (1995) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: EQ1 - Development Requirements; EQ12 - Protection of Conservation Areas; EQ13 - Demolition in Conservation Areas; ACE3 - Retention of Arts, Culture and Entertainment Buildings; ACE7 - Hotel Development; ACE8 - Planning Standards; TR19 - Planning Standards.
2. The following policies in the London Plan (Consolidated with Alterations since 2004) are relevant to the approved development/use and were considered by this Council in reaching the decision to grant planning permission: 2A.1 - Sustainability criteria; 3B.1 - Developing London's economy; 3C.2 - Matching development to transport capacity; 3D.7 - Visitor accommodation and facilities; 4A.1 - Tackling climate change; 4A.6 - Decentralised energy: Heating, cooling and power; 4A.7 - Renewable Energy; 4B.1 - Design principles for a compact city; 4B.2 - Promoting world-class architecture and design.

INFORMATIVES

The following Informatives should be added:

- SI.1 Building Control
- SI.2 Work Affecting Public Highway
- SI.3 Sanitary, Ventilation and Drainage Arrangements
- SI.6 Control of Pollution (Clean Air, Noise, etc.)
- SI.7 Hours of Building Works
- SI.25 Disabled Person's Provisions
- SI.27 Regulatory Reform (Fire Safety) Order 2005
- SI.28 Refuse Storage and Disposal Arrangements
- SI.33 Landscaping

NSI.1 The responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by this Authority, lies with the owner/developer of the site. The applicant/developer is requested to contact the Council's Pollution Section (tel. 020 8356 4827) as soon as is practicable should contamination be encountered during the development of the site. Contamination will often be evident either visually or due to odours. Visual evidence of contamination may include staining by oil/fuel, coloured liquids/soils uncharacteristic of soil or groundwater, or debris (e.g. asbestos) being present. Odours will usually be obvious and smell of fuels/solvents, be pleasant or unpleasant, or otherwise be uncharacteristic of soil or groundwater.

NSI.2 The developer is required to enter into an agreement under Section 278 of the Highways Act (1980) with Transport for London (TfL) (for Kingsland Road) and the Council's Highways department (Streetscene) (for Enfield Road) to reinstate and improve the highway adjacent to the boundary of the site, to include access to the highway, measures for street furniture relocation, carriageway markings, access and visibility

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safety requirements. Unavoidable works required to be undertaken by statutory services will not be included in estimates provided by TfL or the Council's Highways department.

NSI.3 All materials submitted pursuant to the discharge of condition 3 of this approval ('materials to be approved', as per paragraph 8.1.3 of this report) should be supplied and delivered at the same time in a container clearly marked with the address of the application site, reference to the application number 2008/0622, and accompanied by coloured copies of relevant elevational drawings, to which each material sample should be clearly referenced and labelled accordingly. Full specifications detailing each material's manufacturer and colour (as per manufacturer's description/name thereof) should also be submitted at the same time.

NSI.4 This decision notice is accompanied by a Section 106 legal agreement. It shall be implemented in full accordance with the details of that agreement.

13. HOMERTON TRAVELLERS SITE

Section 73 application for variation to Condition 14 of planning permission reference 2007/1408.

- 13.1 The Planning Officer introduced the report, as set out in the agenda.
- 13.2 The agent was in attendance to answer any questions that arose.
- 13.3 In response to a number of queries from Members as to why this application had come to committee, the Principal Solicitor explained that this committee had previously approved the conditions and therefore any variation to those conditions needed to come back to committee for approval.
- 13.4 Concern was raised over paragraphs 6.4 and 6.5 of the report which contained personal details and circumstances about the applicant and their family which Members felt was not relevant to the application and should not have been included in the report.
- 13.5 The Planning Officers took this point on board and stated that this should be avoided in future.

Unanimously RESOLVED that:-

The application to vary condition 14 (restriction of size and number of caravans) attached to planning permission 2007/1408 be allowed and that the condition be varied to read as follows:

- 14) Other than the permanent amenity blocks, the individual pitches hereby approved (regarded for the purposes of this condition as including the parking strip adjacent to each unit), shall be occupied by no more than two caravans one not exceeding 6.1 x 3.1 metres and one not exceeding 10.7m x 3.7m (excluding tow bars) and up to two vehicles.

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In respect of Pitch H1, in addition to its associated amenity block, this pitch shall be occupied by no more than one twin static unit not exceeding 11.9 x 6.7m (excluding tow bars) and up to two vehicles. The occupation of pitch H1 shall be limited to the use of the Maughan family and their resident dependents. When Pitch H1 ceases to be occupied by those named above, the twin static unit shall be removed from the site within 6 months of that time and its occupation shall be occupied by no more than two caravans one not exceeding 6.1 x 3.1metres and one not exceeding 10.7m x 3.7m (excluding tow bars).

In respect of Pitch H2, in addition to its associated amenity block, this pitch shall be occupied by no more than two caravans one not exceeding 8.6 x 3.1 metres and one not exceeding 10.7m x 3.7m (excluding tow bars) and up to two vehicles. The occupation of pitch H2 shall be limited to the use of the Maughan family and their resident dependents. When Pitch H2 ceases to be occupied by those named above, the larger unit shall be removed from the site within 6 months of that time and its occupation shall be occupied by no more than two caravans one not exceeding 6.1 x 3.1metres and one not exceeding 10.7m x 3.7m (excluding tow bars).

REASON: To protect the visual amenity of the area and prevent harm to the adjoining MOL.

11. **OLYMPICS AND PARALYMPICS SITE – HACKNEY AND ADJOINING BOROUGHES: LAND BETWEEN RIVER LEA NAVIGATION, A12 EAST CROSS ROUTE, RIVER LEA AND SILVERLINK RAILWAY LINE, HOMERTON, LONDON, E9**

Observations to the Olympic Development Authority (ODA) regarding:

- Planning permission for Velodrome and BMX venue and associated works;
- Outline planning permission for temporary BMX spectator stand and starting gate;
- Legacy transformation mode for Velodrome and BMX venue and venue for cycling with associated works.

11.1 The Planning Officer introduced the report, as set out in the agenda. He referred to the addendum which detailed further comments received from Streetscene concerning car parking and pedestrian and cycle routes.

11.2 Councillor Buitekant referred to the addendum and proposed the following changes to the wording of the recommendation:-

- First bullet point – In doing so there will be compromise and **detriment** to the amenity value of the parkland on the west side of the Lea by restricting access to both the river's edge and adjacent parts of the parkland.
- Second bullet point – The LBH objects to the Legacy location of the BMX track as it would further occupy parts of the west bank of the River Lea and effectively sterilise an even greater area of parkland and restrict movement between both west and east, as well as north and south. This was **AGREED**.

(Councillor Smith abstained from the vote.)

RESOLVED that:-

The London Borough of Hackney (LBH) supports the Games Mode operation of the Velodrome and Velo Park.

The London Borough of Hackney (LBH) raise the following objections with regard to the proposal:

- The LBH objects to the crossing of the River Lea by the BMX and road circuit cycle tracks in Legacy Mode. In doing so there will be compromises and detriment to the amenity value of the parkland on the west side of the Lea by restricting access to both the river's edge and adjacent parts of the parkland;
- The LBH objects to the Legacy location of the BMX track as it would further occupy parts of the west bank of the River Lea and effectively sterilise an even greater area of parkland and restrict movement between both west and east, as well as north and south;
- The LBH objects to the high number of car parking spaces proposed in the Legacy formation of the Velo Park (150 spaces). The LBH would like to see only essential car parking provided (disabled and operational only).
- The London Borough of Hackney (LBH) raise the following observations with regard to the proposed proposal:
- Direct physical and visual access to the river Lea are central to the character and amenity value of the adjacent parkland;
- The western portion of the site is likely to be parkland that the London Borough of Hackney will own and is an important part of the green corridor along the Lea Valley;
- The road track will demand physical security fixtures/measures, including fencing and lighting that will harm the wider amenity value of the parkland. Details of such have not been provided;
- The road circuit's lighting would benefit only the cyclists on the track, would detract from the adjacent parkland and would have a negative impact on the surrounding habitats' wildlife value;
- Sectional drawings show how manipulation of the land form could reduce the visual impact of the road circuit but it will (by definition) restrict direct physical access from the west and can't hide the track and necessary fencing in its entirety;
- The road circuit and the mountain bike zone should not occupy both sides of the river which would allow spectators to view events from the other side of the river Lea;
- There is concern about the usage of the public space in the Velodrome site during Games Mode as the Main Stadium and most of the Olympic Park entrances are located in the south of the park. Therefore, accessible and active

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public open space around the Velodrome venue is very important to attract people to go to the northern part of the park. There is however no public realm strategy and movement analysis within the design and access statement;

- The public open spaces around the west entrance of the venue should become a movement node, connecting the riverside space and providing various activities to attract people to the northern portion of the site;
- East-west linkages around the Velodrome in Legacy Mode are not clearly defined;
- The LBH would like to see a Travel Plan produced in consultation with the Host Boroughs and TfL;
- The LBH would like to see more detail of how pedestrian and cycle routes through the parkland are maintained through the proposed road and BMX track. We are concerned that the track could potentially cause a barrier against movement via walking and cycling and would like to see detail of how this will be prevented. East-West and North-South linkages through the parkland are of paramount importance to the LBH.

14. APPEAL SCHEDULE – APRIL/MAY/JUNE/JULY/AUGUST 2008

- 14.1 Councillor Desmond referred to page 271 of the Appeal Schedule – Site Address: Land at Wilmer Business Park, Wilmer Place, London, N16 0LW. He wished to clarify in what way the notices had been defectively served resulting in prejudice to the interests of the owners of the premises.
- 14.2 The Planning Officer stated that they would investigate this case and issue a written note to the Member.
- 14.3 The report was **NOTED**.

15. ANY OTHER BUSINESS WHICH IN THE OPINION OF THE CHAIR IS URGENT

- 15.1 The Sub- Committee agreed to a Special Planning Sub-Committee taking place on 19 November 2008.
- 15.2 The Section 106 report requested by the Chair would be going to the next meeting, being held on 19 November.
- 15.3 The planning leaflet 'How to have your say at the Planning Sub-Committee' had now been revised and printed.

Duration of the meeting: 18.30 – 20.00.

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Signed

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Chair of the Planning Sub-Committee

Contact:

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